

Our Ref: 17268

Your Ref:

The Chairman
The Environment and Planning Review Tribunal
St Francis Ditch
Floriana

18th March 2020

Dear Sir,



Appeal against Refusal

Re: PA/709/19 – Site at, New Street Off, Triq ta' Gianpula, Zebbug

Reference is made to the development planning application bearing reference number in caption submitted on behalf of my client, Mr Joseph Mercieca (ID: 02231863M), and to the decision by the Planning Authority to refuse the development proposed in this application, which decision was published in the Government Gazette on the 19th February 2020.

The following were the Reasons of Refusal as outlined in the Planning Authority's decision notice:

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Reason of Refusal 1

The proposed sanctioning of the conversion of a disused livestock farm to a residence does not satisfy criterion 5(c) of policy 6.2C of the Rural Policy and Design Guidance (2014), in that the existing building cannot be considered as a disused farm building since there are no records that the building was ever used as a farm. Proposal has also not been endorsed by the Agricultural and Advisory Committee as the Committee was unable to confirm that structures proposed for sanctioning as a dwelling are the same referred to in the comments submitted by the Veterinary Regulation Department. The proposal also runs counter to criterion 1 and 5(a) of policy 6.2C since there is no evidence that the building was used for habitation purposes prior to 1992 since development is post 1978, while development which is post 1998 is not covered by a development permission. The creation of a new dwelling does not create an environmental benefit in the area.

Reason of Refusal 2

The demarcation/boundary walls proposed for sanctioning run counter criterion 2 and 3 of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014, in that the stipulated height of 0.6m for demarcation walls has been exceeded. Also, boundary wall exceeds the stipulated height of 1.2m, while it also exceeds the height of the adjacent rubble walls. Development has also resulted in land fragmentation into parcels of less than 1 tumolo, and therefore the proposal is in conflict with criterion 4 of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014.

Reason of Refusal 3

The proposed development runs counter to the provisions of policy 1.2D of the Rural Policy & Design Guidance (RPDG) 2014 in that the extent of hard landscaping is considered as excessive and has resulted in an unjustified site formalization and loss of agricultural soil. The proposal is therefore not in line with the Thematic Objective 1 of the Strategic Plan for Environment & Development for limiting the land take up for uses which are not necessary or legitimate in rural areas. Hence, the proposal also runs counter to Rural Objectives 1, 3, and 4 to facilitate sustainable rural development by controlling the location and design of rural development, as well as the cumulative effect of such development.

The undersigned architect and civil engineer would like to submit comments regarding the reasons of refusal as follows:

This case revolves mainly around the contention of whether there was a livestock farm at the location subject of this application. The undersigned would like to point out that, in the correspondence sent by the applicant to the VRD requesting information about this location, a copy of which is hereby being attached, a site plan indicating the property in caption was attached to show the position of the site in question. Subsequently, in their reply the VRD did not state that the property subject of this application was not the one being referred to in their records. This therefore means that that the VRD did not categorically deny the possibility that the said livestock farm was located where the applicant's residence subject of this application has been built.

The undersigned would also like point out that the applicant is willing to carry out any works which may be suggested by the EPRT. In fact, a demolition plan was also submitted during the application process, so as to remove a number of illegalities on site. Furthermore, it was also being proposed that a substantial part of the field is reinstated with agricultural soil, whilst the steel gate is replaced with a timber gate in order to mitigate the effects of the development.

Therefore, we trust the above arguments are duly considered by the EPRT in its assessment of this application for development such that this refusal decision is overturned and this permit can be issued.

Yours faithfully,



PERIT
GILBERT BARTOLO A.&C.E.
m +356 99601665 | e gilbert@gilbertbartolo.com
a 29A, Ta' Qali Paps Urduna Vni, Dimezzija, Malta, DKR1484

Perit Gilbert Bartolo B. E&A (Hons.), A&CE