



St Helena Government

No: 06/2026

Open/Closed Session: Open Session

Subject: **DEVELOPMENT APPLICATION 2025/76:** Installation of a Covered Area at The Mule Yard (Retrospective)

Presented by: Minister for Environment, Natural Resources and Planning Portfolio & Economic Development

Decision Sought:

Governor in Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, as recommended for the **Installation of a Covered Area at The Mule Yard (Retrospective)**, Jamestown.

Reason for Referral

The Development Application is being referred to Governor in Council in accordance with the Direction issued under section 23(1) of the Land Development Control Ordinance 2013 which requires all applications within fifty metres of the sea to be referred to Governor in Council (unless specific exclusions apply).

Comments of Land Development Control Authority

The 3rd September 2026 meeting of the Land Development Control Authority (the Authority), considered the Officer Report on the development application seeking FULL Development Permission. This is a retrospective application seeking to retain the already installed additional covered area that is attached to the food outlet at The Mule Yard.

The Report to the Authority is included as Annex A to this Cover Note and sets out the relevant factors in relation to this application.

The Authority agreed with the Officer's recommendation to grant permission for the retrospective development, in the interest of relevant Built Heritage policies in the Land Development Control Plan 2012, subject to the newly added section of roof covering being the same colour as that of the existing. Following the LDCA Meeting, the Ag. Senior Planning Officer revisited the application site and has now confirmed that the additional roofing is the same colour as the original roof of the food outlet, as per the photograph insert below.

Taking the above comments into account, The Authority recommends Governor in Council should grant development permission with no conditions attached.



Annex A

Planning Officer's Report – LDCA SEPTEMBER 2026

APPLICATION	2026/76 – Installation of a Covered Area at The Mule Yard (Retrospective)
PERMISSION SOUGHT	Full Permission
REGISTERED	18 May 2026
APPLICANT	Stephen McDaniel
PARCEL	JT020006
LOCALITY	The Mule Yard, Jamestown
ZONE	Intermediate
CONSERVATION AREA	Heritage Coast
CURRENT USE	Social Venue
PUBLICITY	The application was advertised as follows: ▪ <i>The Independent</i> Newspaper on 20 May 2026. ▪ A site notice displayed in accordance with Regulations.
EXPIRY	04 June 2026
REPRESENTATIONS	One
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Sewage & Water Division	No Response
2. Energy Division	No Objection – Comment
3. Fire & Rescue	No Objection
4. Roads Section	No Objection
5. Property Services	No Response
6. Environmental Protection	No Objection
7. Environmental Health	No Response
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	No Objection
10. Aerodrome Safeguarding	No Response
11. Economic Development	No Objection
12. National Trust	No Response

