

First Report to the Environment and Planning Review Tribunal

Case Number	PA/5773/21
Merits of Appeal	Against Refusal
Location of Site	Land, Triq ta' Ghar Lapsi, Siggiewi
Appellant Name	Mr. Walter tanti
Architect Name	Perit Pierre Poulton
Proposal	Proposed reconstruction of residential unit and construction of 0.6m side random rubble walls and 1.2m rubble wall delineating street boundary. Olive trees are also proposed

1.0 The Proposal, Site Location, and Constraints

1.1 This is an appeal against the refusal of PA/5773/21 for Proposed reconstruction of residential unit and construction of 0.6m side random rubble walls and 1.2m rubble wall delineating street boundary. Olive trees are also proposed.

1.2 The site is located in Siggiewi.



2.0 Reasons for Refusal

2.1 The proposed 'reconstruction of a residential unit' runs counter to criterion (1) and 5(a) of policy 6.2C of the Rural Policy and Design Guidance (2014) since the site was previously occupied by a small roofless structure not a dwelling, and the proposed residential use cannot be considered as 'legally established' since no such use is visible on the 1978 aerial photo. The proposal constitutes a completely new development within an open and unspoilt rural area and is therefore not in line with the Thematic Objective 1 of the Strategic Plan for Environment & Development, which aims to limit the land take up for uses which are not necessary or legitimate in rural areas. Hence, the proposal also runs counter to Rural Objectives 1, 3, and 4 to facilitate sustainable rural development by controlling the location and design of rural development, as well as the cumulative effect of such development. The proposal is also in conflict with Local Plan policy NWAG 01, which aims for the protection of agricultural areas.

2.2 The proposed development runs counter to criterion (3) of policy 6.2C of the Rural Policy and Design Guidance (2014) since it exceeds the area of the original rural structure.

3.3 The proposed demarcation walls will result in land fragmentation into parcels of less than 1 tumolo. Therefore, the proposal is in conflict with criterion (4) of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014.

4.4 The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms of the required water reservoir for all new developments and the necessary natural or mechanical PA/05773/21 ventilation for the ensuite.

3.0 Comments on Appellant's Arguments

3.1 The Appellant has the following comments to make:

3.1.1 Re: Reason for Refusal no. 1

The Authority reiterates that no sufficient proof was provided during the procedure of the application to prove that the building in the site in question was used for residential purposes, but the appellant is hereby submitting this appeal to make clear this justification. In which it includes several documents, that is notarial deeds, electoral registry, and more proof will be submitted during the course of the appeal.

3.1.2 Re: Reason for Refusal no. 2

The Authority considers this proposal as a substantial extension to the one existing but drawings submitted were all in line with the Policy.

3.1.3 Re: Reason for Refusal no. 3 & 4

The architect tackled these during the application procedure and proof of this will be submitted.

Further arguments and reasons will be brought forward during the appeal.

4.0 Request

4.1 For the above-mentioned reasons, the appellant respectfully requests that the Environment and Planning Review Tribunal to refuse the decision as issued with the refusal notice and to accept this appeal.

List of Witnesses

1. Case officers involved in the relevant application;
2. Representative Public Registry and Notarial Registry
3. Authority members who may be relevant during the appeal;
4. Any other person/s who may be relevant during the course of appeal procedure.
5. All entities listed in the DPA report for clarification.

Av. Graziella Deguara Attard

18th September, 2022