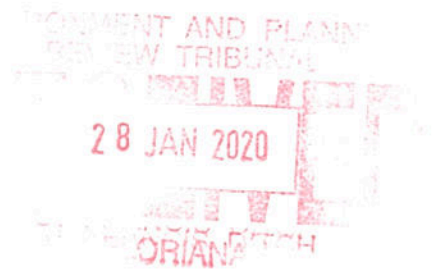


MFF/ic/900/27/52

21st January 2020

The Secretary
Environment and Planning Tribunal
P O Box 172
Marsa



Dear Sir,

Re: PA06824/19 – ‘Blessed Farmhouse’, Sqaq Dun Guzepp Mifsud, Msida

On behalf of applicant, Mr. Carmelo Mifsud, we are herewith submitting an appeal against the decision to refuse his development application reference as above and as per the Planning Authority's letter dated 17th January 2020 (copy enclosed).

In this regards, we have to submit as follows:

- The first reason for refusal is based on the allegation that the building near the sheep pens approved by PA 726/02 is illegal and therefore the requested permit cannot be issued.

However, one notes that in 2002 the Authority issued ECF 105/02 only with regards to the sheep pens that were later sanctioned by PA 726/02. The PA did not include the adjoining residence in its Enforcement Order and at that point in time, the PA had therefore indirectly indicated that the residence was not illegal.

Furthermore, PA 1690/05 was approved following an appeal. The argument of the illegal housing unit was raised during the proceedings of this appeal. The Appeals Tribunal approved the farm extension notwithstanding the allegation that the housing unit is not covered by a permit.

What is being proposed is the vertical extension of the structure approved by the Appeals Board. In fact, applicant wants to upgrade what has already been approved by the Appeals Tribunal.

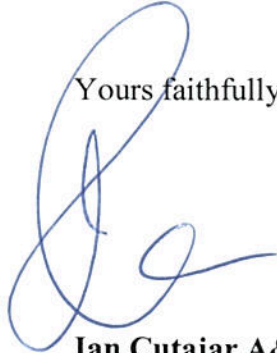
Therefore, the argument about the illegality – or otherwise – of the existing housing unit should not figure out in this application.

- The allegation that the proposal is deemed counter to Local Plan Policy NHCV 01 and Rural Objective 4 of SPED is generic and vague. The fact that the proposed farm on three floors is not typical of livestock farms in a rural context does not lead one to conclude that the proposal is in breach the policy applicable for rural areas as alleged.

In the circumstances, we submit that the decision to refuse this application should be overturned.

Appellant reserves the right to make further oral and written submissions during the hearing of the appeal.

Yours faithfully,



Ian Cutajar A&CE
FALZON & CUTAJAR
Architects and Civil Engineers