

Planning Officer's Report - LDCA March 2026

APPLICATION	2025/94 – Proposed Change of Use and Development to a Mixed Use Comprising; Dwelling to House of Multiple Occupation (HMO, Sui Generis), Tattoo Parlor (Sui Generis), Self-Contained Flat (Use Class C3), Construction of Storage Building (Use Class B1); Change of Roof Profile and Covered Area Extension and Deck (Part Retrospective)
PERMISSION SOUGHT	Full Permission
REGISTERED	21 October 2025
APPLICANT	Peaks Enterprise c/o Phillip John
PARCEL	SCOT0326 & SCOT0523
LOCALITY	St Pauls (Scotland)
ZONE	Intermediate
CONSERVATION AREA	None
CURRENT USE	Dwellinghouse (See below for further details)
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ <i>The Independent</i> Newspaper on 24 October 2025.▪ A site notice displayed in accordance with Regulations.
EXPIRY	7 November 2025
REPRESENTATIONS	Three
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Sewage & Water	No Objection
2. Energy Division	No Response
3. Fire & Rescue	No Objection; comments
4. Roads Section	No Response
5. Property Division	No Response
6. Environmental Protection	No Objection; comments
7. Environmental Health	No Response
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	No Response
10. Aerodrome Safe Guarding	No Response
11. Economic Development - Property	No Response

12. National Trust	No Response
13. Telecommunications (Sure SA Ltd)	No Objection
14. Heritage Society	No Objection; comments
15. Maritime	N/A

B. PLANNING OFFICER'S APPRAISAL

BACKGROUND

A site visit was made by the CPO and the SPO around June/July 2024. It was noted at the time that there were a variety of attached single-storey buildings including a flat, a partly-completed HMO (with 3 studio flats completed) and a partial roof with a higher ridge line, a tattoo studio, an "outside" toilet, a partly-constructed building to the rear and the start (pillars) for a large decked area to the front of the buildings stretching beyond an existing patio with small pool. The site originally appeared to have contained a dwelling and, possibly, an outbuilding (perhaps a garage or store room).

The applicant was subsequently advised (Ref: 2024/02/UD, dated 31 July 2024) that despite a check of the planning records there was no record of any Development Consent. The applicants were asked to provide any records they may have.

The applicant provided no details of any formal records and Planning Officers then undertook a wider and more thorough search of the full planning record which includes earlier consents at the application site. However, no planning record of formal development consent nor building regulations consents have been submitted for/issued for the more recent changes of use/works. As such, these uses/works are considered to be unauthorised.

This application was submitted following the issue of a notice to apply for Development Consent.

