

7th April 2022

**Tribunal ta' Revizjoni  
tal-Ambjent u l-Ippjanar  
Floriana**



*Nru. ta' l-Applikazzjoni:* PA/6057/20

*Lokazzjoni:* Site at Triq Giuseppe Stivala, Naxxar

*Proposta:* ***Proposed demolition of existing stables approved as per PA/04069/92 and construction of pet care center within same footprint. Proposal to include sanctioning of existing rubble wall, installation of demountable boarding kennels and ancillary facilities including grooming facilities and construction of reservoir and cesspit below ground***

*Ref. Taghma:*

*Ref. Tribunal:*

**Jenkins Maria**

**vs**

**L-Awtorita' ta' l-Ippjanar**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2020.
- II) This application was refused by the Commission and the decision was published on the 23<sup>rd</sup> March 2022.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).

- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 In refusing this application on the basis of a wrong interpretation and application of the policy, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate in favour of enhancing and consolidating development in developed areas.
- 1.3 The proposed development is in line with the RPDG and local plan policies regulating the site, and is not contrary to the provisions of the applicable policies.
- 1.4 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.
- 1.5 The simple conversion of stables to enable the construction of a kennel facility together with ancillary facilities is a clear alternative use which is complimentary to the context of the said development is being sought.
- 1.6 Similar and identical proposals were approved in numerous cases. Hence even by applying the principle of paribus ceribus, and namely that similar situations ought to be determined in the same manner, the Authority was manifestly wrong in refusing this proposal.
- 1.7 The proposal seeks to re-develop an existing building located outside development zone, in line with Policy 6.2C of the Rural Policy and Design Guidance 2014 [RPDG]. The following criteria are being satisfied:
  - The existing building is covered by development permission PA/04069/92;

- The existing building is not a scheduled property and does not have any historical nor architectural significance.
- Proposed replacement building does not exceed the total floor area of the approved building (refer to latest plans submitted);
- Design of the replacement building shall be of a high, rural quality and shall respect the wider context;
- The replacement building shall be limited to a new use permitted by this policy document – this new use is in line with Policy 5.1B of the RPDG. Criteria forming part of Policy 5.1B and this application's conformance to respective criteria are included in the Case Officer's report.

1.8 Reference is made, inter alia to PA 3389/20; PA 3285/18; PA 7775/16; 1227/21 and PA 6762/17; and PA 8808/19 which are similar permits approved by the Authority enabling the change of use of a farm to stores.

1.9 The Appellant further refers to the arguments made by him in document 192a which is to be construed as an integral part of this appeal and hence to be considered as grievances raised in this appeal.

Witnesses:

L-appellant, konsulenti, enetitajiet governattivi u regolatorji u terzi persuni sabiex jixdhu fuq il-fatti tal-kaz.

Bir-Rispett,



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