13. Sure SA Ltd	No Objection
14. Heritage Society	No Objection
15. Maritime	Not Applicable

B. PLANNING OFFICER'S APPRAISAL

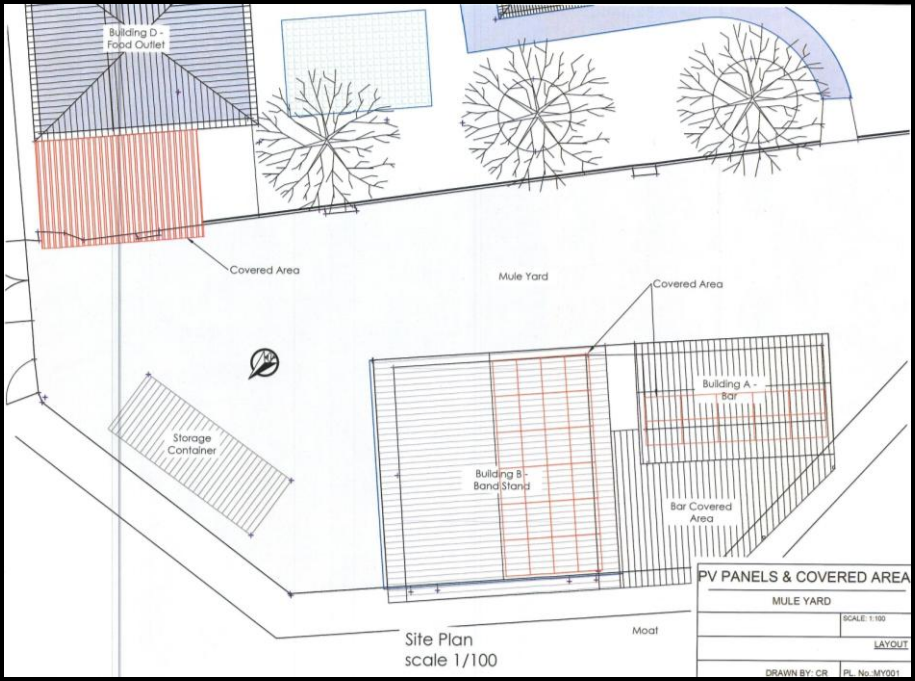
LOCALITY & ZONING

The proposed development site is located at The Mule Yard, Jamestown, which is a Grade I, Outstanding Group Value (O.G.V.) listed fortification situated within a mixed-use area and designated within the Intermediate Zone and Heritage Coast Conservation Area. Close to the Snack Bar is a Tree which is protected under Tree Preservation Order No. TPO 1/2015.

Diagram 1: Location Map



Diagram 2: Site Plan



RELEVANT PLANNING HISTORY

In 2009 temporary development permission was granted by the Governor for the erection of a covered area, decking and toilets for this area, Reference **2009/10/JT**. This development permission expired on 30th June 2018 and the requirement was that all structure from the site to be removed within one month of the expiration of the permission and the site made good to the satisfaction of the Governor. The reality is that use continued and all the structures remained and planning action was been taken to secure the removal of the structure. The original operator had been allowed to continue the operation through continued extension of the lease.

From the assessment of the plans that were approved in 2009, it appears that only some of the development had taken place in accordance with the plans that were submitted, however some of the proposals were altered and others had not been completed. This resulted in the submission of a development application in 2021 to seek retention of the structures that were erected and to continue the use.

2021/22 – Proposal to Retain the Structures within the Mule Yard (Retrospective Application) was registered on 18th February 2021 - The proposal was continue the current use and retain all the structures in this area known and referred to as Mule Yard providing entertainment and leisure venue. The Jamestown front is promoted as an area for leisure, recreation and tourism and has number of entertainment venues of which the Mule Yard is one such venue. Adjoining the Mule Yard is the swimming pool.

The Mule Yard is one of the venues that caters for young people and holds number cultural and leisure events during day for families. In the evenings it also provides adult entertainments, as a night club/disco venue. The proposal is continue this wider entertainment and leisure use for the area.

Development Consent was considered by Governor in Council and granted on 24/06/2021 for: *the continued use of the application site, referred to the Mule Yard, for the purpose leisure, recreation and entertainments, within Use Classes A3 and D2, and for the retention of the buildings and structures related to these uses*. This consent granted the bar, bandstand, toilet block and snack bar approval subject to conditions including some tidying up of the buildings.

PROPOSED DEVELOPMENT

This is a retrospective application for the installation of a covered area attached to the food outlet, reference Building D on the Site Plan above, under Diagram 2. The design is a lean-to roof that sits just below the eave's height of the existing main roof of the food outlet building and extends out to the edge of the platformed area, as can be seen in Photograph 2 of Diagram 4. The covered area is 30m² approximately. The material used for the roof covering is IBR sheeting.