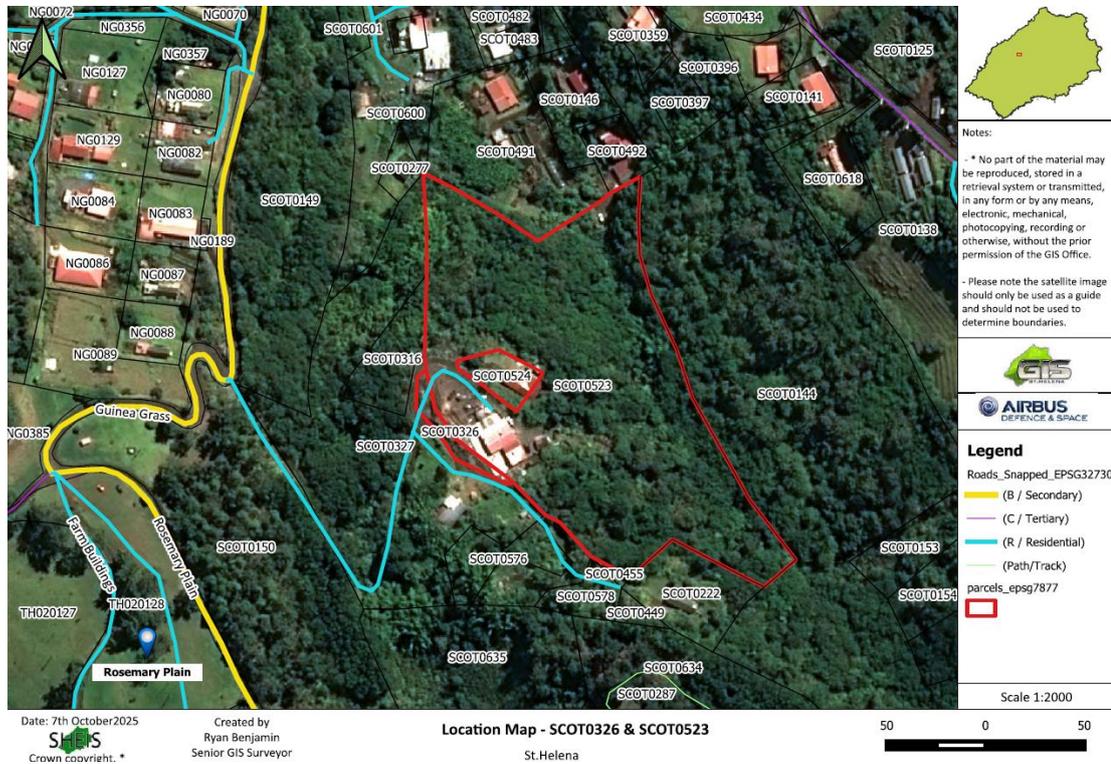
Site and Surrounding Area

The application site is on relatively level land although the site slopes significantly down to the north beyond the application site and to a degree to the east, west and south. The site originally comprised a single dwellinghouse and two outbuildings (one a garage). The site is accessed from the main road via a residential access road which also serves 2 other properties, one of which is a dwelling to the north of the application site which has a boundary with the application site. Much of the surrounding land is owned by the applicant (SCOT0326 & SCOT0523) which comprises just over 20,000 square metres and surrounds the neighbouring residential property at SCOT0524. Otherwise, the surrounding area is mainly vegetated with no/little development.

LOCALITY & ZONING

This development site is located in the Scotland Area of St Pauls, where it is designated within the Intermediate Zone. The site is not in a designated Conservation Area nor is the building designated as a Listed Building or within the setting of any.

Diagram 1: Location Plan



PLANNING HISTORY

None recent at application site.

At adjoining (encircled plot) Plot SCOT0524 applications were submitted as follows:

2015/34 – 2-storey extension to provide 2 bedrooms, bathroom and store extension to dwelling – Approved 11/05/15 but subsequently revoked in favour of application 2015/144 (see below).

2015/144 - Bedroom, Bathroom and Conservatory Extension – Approved 22/02/2016

PROPOSED DEVELOPMENT

The proposal is for a number of different uses on the application site and works to facilitate them. This comprises:

- a change of use from a dwelling to a House of Multiple Occupation (HMO - Sui Generis),

- A change of use to a Tattoo Studio (Use Class B1),
- A conversion or new build as a Self-Contained Flat (Use Class C3),
- Construction of a Storage Building (Use Class B1);
- works to provide a covered area for the proposed HMO with a change of Roof Profile over the HMO
- works to provide a large deck area

This is a partly retrospective application for the change of use to a tattoo studio, the construction/change of use to a flat and parts of works undertaken for the conversion of the dwelling into a HMO including part of the works to alter the roof profile and provide a covered-area extension and deck for the HMO and, the proposed storage building is partly constructed. The remainder of the works to enable completion, as proposed, being prospective.

