

MFF/ic/900/27/52

The Secretary,
Environment and Planning Review Tribunal
PO Box 172
Marsa



Dear Sir,

Re: EC 0076/21 Blessed Farmhouse, Sqag Dun Guzepp Mifsud, Msida

On behalf of our client, Charles Mifsud (ID 199372 M) - owner and occupant of the above house - we are hereby appealing against the issue of the above Enforcement Order claiming that his is an illegally built residence. The Enforcement Notice has been delivered to our client on the 16th of July 2021.

The Enforcement Order adds that the infringement is in a scheduled area as per Government Notice 869/09. At the outset, it must be pointed out that the residential building in question already existed before the said scheduling was established on the 30 October 2009. Therefore, this part of the alleged breach is completely unsubstantiated and should not be taken into consideration. In fact the family has been residing in this house for circa 35 years and was also previously inhabited by the Appellant's father in-law. Furthermore, the house which is now named as 'Blessed Farmhouse' was formerly known as 'Ta' Gannus'.

The relevant site history of appellant's property is as follows:

- ECF 105/02 referred to illegal rooms used for breeding animals
- PA 726/02 Approved sanctioning of existing sheep pens and sheep-pen yard and, as a result, ECF 105/02 was subsequently considered closed.
- PA 1690/05 Extension of sheep farm approved by Appeals Tribunal
- PA 1105/19 Renewal of PA 1690/05 approved.

The existing allegedly illegal residence existed before the first Enforcement Notice (105/02) was issued. This Enforcement Notice referred only to the sheep pens and when these were sanctioned, the EC was considered as a closed case. One must point out that in

the approved drawings of PA 726/02 the house that is now the subject of EC 0076/21 was shown as such in both plans and elevations and was indicated as 'Applicant's Residence'. A copy of the approved drawings relevant to this permit is herewith being submitted. Both the Enforcement Order and the PA permit dealt only with the sheep pens since the appellant's residence was legal.

The same situation subsisted in the long process for the approval of PA 1690/05 and its subsequent renewal.

Now, fully nineteen years after the Enforcement Notice regarding the sheep pens was issued by the Planning Authority as referred to above, the Planning Authority has decided that the residence of the Appellant is illegal; this notwithstanding the fact that for the past 19 years PA/MEPA/PA took issue with the sheep pens they have never questioned the legality of appellant's residence.

We submit that appellant's acquired rights after years of recognition by the PA cannot be suddenly discarded as illegal.

We therefore submit that Enforcement Notice 0076/21 should be declared null and void.

On behalf of our client, we reserve the right to make further oral and written submissions during the course of the hearing of this appeal.

List of witnesses:

We intend to call as witnesses:

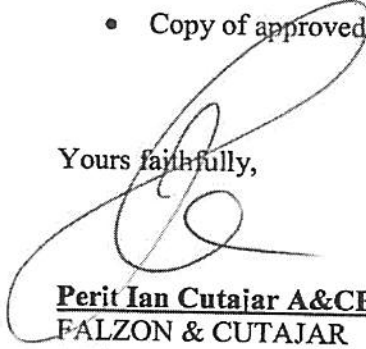
- Appellant Carmel Mifsud and his wife;
- Members of appellants family including Paul Calleja, Paul Calleja (jnr), and Brian Calleja;
- Representatives of Arms Ltd and EneMalta, Registratur tal-Qrati, ufficjali mill-Kummissjoni Elettorali u Identity Malta, Kummissarju tal-Pulizija jew rapprezentant tieghu biex jixhed fuq licenzji f'isem l-appellant;
- Enforcement representatives.

List of Documents:

The following documents are being attached to this letter of appeal:

- Enforcement Notice;
- Copy of Payment;
- Copy of approved drawings of PA/00762/02.

Yours faithfully,



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