



ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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27 JUL 2022

2, Triq Znober, Attard, AT 1000
Tel/Fax: (+356) 21472611
E-mail: info@tps.com.mt
ST. FRANCIS DITCH
FLORIANA

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ST. FRANCIS DITCH
FLORIANA

9th July, 2022

The Environment and Planning Review Tribunal,
St. Francis Ravelin,
Floriana

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12 JUL 2022



FRONT OFFICE
ST. FRANCIS RAVELIN - FLORIANA

Objection to:

Application No: RG/01231/21

57, Joe Garage, Triq ir-Rand, Attard

'Regularisation of garage as built this includes room in backyard, size of aperture and use as a Class 4B with a parking space in front of entrance.'

To whom it may concern,

At the request of Mr. Christopher Zammit (ID: 69969M), an objection is presented to the Environmental and Planning Review Tribunal on the application in caption.

Due to the fact that no notification notice was attached to the property when a regularization application was filed and since the owner of the property '57, Joe Garage, Triq ir-Rand, Attard' (which is a garage located directly below our client's premises) did not notify our client at any time during the process of this application it was impossible for our client to be a notified objector. Hence the reason for submitting an appeal at this stage.

The property 57, 'Joe Garage' was originally approved to be used as a 'garage', however throughout the years; the property was used illegally as a 'store'. Until the property was used as a 'store' our client did not have any objection.

As per Legal Notice 285 of 2016, clause 5(c);

'(5) The development specified in these regulations can be regularised if:'

'(c) the relative use falls within any of the uses defined in classes 1, 4A or 4B of the Development Planning (Use Classes) Order provided that documentary proof is submitted showing that the uses defined in Classes 4A or 4B have subsisted continuously for three consecutive years immediately prior to the coming into force of these regulations; or'

Clause 5c makes it clear that an existing development located in a development zone which was in existence prior to these regulations, may be regularized if a documentary proof is

submitted showing that for **three (3) consecutive years** the property was used as a Class 4A or 4B continuously prior to the year 2016.

No CTB (Category B Schedule 8) was ever filed to this premises, therefore Article 4(2) is not applicable.

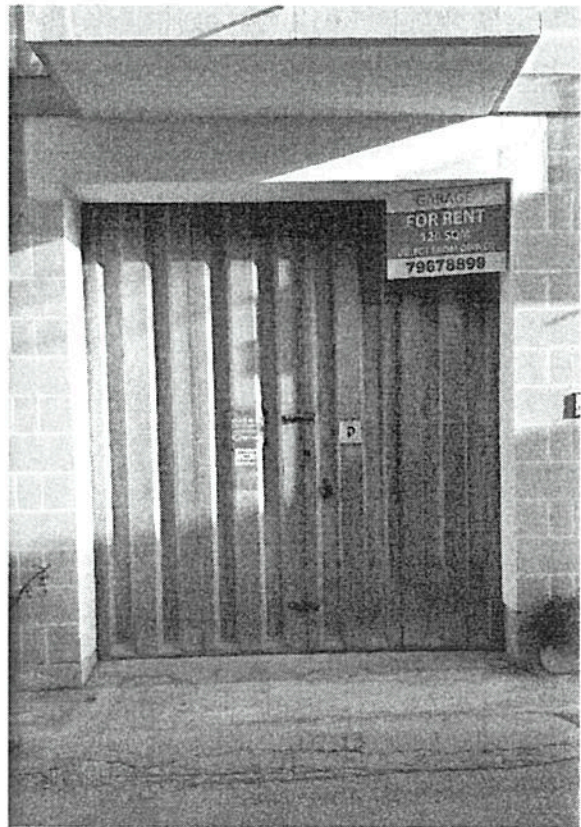
Attached below is a photographic survey showing that in both years 2016 & 2022 the premise in caption was never used similar to the alleged said use of Class 4B.

Photographic Survey

*Photo 1 – Photo captured
from ‘Google Maps –
October 2016’*



*Photos 2 & 3 –photos
captured on 6th July 2022*



Conclusion

In view of the above we kindly ask the tribunal to revoke and refuse this permit (RG 1231/21), this also in the light that our client together with other residing neighbours can testify that such a commercial use (Class 4b) in fact never existed on this premises.



Henry Attard, A & CE

