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Our Ref: 13098

12th April, 2018

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

Dear Sir,

Appeal against refusal of PA 2554/17 - Siggiewi

Please refer to the refusal given to the application submitted by my client Ms. Bernardette Gatt to sanction work at Siggiewi.

We consider this decision as being unfair for the following reasons:-

Reasons 1 and 2 of the refusal state that this application cannot be considered because there is a twenty two years old enforcement notice on site (ECF 1336/96). Our application is precisely meant to sanction these alleged illegalities on site and so you cannot argue that this application be dismissed or refused because there are illegalities which illegalities are being requested to be sanctioned.

Reason 3 states that the existing dwelling is not legally established and the existing building does not predate 1978. This reason is also incorrect because the original building is visible in the 1978 aerial photo. Subsequently applicant's husband had requested an extension to the pre 1978 building and this was approved PB 2758/91/970/91 dated 31st July, 1991. Hence the building shown as existing on our plans is pre 1978 and its extension a permitted building (copy of PB 970/91 attached).

With regards to the use of the building as a residence, affidavits to this effect have already been provided. Furthermore we have also provided the log of the electricity and water meters as well as copies of the application for these meters (these documents tally) which are dated June 1991. Furthermore a compliance certificate was issued on 7th January, 1992 stating that this building was constructed as per permit (certificate found in file PB 970/91). It must also be pointed out that ECF 1386/96 states that one reason it was issued was because "the building continued to be used as a dwelling". This proves without doubt that the building was used as a dwelling prior to 1996 – indeed

it was in such use originally many years ago as stated in the affidavits, but also after works were completed as per permit (PB 970/91).

Reasons 4 and 5 of the refusal refer to the agricultural store and to the boundary walls of the field. I would like to point out that these are both visible in the 1994 aerial photo and so there is a legal presumption in their favour.

In view of the above we consider this decision as being unfair and would like to respectfully request that you review this decision and approve our application.

Yours faithfully,

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

Charles Buhagiar A&CE.

Encl: bank receipt, copy of refusal, site plan, 1978 & 1994 aerial photos, affidavits, PB 2758/91/970/91, application for meters, log of electricity and water and water meters

c.c.: Ms. Bernardette Gatt