

12th August 2021

**The Environment and Planning Review Tribunal**

*Nru. ta' l-Applikazzjoni:* PA/1700/21

*Lokazzjoni:* Garage 226, Triq il-Karmnu, B' Kara  
*Proposta:* Change of use from garage to Class 4B retail shop,  
 application include fascia sign onfaçade and addition of W.C  
 at the back. Application also included sanctioning of store  
 androller shutter on façade

*Ref. Taghna:*

*Ref. Tribunal:*

**Albert Debono**  
 vs  
**L-Awtorita' ta' l-Ippjanar**



The appellants respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was rejected by the Commission and the decision published on the 21<sup>st</sup> July 2021.
- III) The appellants feel aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellants is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment:

The appellants respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.

- 1.2 The applicant complied with the decision of the Authority as communicated to him during the first sitting and addressed the main issue in contention.
- 1.3 The applicant also provided the requested loading and unloading bay as requested.
- 1.4 Hence the said decision is manifestly wrong.
- 1.5 Once this issue is determined correctly, then all the other matters become more of a detail than a substance, and hence the said proposal should be approved.
- 1.6 The other reasons of refusal are all ancillary to the main reason of refusal and hence the decision of the Authority must be re-evaluated on the basis of the main reason why same was refused. Obviously this without prejudice the right of the Tribunal to impose those amendments to the plans that it may deem necessary and appropriate.
- 1.7 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved, and is similar to other developments in the area in question.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission to refuse the permit, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

A handwritten signature in blue ink, appearing to read 'Av. Ian J. Stafrace', written over a light blue grid background.

**Av. Ian J. Stafrace**

**Witnesses:**

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.

A handwritten signature in dark ink, appearing to read 'Av. Ian J. Stafrace', written over a light blue horizontal line.

**Av. Ian J. Stafrace  
9/4 Britannia House  
Old Bakery Street  
Valletta**