

Planning Officer's Report – LDCA OCTOBER 2025

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| APPLICATION | 2025/56 – Retention of Gate & Fence |
| PERMISSION SOUGHT | Full Permission |
| REGISTERED | 11 th July 2025 |
| APPLICANT | Mark Corker |
| LOCALITY | New Bridge, Jamestown |
| ZONE | Intermediate |
| CONSERVATION AREA | Jamestown Historic |
| PUBLICITY | The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 16th July 2025▪ A site notice displayed in accordance with Regulations. |
| EXPIRY | 1 st August 2025 |
| REPRESENTATIONS | Three Received |
| DECISION ROUTE | Delegated / LDCA / EXCO |

A. CONSULTATION FEEDBACK

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| 1. Sewage & Water Division | No Objection |
| 2. Energy Division | No Response |
| 3. Fire & Rescue | No Objection |
| 4. Roads Section | No Objection |
| 5. Property Division | No Objection - Comments |
| 6. Environmental Management | No Objection |
| 7. Public Health | No Response |
| 8. Agriculture & Natural Resources | No Response |
| 9. St Helena Police Services | No Response |
| 10. Aerodrome Safeguarding | Not Consulted |
| 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 application site is at New Bridge, Jamestown and is designated within the Intermediate Zone and Jamestown Historic Conservation area.

Diagram 1: Location Plan & Satellite Image



PROPOSED DEVELOPMENT

The request is to retain the gate and fence constructed on Crown land parcel JT150005.

The applicant stated in their submission that the design process of the gates and fence panels were not taken lightly, efforts were made to deliver a set of gates and fence panels that would be within fitting of the existing surroundings without posing in an intrusive manner but at the same time to enhance the existing property. It was decided that 2 wooden full panel picket style gates would be constructed along with 2 timber frame panels with wire mesh inserts. The gates and fence panels towers to a height of 1100mm and spans a total length of 3700mm and is finished with black paint in keeping with heritage colours.

The applicant states in 2022 that he was a 'victim of a late night vicious assault on the property which was followed by an attempted burglary several weeks later, these incidents prompted the actions of erecting the gates and fence panels as an added security measure.

The applicant considers that the court ruling of the public foot path over the property is an injustice and an invasion of privacy and does not allow for the full enjoyment of the property. A secondary measure for fitting the gates was to facilitate with ease members of the public using the public foot path. The applicant states that the public foot path has not been used since the court ruling and the public has never used it in the 10 years that he has lived in the property. The applicant states that he is the 3rd generation of his family to own and to occupy the property, the property has been owned by our family for 60 years plus and all previous owners have encroached on parcel number JT170004 for the use of comfort, whether it was being used for housing livestock, hanging washing, wood storage, car parking, kitchen garden or for simply relaxing after work.

[Officer Note: some of the submission has been removed as it relates to matters outside of the Planning remit]

Diagram 2: Photograph of Fence & Gate



STAKEHOLDER FEEDBACK & REPRESENTATIONS

Three representations were received from members of the public, and comments from a stakeholder.

Property Division: No Objection – 'This has been an on-going issue for the applicant. A few years ago the applicant tried to facilitate a different access for the users of the footpath by proposing a foot bridge across the stream that would start from the Gardens and coming out to the east of New Bridge Pond at his expense. This was proposed as the start of the footpath from the adjacent property was though his private property so the applicant was willing to realign the path for both the owners of the adjacent property and the users of the Gardens. This was supported by the Crown but was never introduced as it wasn't supported by the adjacent owner so the applicant didn't progress. At that time the applicant was going to enhance the path (with steps) as it was just a dirt track from the adjacent property and the gardens. The gates and fence was then installed but not locked so that the users of the path can still use it.'

Representation #1 – ‘On behalf of the residents at Cambrian House I wish to lodge an objection to the proposed retention of a gate and fence at Newbridge by Mr Mark Corker (Application 2025/56).

I am a resident at Cambrian House (and shareholder and director of the company Cambrian Properties Ltd, the registered owner of Cambrian House JT150019). Prior to 2019 I regularly used the footpath from the back door of Cambrian House passing in front of Mr Corker’s house in order to access Adrian Greentree’s shop in Newbridge and the route to the Heart Shaped Waterfall. Tenants staying in the Attic flat and Garden flat at Cambrian House would also use this footpath to access the shop which has convenient late opening hours. This footpath was also used by Robin Joshua who is a tenant gardener at Cambrian House to access the garden from his residence in Newbridge, as well as tenant gardeners in Maldivia Gardens above Cambrian House. See figure 1 on page 4 showing the route of the footpath.

The installation of the gate and fence across SHG property is a visual and physical deterrent to anyone wanting to use the footpath that runs in front of Mr Corker’s house and serves no purpose other than to frustrate the public right of way. See figure 2 on page 4 showing the gate and fence when it was first installed.

[Officer Note: A time line indicating what happened in the past was provided – it is redacted for brevity and as it is not specifically relevant to the Planning Consideration

[Officer Note: An excerpt from the Highways Ordinance 1881 is also provided – however, a consideration can only be made under the Planning Ordinance in respect of the submitted Development Application]

I would like to address 2 points made in Mr Corker’s supporting statement; firstly Mr Corker alleges that in 2022 he was the victim of a late night vicious assault on the property which was followed by an attempted burglary several weeks later. I have no knowledge of these incidents and find it odd that they were not reported to the police. Without evidence of these alleged events to justify the installation of the gate and fence, this story should be taken at face value.