Diagram 2: Proposed Site Plan



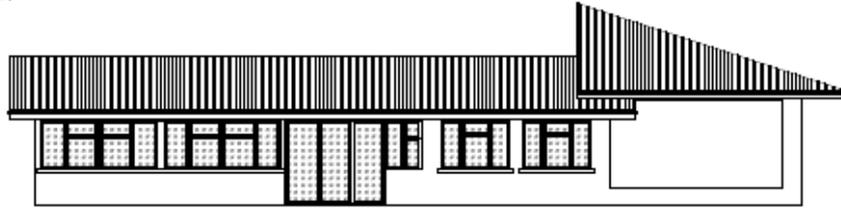
Diagram 3: Proposed Site Layout 1



Diagram 4: Existing (Current) Elevations

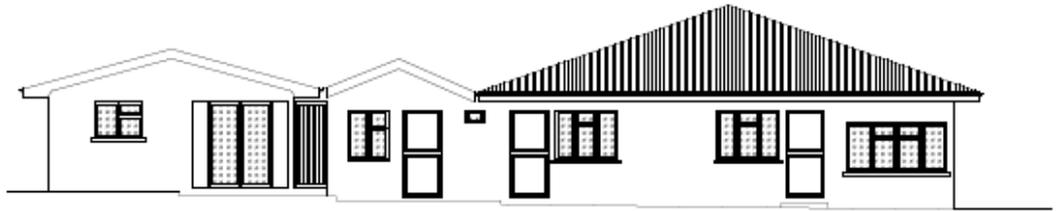


Existing
East Elevation

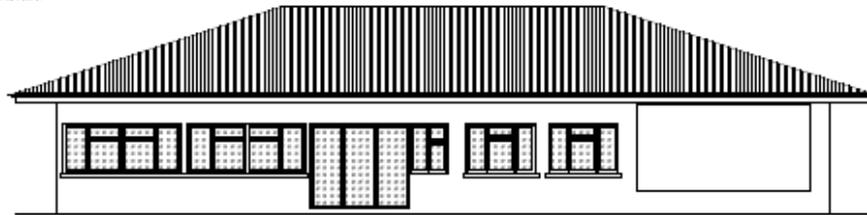


Existing
North Elevation

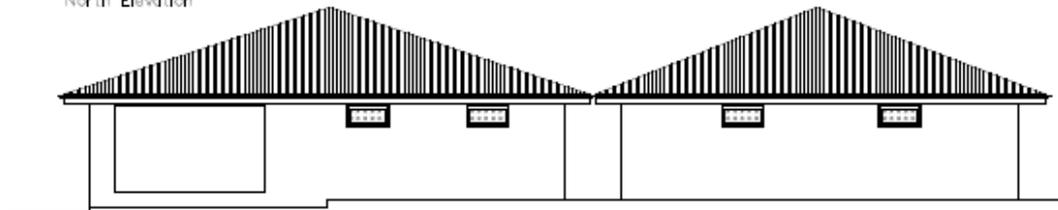
Diagram 4: Proposed Elevations



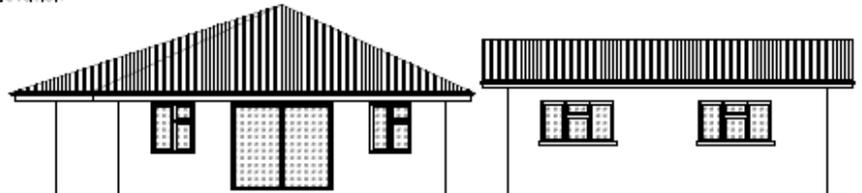
Proposed
East Elevation



Proposed
North Elevation



Proposed
West Elevation



Proposed
South Elevation

Aerial Photographs of the Application site:



The applicant indicates that the proposal would be for a total floorspace of 369.6 square metres. Further details for each element are:

For the HMO/ancillary works: The proposal is for there to be 3 studio bedrooms, each with external and internal doors; another bedroom, lounge/dining and a kitchen area. The currently “new” roof over the covered area which is an extension to the original building would itself be extended back over the former dwelling to provide a full hipped and pitched roof.

The Tattoo Studio: The business comprises a reception, a toilet and a studio area and is located between and attached to the proposed HMO and the flat with a pitched roof/ “outside” WC.

The Flat: This comprises a one-bedroom unit with a lounge and kitchen/diner and bathroom. It is not clear but this appears to originally have been an outbuilding to

the single dwellinghouse and has been converted to additional residential development.

Storage building: The building has a floorspace of approximately 50 sq.m. The applicant has not specifically indicated in the submission but it is considered likely that this would be used for business purposes within Use Class B1.

External Materials would be blockwork and render/paint and IBR roofing.

The existing septic tank or a new septic tank would be provided together with a soakaway.

Rainwater would be captured and used to water the soft landscaping.

The existing access and parking area would be used for residents, staff and customers.

STAKEHOLDER FEEDBACK & REPRESENTATIONS

There were no objections received from stakeholders or any members of the public in relation to the original submission.

However, the following representation was received from the **Historic Society**:

“The applicant’s suggestion that a larger septic tank and new soakaway may be required should be followed up in view of the extent of accommodation and mixed uses involved, to minimise the risk of pollution that may affect existing properties downstream.”

[**Officer Comment:** The water and sewerage Planning Stakeholder has raised no objections to the proposed development. The application site is not a Listed Building nor is the site in a Conservation Area. The applicant has indicated on the application form that the proposal would use the existing/proposed septic tank and a soakaway. The size of any septic tank will be decided under the Building Regulations when that separate authority is sought]

And comments have been received from **Environmental Protection** as follows:

“The applicant has provided an adequate justification for the retrospective application and had it been submitted prior to works commencing I would have had no grounds to object, hence no objection now.”