Diagram 3: Elevation Plans

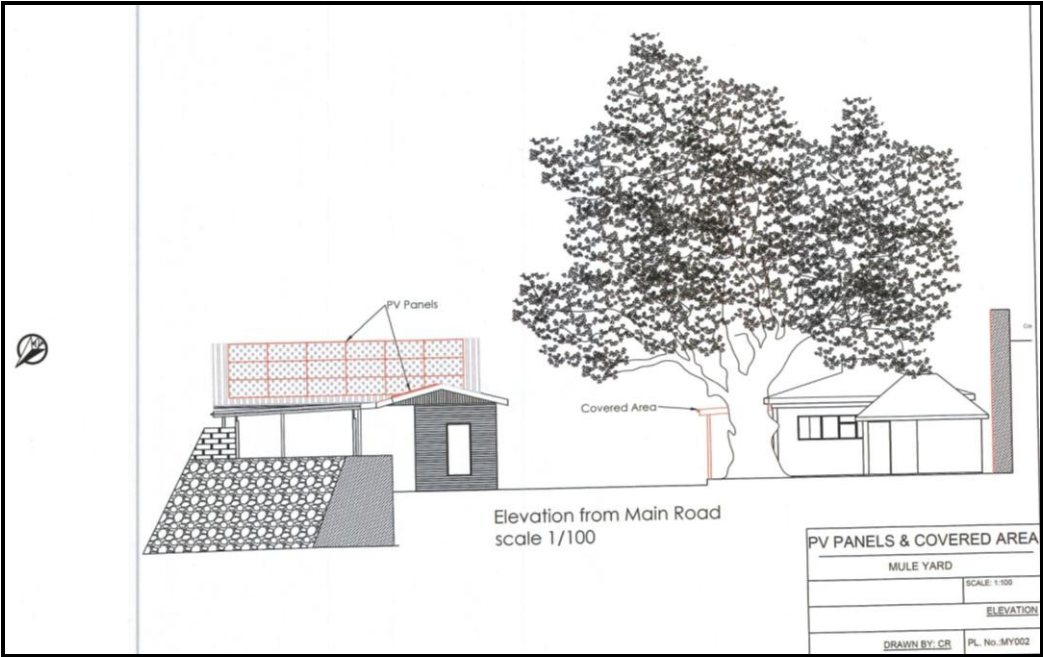


Diagram 4: Photographs Showing Covered Area Attached to Food Outlet

Photograph 1 – Front (West) Elevation



Photograph 2 – Underside of Covered Area Showing Existing & New Roofing



STAKEHOLDER FEEDBACK & REPRESENTATIONS

There was one representation received from a member of the public as detailed below. There were no further objections from any stakeholders or members of the public. However, there was a comment made by Connect St. Helena - Energy, as detailed below.

Connect St. Helena – Energy

If there is any excavation, request to contact Connect.

Representation from a Member of the Public

The previous application '2025/61 Retention of Covered Area (Retrospective)' was discussed at a meeting of the Governor in Council on 17 March 2026. It is recorded that 'The Chief Minister expressed disappointment about having to consider an application retrospectively within the historic conservation area...' Even while the meeting was taking place the Chief Planning Officer noted publicly (though not recorded in the minutes) that unauthorised work was again in progress at that very moment on the building then under consideration.

The unauthorised work included installation of solar panels and a new infill section of roof. The dual applications 2026/75 and 76 have not included that new section of roof nor the purlins laid out on the east facing slope seemingly in preparation for further solar panels. The unauthorised section of roof is on the Terrace Wall side connecting the bar shed with the stage roof.

The application for the covered area next to the food outlet is also retrospective. It is important to note that as part of the historic fortifications the level ground of the Mule Yard is in itself a Grade I Listed Structure and deliberation into the application must take that into account.

It should also be noted that most of the structures in the Mule Yard have resulted from overstayed temporary permissions of the last twenty years. There is a need for a Conservation Management Plan for the whole area. A couple of years ago (2022/23?) there was an unexecuted planning condition to tidy up the Mule Yard to free it from the appearance of an unplanned collection of buildings it has become.

Central to the present and future of these historic fortifications is the Crown Estate which is also the Governor in Council, and it should be expected that as owners of this important site they should be encouraging their leaseholders to follow the planning rules intended for its upkeep.

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:

- Built Heritage: Policies BH1, BH2 and BH5
- Sewage, Storm and Drainage: Policies SD1 (b, c), SD3, SD4 and SD7

OFFICER'S ASSESSMENT

In evaluating this development proposal, the main considerations pertain to the Built Heritage policies in relation to the unauthorised installation of the covered area attached to the food outlet at the Mule Yard, which is part of a Grade I (O.G.V.) listed fortification. There is no Conservation Area Management Plan for the Conservation Area.

Built Heritage policy BH1 a) that states; "Development which encourages, supports and includes conservation of historic structures and their setting, including listed buildings, monuments and fortifications and related artifacts, will be permitted...". It is considered that, as the covered area is affixed to a pre-existing, I independent structure that is not attached to the fabric of the fortification; neither to the surrounding moat nor the perimeter walls of the Mule Yard, that it therefore conserves the historic structure, materially.