[Officer Note: The applicant has stated this as a reason why he wants the gate and fencing; this could be a relevant planning consideration. If a Planning decision is based on information which is incorrect then any Decision Notice can be rescinded, however it is not with the Planning remit to require the provision of information on more than the “balance of probability” and the consideration will make clear whether the information provided has been used to determine the Decision or not]

Secondly Mr Corker states that the public foot path has not been used since the court ruling and the public has never used it in the 10 years that he has been in residence. The reason the public has been unable to use the footpath is due to the many obstructions put in place by Mr Corker, namely failing to control an aggressive dog, erecting barricades, gates and fences, failing to cut back vegetation and excavating the bank to make the footpath impassable.

The decision taken today will affect the rights of current and future generations to peaceably use this public right of way, so I ask that the planning board take into consideration the motives of Mr Corker to frustrate and obstruct this footpath, and reject Mr Corker's application for the retention of this gate and fence. I would also like to bring to the attention of the planning board that there are other works that were also carried out without planning permission i.e. the excavation of the bank and installation of the second gate. I speak for all users of this footpath who would like to see all obstacles removed so that this public right of way can once again be safely used.'

[Officer Note: It is not within the planning remit to consider the motives of anyone wishing to undertake development on St Helena; the remit of Planning Officers is to consider whether the proposal meets adopted Planning Policies or, if it does not, whether there are any material circumstances which mean it should be otherwise approved. The second gate and excavations are being investigated by Planning Officers and the applicant has been requested to make a submission to seek to rationalise these works – this will be the subject of separate public consultation and will come before the LDCA at a later meeting to be assessed at that time. Issues arising under the Highways Ordinance should be pursued separately under that legislation]

Representation #2 - ...'writing to register an objection to the proposed retention of gate and fence at New Bridge by Mr Mark Corker (Application 2025/56). I live opposite the ANRD Gardens below Maldivia House (which back on to Cambrian House) I have lived here for approximately 15 years and before this I lived opposite the hospital.

I am a tenant farmer in Maldivia Gardens with a lease from ANRD and I have had this lease for over 20 years and I pay £25 per annum of the lease.

Throughout my entire life, up until Mr Corker prevented use of the access route, I have always used this route along the side of Newbridge pond to and from ANRD gardens and to and from Cambrian House. I would also use the access route to visit my friend Robin 'Robbie' Joshua when he was working in the gardens at Cambrian House. It is clear that access was to be available across Mr Corkers land and this was regularly and frequently used.

Now that the access route has been blocked by Mr Corker I have to drive from my home at Newbridge all the way down to the one way junction below the Hospital and up Maldivia Road to gain access to my plot. Before the access route was blocked I would always walk.

This footpath is a public right of way so Mr Corker has no right to obstruct this. The gate and fence and the other obstacles that Mr Corker has put in place across the footpath needs to be removed and he needs to keep his vicious dog under control so that people can once again safely use the footpath.'

Representation #3: ... 'am writing to register an objection to the proposed retention of a gate and fence at Newbridge by Mr Mark Corker (Application 2025/56).

I live close to the hospital, up past the morgue along Newbridge Road where I have lived for over 40 years. I am the tenant gardener at Cambrian House and have been for about the past 20 years. Before this I was the tenant gardener at Maldivia House.

Throughout the entire time I have lived in Newbridge Road I have always used the access route past Newbridge Pond and Mr Corkers House to get to Cambrian House and before that Maldivia House.

In 2016 whilst I was using the footpath past Newbridge pond and Mr Corkers house to get Cambrian House, Mr Corkers dog attacked me. This was reported to the police at the time. Even after I had been bitten by Mr Corkers dog I continued to use the access route for some time up until the time Mr Corker refused to allow access anymore.

Now that Mr Corker has blocked off the access route I have to drive from my home in Newbridge Road up Maldivia Road to Cambria House gardens. Before the path was blocked I would always walk.

Mr Corker is illegally obstructing a public right of way needs to remove the gate and fence and the other obstacles and keep his dog under control at all times. I hope the planning board will turn down his application keep the gate and fence which stops people using the footpath.'

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 a), b)
- Built Heritage Policy: BH1 c)

OFFICER'S ASSESSMENT

The proposal is for gates and fencing which is relatively small in nature measuring just 1.1m in height finished in black. The structure does affix the boundary walls of the applicant's house (registered as Group Value within Crallen Report) and that of the roadway, where it is considered that it would not result in any significant harm or damage to the integrity of these walls. The gates/fencing has an appearance being coherent within itself and does not sit prominent within the streetscape, therefore does not adversely impact the setting of the Jamestown Historic Conservation Area in accordance with policies BH1 c) and accords with Intermediate Zone policies.

There has been a dispute over the right of way through the applicant property for a number of years, where a court ruling has now been made stating that there is a legal right of way through the applicants land. Since the ruling was made, the applicant has installed a gate

and fence (the subject of this current application) at the front of the property along the route of the right of way.

There has been a number of representations received to this application highlighting that this development has been carried out to purely frustrate and deter users of the right of way by putting in various obstacles. Whilst the gate and fence is a structure that was not previously placed across the right of way, in itself, being a gate that is not locked it remains fully accessible by the public. This is not considered to result in an obstruction to users who can continue to access through the land along the right of way.

It is worth mentioning that outside of planning legislation and policy, this may be considered differently under the Highways Authority Ordinance. LDCA Members are reminded that a grant of planning permission based upon material planning considerations does not override any other consents that an applicant is obliged to obtain, and it therefore remains the responsibility of the applicant to obtain consent (if he has not already) under any legal authority as may be required. It is understood that this may include Crown Estates and Highways Authority for the gate and fence to remain; however such consent lies outside the planning remit.

It is considered that the gates and fencing are acceptable in line with Planning Policies for the Built Environment and Intermediate Zone.