

15th June 2022

**The Environment and Planning Review Tribunal**

*Nru. ta' l-Applikazzjoni:* PA/6598/20

*Lokazzjoni:* Razzett Lunzjata, Triq tal-Lunzjata, Rabat

*Proposta:* Repairs to damaged and dangerous razzett structures

*Ref. Taghna:*

*Ref. Tribunal:*

**Nicholas Bianchi**  
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 18<sup>th</sup> May 2022.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- 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 restoring and rehabilitating such a building.
- 1.3 The proposed development is in line with the 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 This was an application to simply repair the existing vernacular rural farmhouse structures, some parts of which have, suffered damage due to the neglect of the occupiers and the time it takes to co-ordinate with the farmer. Furthermore, recently signs of vandalism and theft of some components of the structures was noticed.
- 1.6 With regards to the reasons for refusal, we would like to comment as follows:

*The proposal runs counter criterion 2(a) of policy 6.2A of the Rural Policy and Design Guidance (2014) since it fails to provide sufficient evidence that the residential use of the original building is legally established and/or covered by development permission. Hence, the proposal runs counter to Thematic Objective 1.10 and to Rural Objective 3 of the Strategic Plan for Environment & Development which only allow for rural development which is legitimate or necessary.*

- 1.7 As was detailed in the presented documentation, this property were clearly described as “a small residence which includes a room, with another room above it which may be reached by an open staircase of two flights and a toilet under the stairs”. This layout matches exactly what is still present today and is

what is being proposed to be reinstated tale-quala. Furthermore, as these are old vernacular farmhouse structures and of a certain scale, layout and position, it is obvious and also recognised in the case officers report, that these structures were designed and built as a dwelling. It was also noted by SCH and in the DPA report that the structures are of vernacular interest and the authority itself typically encourages the reinstatement of such buildings.

*1.8* The only possible use for these structures was residential so much so that applicant managed to present clear evidence to that effect. Moreover, such dwellings remain necessary to maintain supervision over these agricultural areas where we explained that this residence has not been inhabited recently because the current farmer lives in the vicinity and did not need to use or maintain this dwelling.

*1.9* The purpose of this application is to safeguard the site and to reinstate the old structures that are an integral part of the historic and rural heritage, especially when they have not been pretentiously over developed. This application has made an effort to limit itself to retain both the historic and rural character of the site and not impinge in any way on the surroundings.

*1.10* 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.

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, 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



**Av. Ian J. Stafrace**

**Witnesses:**

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



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