

Environment and Planning Review Tribunal



PA 343/22

Application of Appellant for the suspension of the permit

APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellanta humbly submit and premise as follows:

1. That this application for the suspension of the permit is being submitted together with an appeal from the Planning Commission’s decision on the application for development permission application PA **343/22**
2. That appellants are third party registered objectors and interested persons for all intents and purposes at law.
3. That the appellants are aggrieved by the decision referred to above will result in a development which impinges upon the residential amenity of the appellants since it consists of a Class 4D restaurant in their block of flats.
4. That despite the fact that such a use is not permitted by the Local Plan, the Planning Commission still approved this use.
5. Moreover the development approved is not in accordance with plans and policies and that incorrect information has formed the basis of the Planning Commission’s decision.

6. That the permit holder will not suffer any disproportionate prejudice if this permit is suspended as the time limits for the hearing of this appeal will be abbreviated and he will benefit from legal certainty in a shorter period of time.

7. That the appellants cannot avail themselves of any alternative interim remedies whilst appeal proceedings are underway, because the remedy provided is that of requesting a suspension under Chapter 551 which is the special law pertaining to the situation. The principle that a special law supercedes general law must be respected - *Lex specialis derogat legi generali*.

8. In view of the above if the permit is not suspended, the appellants will suffer **disproportionate inconvenience and prejudice** during this time as the change of use will be completed and the permit holder will acquire vested rights making it improbable, for this to be reversed.

For these reasons and others which may result during the hearing of the case, the appellants are humbly requesting this Honourable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

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