

3rd April 2023



The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/2787/22

Lokazzjoni: Site at (Field), Triq ir-Rabat, Sqaq Nru. 2, Dingli

Proposta: To sanction window apertures and slight change in profile variation of approved greenhouse in PA/1534/20. Application seeks to sanction other variations within the agricultural land including addition of trees, rubble walls, different levels and steps to make up for the difference in levels.

Ref. Taghma:

Ref. Tribunal:

Alfred Buhagiar

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 and the decision was published on the 8th March 2023.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 In refusing this application on the basis of a wrong interpretation and application of the policy, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate in favour of the proposal.
- 1.3 The proposed development is in line with the local plan policies regulating the site, and is not contrary to the provisions of the applicable policies.
- 1.4 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.
- 1.5 The proposed development is not proposing the sanctioning of the materials used in the construction of the greenhouse, since, such materials are in line with the permit as approved in PA 1534/20.
- 1.6 Hence the reason for refusal namely:

The sanctioning of the greenhouse as built from that approved in PA 1534/20 is not in line with provision (3) of policy 2.6 of the Rural Policy and Design Guidance (RPDG), 2014 in terms of the construction materials used.

is incorrect.

- 1.7 The Authority could not refuse this application on a matter that was not subject of the same application. If the Authority thought that the materials used are not in line with the approved permit, then it should have proceeded differently and not refuse an application which has nothing to do with the materials used.

1.8 The Appellant maintains that the materials used are in line with the approved permit PA 1534/20 as will be amply demonstrated during this appeal.

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 consequently order the Authority to issue the relative 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.



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