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The Hon Chairman,  
Environment and Planning Review Tribunal  
Block B, St. Francis Ditch,  
Floriana

Application Number: PA/03585/21

Location: Philip's Carpentry Shop, Triq Wied Sara, Ghasri

Proposal: To sanction the change of part of disused licensed pig farm to a Class 5A Carpenter's Shop, the construction of separating walls and demolition of internal partitions to use the space as a Carpenter Shop

In accordance to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016 we herby submit our appeals plea to the Planning Review Tribunal for the following reasons

Reason for Refusal 1

The proposed development runs counter to Thematic Objective 1.10 and to Rural Objective 4 of the Strategic Plan for Environment and Development in terms of land-use in that the proposal is not considered legitimate or necessary within the rural area.

The proposed development must be viewed within the context it is located, this is not a pristine rural landscape but rather a small collection of small industries that sprawled from a disused pig farm, Rural Policy and Design Guidance policy 6.2C allows for such conversions and the Planning Directorate has failed to evaluate the contextual benefit of this change of use since it has driven a small industry (only the owner works in the shop) out of the urban context and has created the re-use of an otherwise abandoned structure which was subject to illegal dumping and other illegal activities usually associated to such abandoned rural structures

Reason for Refusal 2

The proposed development does not ensure an accessible environment for all its users and visitors. The proposal therefore runs counter to Policy P11 of the Development Control Design Policy, Guidance and Standards 2015 and to Urban Objective 4 of the Strategic Plan for Environment and Development, which aim for the integration of the requirements of people with special needs in the design of buildings and facilities.

The accessibility audit report dated 31/01/2022 DOC 89a does not exclude that the site is inaccessible to people with special needs but requested further information for example of spot levels to determine the gradient and levels (if present) on site and the Planning Directorate was not being veracious in stating the correct reason for refusal since it was not proved that the site is not accessible (which it is) but merely interpreted a request for further information as an objection

### Reason for Refusal 3

The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of regulation 17 of Legal Notice 162 of 2016. The illegal development consists of dumping of soil and inert material, an illegal extension to an existing farm building, derelict vehicles, the conversion of pig styles into residential units, change of use to mechanic and panel beater / sprayer, as set out through ECF 1125/98 and ECF 0068/16.

The Hon Tribunal may wish to consider that the applicant has purchased the part of the farm from Mr Joseph Portelli who is the contravener in the enforcement case quoted and therefore the applicant is has no title on the whole site and as such no legal right to include the parts of the site which are not his property as this would constitute a false declaration under article 80. My client seeks to sanction the part of the site upon which he holds title and are outlined in blue in the submitted plans.

In view of the statements in our plea for appeal we have put forward valid arguments and reasons to counter the reasons for refusal listed by the Planning Authority in their Decision Notice published on the 1st June 2022 and therefore respectfully request the Hon Tribunal to favourably consider our plea for appeals.

Regards,

Simon Spiteri

OBO Mr Philip Formosa

(Appellant)



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