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**Appeal Reference:** 2022/A0202  
**Appeal by:** Conway Estates Ltd.  
**Proposed Development:** Change of use application from existing shop (use class A1) to proposed amusement arcade  
**Location:** 54 Market Street, Downpatrick  
**Planning Authority:** Newry, Mourne and Down District Council  
**Application Reference:** LA07/2022/0273/F  
**Finding by:** Commissioner Cathy McKeary, dated 28th June 2024

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## Finding

1. There is no valid appeal.

## Reasoning

2. The application submitted to the Council described the location of the proposed development as “54 Market Street, Downpatrick”. The site shown on the accompanying site location map did not appear to correspond with this. Comments were sought from all parties regarding this potential discrepancy.
3. The Council, the appellant and a third party all accepted that the site location map did not accurately reflect the actual location of 54 Market Street and that another adjacent building had instead been erroneously identified. The appellant submitted an amended site location plan to supersede the one previously provided as part of the planning application. The appellant also indicated that the incorrectly identified site was also within their control, therefore Certificate A, relating to ownership and completed on the planning application form, remained accurate.
4. Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) sets out the requirements for what a planning application must include. Article 3(3)(a) states that ‘*the application must be accompanied by a plan (i)sufficient to identify the land to which it relates, and (ii)showing the situation of the land in relation to the locality and in particular in relation to neighbouring land*’. The third party considers that there is no valid planning application because, by providing a site location map identifying a property that is not the subject of the planning application i.e. 54 Market Street, the appellant has failed to satisfy this legislative requirement.
5. The site location plan submitted as part of the planning application did not identify the land to which the application related, i.e. 54 Market Street, Downpatrick. The

application as submitted did not comply with the provisions of Article 3(3)(a) of the GDPO. Irrespective of the ownership of the land being correct and the offer of a corrected site location plan at this juncture, the application as was submitted is invalid. Where the application is invalid there can be no valid appeal.

This finding is based on the following drawings stamped received by Newry, Mourne and Down District Council:-

<b>Drawing No.</b>	<b>Title</b>	<b>Scale</b>	<b>Date</b>
7001	Site location map	1:1250 & 1:500	11 <sup>th</sup> February 2022
7002	Floor Plans and Elevations	1:1250	11 <sup>th</sup> February 2022

**COMMISSIONER CATHY MCKEARY**

**List of Documents**

Planning Authority:-	Statement of case by Newry, Mourne and Down District Council Comments by Newry, Mourne and Down District Council
Appellant:-	Statement of case by C. McIlvar Ltd. On behalf of Conway Estates Ltd. Rebuttal by C. McIlvar Ltd. on behalf of Conway Estates Ltd. Comments by C. McIlvar Ltd. on behalf of Conway Estates Ltd.
Third Parties:-	Statement of case by Matrix Planning Consultancy Rebuttals by Matrix Planning Consultancy Comments by Matrix Planning Consultancy Statement of case by Courtney Moore Statement of case by Darren Kearney