

19th February 2023



**The Environment and Planning Review Tribunal**

*Nru. ta' l-Applikazzjoni:* PA/5472/22

*Lokazzjoni:* 81A, Vjal il- Wiehed u Ghoxrin ta' Settembru, Naxxar

*Proposta:* Change of use from garage to Class 4B convenience shop and the instalation of a sign on façade. Proposal also includes sanctioning of as built semi-basement garage from approved PA 4870/10

*Ref. Taghna:*

*Ref. Tribunal:*

**Brian Muscat**

vs

**L-Awtorita' ta' l-Ippjanar**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was refused by the Commission.
- III) The decision was published on the 25<sup>th</sup> January 2023.
- IV) The appellant feels agrieved 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 Law and applicable policy;
- 1.2 There is no policy that prohibits the change of use of a garage to an outlet simply because the garage is being used for the parking of vehicles.
- 1.3 Every garage is so used unless and until a change of use is allowed. However, the said change of use is to be determined in accordance with the site designation and whether the policy enables such a use.
- 1.4 Hence the proposed development is in line with the applicable policies, with the local plan and any other Regulation enabling the proposed use.

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 approve the application and issue the said 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.



**Av. Ian J. Stafrace**  
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**Valletta**