And, **Fire and Rescue Services**:

“The St Helena Fire & Rescue Service will need to have sight of a scale plan, for the installation of passive & active firefighting media, for this building.”

LEGAL AND POLICY FRAMEWORK

The relevant policies of the Land Development Control Plan (LDCP 2012) that are applicable in the assessment of the proposed development are set out below:

- Intermediate Zone Policies IZ1, IZ.4
- Housing Policies: H1, H.2
- Employment Premises: EP1
- Energy Policies: E1, E.4, E.5, E.8
- Water Supplies Policies: W1, W.2, W.3
- Sewerage and Storm Drainage Policies: SD1, SD.2, SD.4, SD.7
- Solid Waste Policies: SW1, SW.4
- Road and Transport Policies: RT1 (c and d), RT.3, RT.7
- Telecommunications Policy: TX1, TX.5
- Social Infrastructure Policy: SI.12

OFFICER'S ASSESSMENT

The proposal is for numerous uses at the former single dwellinghouse site. The applicant runs a business (PEAKS Enterprise) and is seeking to provide both residential accommodation and other commercial/business units from this application site, formerly a single dwellinghouse.

The change of use is therefore from a single residential dwelling (with ancillary buildings in a residential curtilage) to

- a House of Multiple Occupation (HMO, Sui Generis),
- a Tattoo Studio(Use Class B1),
- a Self-Contained Flat (Use Class C3),
- a Storage Building (Use Class B1);

together with works to provide a covered area for the HMO with a change of Roof Profile over the HMO and the provision of a large deck area.

The proposal is considered to be a mixed-use proposal (which collectively falls outside the defined Use Classes Order and is therefore sui generis "in a class of its own"), albeit each element will be considered separately for its own impact (or their own individual planning merits) together with the cumulative impact of the proposed uses' and works' impact on visual amenities and residential amenities in the locality.

Principle of the Development:

The application site is within the Intermediate Zone where Policy IZ1 indicates that development permission will be granted for residential and employment uses in the Intermediate Zone subject to 7 criteria.

There is no specific Planning Policy relating to HMO-type accommodation, however officers have assessed this development application solely on the policies and guidance listed above.

The proposal includes the provision of a smaller dwellinghouse within the application site boundary such that there would be no loss of the existing Use Class 3: dwelling houses use overall such that the proposal would not be contrary to Policy H1 which encourages the provision of additional/new housing.

In considering the application for HMO-style accommodation, this is the third Development Application which has requested this type of residential accommodation. The Land Planning and Development Control Ordinance does not have a definition for a HMO, therefore as a proxy, a definition from the UK has been used by officers as follows:

A house in multiple occupation (HMO): *“is a property rented out by at least three people who are not from one ‘household’ (a household is for example a family) but share facilities like the bathroom and kitchen.”*

While shared accommodation is not traditional on St Helena, the proposed use is considered to meet an identified residential need.

It is therefore considered that the proposed change of use from dwelling house within Use Class C3 is acceptable in principle in line with Policy H1: Primary Policy, in part as a single dwellinghouse is also included in the proposal.

Policy EP1 supports the provision of Employment Premises in locations and business uses sufficient to meet the development needs of the Island subject to criteria. It is considered that the proposal to include a tattoo studio and a B1 Use Class storage unit would be acceptable in principle, even though Implementation Policies EP2, EP3, EP 4 and EP5 do not specifically identify this site for economic growth. Also, to enable small business and retail units at dwellinghouses, the LPDC (General) Regulations, 2013 does allow at Part 3 MATERIAL CHANGE OF USE section (&) for use of part of a dwellinghouse, or part of its curtilage, for an ancillary business activity which does not require development permission if that activity is within Use Class B1 (Business, storage or distribution) and if the activity is not detrimental to the amenity of the area. While the proposal is for a mixed-use site including the proposal, it is

considered that the change of use to B1 for two buildings on site would be acceptable in principle in line with Policy EP1.

As such, the multiple uses proposed (including the HMO, B1 Uses and the combined mixed use (sui generis) which are housing- and employment-related uses) are considered to be acceptable in principle.

Consideration as to possible over-development:

The proposal would significantly increase the amount of development at the application site and the percentage of the application site which would be developed (at around 80-85%). Together with the road/parking areas and decking, there would be little land left around the proposed buildings. However, the plot itself (SCOT0523 and SCOT0326) is significantly larger than the application site itself and it is therefore considered that this would make optimal use of the land where development has already occurred and would be located at least some distance from the application site boundaries such that it would not result in significant overdevelopment.

