

**MED**

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Our Ref: 16135

18<sup>th</sup> October, 2017

The Secretary  
Environment and Planning Review Tribunal  
St. Francis Ravelin  
Floriana



Dear Sir,

### **Appeal application against refusal PA 2314/17 – Mellieha**

Please refer to the refusal given to the application submitted by my client Mr. Anthony Sciberras to carry out works at Mellieha.

We consider this decision as being unfair for the following reasons.

The parents of my client used to reside in a farmhouse together with their family. Subsequently, when the parents passed away the farmhouse was divided between the children as a consequence of which each one inherited a room or two. However I must point out that the rooms inherited in this manner were used for residential purposes.

As a consequence of this subdivision, the new owners of these rooms, because their size is small, could not use these rooms for residential purposes but for recreational purposes. Thus we did not need to apply for a change of use for these rooms because no such change of use was necessary.

Hence reason 1 and 2 of the refusal are incorrect because no sanctioning is required since the use was established prior to 1994 as per rural policy.

Likewise the issues mentioned in reason 3 of the refusal are not applicable i.e. the issues related to external lighting, water tanks and external rendering and painting of rooms. Such works are permissible for rooms used for recreational purposes.

Reason 3 of the refusal also states that my client has no arable holdings in the immediate vicinity of the site. This argument does not conform with the rural policy which states that the holdings have to be within the region and not in the immediate vicinity of the site. Attached please find farmer's registration

card which states that my client has a holding exceeding 5 tumoli located in Mellieha.

With regards to the design issues mentioned in reason 3 and 4 of the refusal please note that we have submitted fresh plans to address these issues. The aluminium apertures have been changed to timber. With regards to the area of terrace, this conforms with the rural policy which states that its area cannot exceed five square meters per tumoli (my client's holdings is 5 ½ tumoli).

In view of the above we consider our proposal as conforming with the rural policy and would like to respectfully request that you review our proposal and approve our application.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'CB', is written over a horizontal dashed line.

**Charles Buhagiar A&CE.**

Encl: Bank Receipt, Site Plan, Refusal, fresh Plans (with DPA report), Farmer's Registration Card

c.c.: Mr. Anthony Sciberras, PA