Albeit the covered area will be an added feature to the already expanding structure that is the food outlet, sited within the historic setting, considering; a) the placement of the covered area, which is located to the side of the food outlet (North-facing) it does not have a detrimental effect on the setting visually, as shown in the photograph in Diagram 4, the covered area is mostly covered by the surrounding trees and this is the elevation that would be most visible b) it is a 'light touch' structure, as it consists of three wooden posts that supports the lean-to roof cover, which can be easily removed at any time

without any material harm to the Grade I (O.G.V.) listed fortification, and c) throughout its lifetime, the Mule Yard has been utilized for communal uses such as its namesake, 'Mule Yard', which was for the temporary keeping or 'parking' of mules/ donkeys, before motor vehicles became the main mode of transport on the Island, and in more recent decades it has consistently been used as a social venue, as it is now. Therefore, the historic setting within the fortification walls has evolved over time, but never with any detrimental effects to the fabric of the fortification walls.

BH2 states; "The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the historic asset and its setting", the design of the covered area is a simple, lean-to roof that sits just below the eaves of the existing main roof. Materials are in keeping with the existing roof covering at the food outlet. None of these developments are typical of the character and appearance of the surrounding historic asset, however, it is not directly attached to the fabric of the fortification and it can be considered as an added feature that is fit-for-purpose for the services of the venue that has been established for some time.

BH5 states; "Development ...within a Historic Conservation Area or affecting its setting shall preserve or enhance its character... The design, materials, scale and siting of any development shall be appropriate to the character of the Historic Conservation Area and its setting...". As previously stated, as this development is an added feature attached to an existing development, that is also not affixed to the fabric of the historic fortification and has been sited within the Mule Yard for some years now, it is considered that the covered area is no more out of the character with the historic setting of the Mule Yard than the existing structures sited within the fortification walls.

Impact on the Preserved Tree:

The unauthorised covered area is located very close to the Preserved Tree. As such, it is highly likely that leaf and any seed litter, small and large branches may fall on the new roof (as it currently does on the Snack Bar roof). It does not appear that any works were undertaken to provide the covered area, however, nuisance from trees often results in requests for such trees in close proximity to development to be cut back or removed to stop the problem from occurring and, given that the tenant would be entitled to reasonable expectations it is likely that at some point the tree will have either grown more which might impact on the new covered area.

The Preservation Order does not mean that the tree cannot be removed or crowned/topped or lopped, only that permission will be required for it. Damage to buildings is often cited as reasons why such works are required. Therefore it is often preferable for development not to be built within the drip-line (which also serves as a rough roots line) of an existing tree. The proposed development, though relatively light-weight may not have harmed the preserved tree branches or roots for now but there is likely to be pressure in future for the tree to be cut back or removed entirely.

Such pressure may not come in the next few years but any new tenant of the Crown Estate property would expect for any development undertaken and approved to be part

of their lease and have the same expectations against damage (or that Crown Estate will pay for any damage caused).

To conclude, considering the points as outlined above, the unauthorised covered area for the food outlet is acceptable.

C. RECOMMENDATION: That the application is referred to Governor in Council (Executive Council in Planning) - on the grounds that the application site is within 50 meters of the sea - with a recommendation that Development Permission be **GRANTED** subject to the following Conditions:

1) This permission will lapse and cease to have effect on the day, 5 years from the date of this Decision Notice, unless the development has commenced by that date.

Reason: required by Section 31(2) of the Land Planning and Development Control Ordinance 2013.

2) The development shall be implemented in accordance with the details specified on the Application Form and the drawings as listed in the table below, registered 18 May 2026 on behalf of the Land Development Control Authority (LDCA), unless the prior written approval of the CPO (on behalf of the LDCA) is obtained for minor amendment to the approved details under Section 29 "Minor Variations" of the Land Development Control Ordinance, 2013.

Reason: Standard condition to define the terms of the development and to ensure that the development is implemented in accordance with the approved details.

Drawing No.	Rev	Title	Date
-	-	Location Map	18-May-26
PL. No. MY001	-	Site Plan	18-May-26
PL. No. MY002	-	Elevation Plans	18-May-26

Informative:

The Applicant is reminded that the trees in the Mule Yard, including the tree which is almost in contract with the covered area development (the subject of this decision notice), are preserved under TPO 1/2015. As such any works to the tree requires development consent and needs to be sought well in advance of undertaking any works.

This Development Permission does not confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out whether building regulations approval is required, prior to the development commencing. This is to ensure development is carried out in accordance with the Building Control Ordinance 2013.