Impact on Visual Amenities of the locality:

The proposal increases the floorspace of the original dwellinghouse and outbuilding considerably and would result in development of a large proportion of the plot. Given that the application site is surrounded (apart from its relationship with the house on plot SCOT0524) by trees/other vegetation and is some distance from other development, it is considered that its impact on visual amenities in general is not harmful in this respect to the area in which it would be located.

Impact on existing amenities:

There is a house nearby on Plot SCOT0524 and the proposal would also include a mix of residential uses (a flat and a HMO) together with business uses (B1 Storage Unit and a Tattoo Studio). The close proximity of the storage building would mean that rear windows to the flat and HMO would look out directly onto the walls of the storage building which would be located a path-width from them this would not provide a great outlook and is likely to restrict light penetration from this side, notwithstanding, the front windows and side windows to the flat and HMO would provide a level of outlook and light which, it is considered, would not be unreasonable overall.

The impact on the adjoining property is limited due to its location which is elevated relative to the application site and some meters away across the roadway; impact more relates to being able to see the proposed development. Notwithstanding, there would be significantly more floorspace and different uses of the land with more noise and activity at the application site (over and above that of a single family

dwellinghouse), in particular in relation to the proposed business premises causing disturbance to residents.

It is therefore considered that some level of mitigation is needed and a condition is proposed to be attached to restrict hours that the business uses operate on site – when the tattoo studio can open and also when the storage unit can be accessed. This will also benefit the residential occupiers on site in the flat and HMO.

In relation to any external lighting, none is shown on the submitted plans. However, a standard planning condition can be attached restricting where lighting is to be provided.

Sewerage and storm drainage:

The applicants indicate on the Application Form that rainwater will be captured and re-used and the existing septic tank or a new septic tank would be provided together with a soakaway. This is sufficient to meet planning policies in the LDCP, however further details may be required to satisfy the Building Regulations.

Highway Safety/Parking provision:

It is considered given the changes of use and increased floorspace and also the relatively remote location, that there would be an increase in vehicles entering the application site either as customers or for residential parking.

Policy RT.7 indicates that for residential uses, two spaces should be provided per unit of accommodation and for commercial development, one space should be provided for each 30 sq.m created. In this case, with 2 dwellings (albeit one is an HMO), at least 4 parking spaces should be provided for the residential units and a number for the commercial uses (the tattoo studio and the Storage use); this would total say, $4+3 = 7$ parking spaces. No parking spaces are delineated on site with people parking wherever there is space. The existing garage is also indicated as being for storage but could provide parking for at least 1 vehicle. It appears that there would be sufficient hardstanding/driveway access for about 5 + vehicles. Customers of the tattoo studio are expected to be on site during the day (“office” hours) with the residential occupiers being there evenings/weekends. The split will depend on whether all the residential occupiers are “on duty” at the same or “on rota” working hours. Notwithstanding, it is not expected that there would be more than 3 customers for the tattoo studio at any one time (one just finished, one waiting and one receiving tattoo work), albeit that they could be accompanied by others.

It is expected that as the applicant is PEAKS ENTERPRISES that the storage unit would be used for storing items relating to the tattoo studio and other business (including

food/other retail) run by PEAKS enterprises. It is likely that larger vehicles such as vans/trucks would need to access this unit.

Conclusion on parking/vehicle access. As Roads and Traffic have raised no concerns regarding the proposal and, while there may be some need for parking consideration between the occupiers, it is not considered that the proposal would result in any overflow onto public roads and that the proposal is therefore acceptable in line with Road/Parking policies.

Access for people with disabilities:

Policy SI1:Primary Policy states *“b) Development permission will not be granted for new residential , employment...development which does not include adequate provision ... including provision for people with disabilities...”* It is noted that while there is a slope across the application site that the residential accommodation and businesses are all based on roughly the same ground level (finished floor level) and are all single-storey, such that they could be compliant with Building Regulations relating to provision for people with disabilities. While this is sufficient to meet the requirements of Policy SI1, further details may be needed to satisfy Building Regulations requirements.

Conclusion:

Overall, the proposal complies with the Intermediate Zone policies and policies for sewerage, housing, business premises and policies for Roads and Transport and can therefore can be supported.