

1981 No. 222

TOWN AND COUNTRY PLANNING**Planning (General Development) (Amendment) Order
(Northern Ireland) 1981***Made* 7th July 1981*Coming into operation* 1st August 1981

The Department of the Environment in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1972(a) and now vested in it(b) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 1981 and shall come into operation on 1st August 1981.

Amendment

2. The Planning (General Development) Order (Northern Ireland) 1973(c) is hereby amended as follows:—

(a) In Article 2—

- (i) at the beginning before the words "In this order", insert "— (1)";
- (ii) after the definition of "class" insert the following definitions:—
"conservation area" means land which is within an area designated as a conservation area under Article 37 of the 1972 Order";
- (iii) after the definition of "dwellinghouse" insert the following definitions:—

"industrial process" means any process (other than the getting, dressing or treatment of minerals) for or incidental to any of the following purposes, namely:—

- (a) the making of any article or of part of any article, or
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning or adapting for sale, or breaking up, or demolition, of any article,

being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"industrial undertaker" means an undertaker by whom an industrial process is carried on, and "industrial undertaking" shall be construed accordingly;

(iv) after the definition of "special road" add the following definitions:—

"terrace house" means a dwellinghouse—

- (i) situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and

(a) S.I. 1972/1634 (N.I. 17)

(b) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)

(c) S.R. & O. (N.I.) 1973 No. 326

- (ii) sharing a party wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it,

but includes the dwellinghouses at each end of such a row of buildings as is referred to;

“the Use Classes Order” means the Planning (Use Classes) Order (Northern Ireland) 1973(a);

- (v) after the definition of “unadopted street” add the following paragraphs:—

“(2) Any reference in this order to the height of a building shall be construed as a reference to the height of that building when measured from ground level.

(3) For the purposes of paragraph (2) “ground level” means the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground on which the building is erected or is to be erected, as the case may be, is not uniform, the level of the highest part of the surface of the ground adjacent to the building.”

- (b) In Schedule 1—

- (i) immediately below the words “Development permitted under Article 3” insert the heading “PART I”;

- (ii) for Class 1(1) there shall be substituted the following class:—

“(1) The enlargement, improvement or other alteration of a dwellinghouse so long as:—

- (a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than—

(i) in the case of a terrace house, 50 cubic metres or ten per cent., whichever is the greater; or

(ii) in any other case, 70 cubic metres or fifteen per cent. whichever is the greater,

subject (in either case) to a maximum of 115 cubic metres;

- (b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

- (c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road;

- (d) no part of the building (as so enlarged, improved or altered) which lies within a distance of three metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding four metres;

- (e) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent. of the total area of the curtilage excluding the ground area of the original dwellinghouse;

- (f) the design and external finishes are in conformity with those of the original dwellinghouse;

Provided that:—

- (a) the erection of a garage within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content) if any part of the garage lies within a distance of five metres from any part of the dwellinghouse;
 - (b) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise);
 - (c) where any part of the dwellinghouse will, as a result of the development, lie within a distance of five metres from an existing garage, the garage shall (for the purpose of the calculation of cubic content) be treated as forming part of the dwellinghouse as enlarged, improved or altered; and
 - (d) the limitation contained in sub-paragraph (d) above shall not apply to development consisting of:—
 - (i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or
 - (ii) any other alterations to any part of the roof of the original dwellinghouse”.
- (iii) after class 1(1), insert the following class:—
- (1A) the erection or construction of a porch outside any external door of a dwellinghouse so long as:—
 - (a) the floor area does not exceed 2 square metres;
 - (b) no part of the structure is more than 3 metres above the level of the ground;
 - (c) no part of the structure is less than 2 metres from any boundary of the curtilage which fronts on a road;
- (iv) for class 1(2) substitute the following:—
- “(2) The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling) required for a purpose incidental to the enjoyment of the dwellinghouse as such, excluding the keeping of pigeons, so long as:—
- (a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a road;
 - (b) in the case of a garage, no part of the building is within a distance of five metres from any part of the dwellinghouse;
 - (c) the height does not exceed, in the case of a building with a ridged roof, four metres or, in any other case, three metres;
 - (d) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent. of the total area of the curtilage excluding the ground area of the original dwellinghouse”.

- (v) for Class 3 there shall be substituted the following class:—

“Class 3 — Changes of use

Development consisting of a change of use:—

- (a) to use as a light industrial building as defined by the Use Classes Order from use as a general industrial building as so defined;
- (b) to use as a light industrial building as defined by the Use Classes Order from use for any purpose included in class 10 referred to in the Schedule to the Use Classes Order;
- (c) to use for any purpose included in class 10 referred to in the Schedule to the Use Classes Order from use as a light industrial building or from use as a general industrial building (as defined respectively by the Use Classes Order);
- (d) to use as a shop for any purpose included in class I referred to in the Schedule to the Use Classes Order from use as:—
 - (i) a shop for the sale of hot food;
 - (ii) a shop for the sale of pet animals or birds;

Provided that paragraphs (b) and (c) above apply only where the total amount of floor space in the building used for the purposes of the undertaking does not exceed 235 square metres”;

- (vi) after Class 14 add the following:—

“Class 15 — Development for industrial purposes

Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than in contravention of planning control) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:—

- (a) the provision, rearrangement or replacement of private ways or private railways, sidings or conveyors;
- (b) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus;
- (c) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant machinery, structure or erection so replaced, whichever is the greater;
- (d) the extension or alteration of buildings (whether erected before or after 1st August 1981), so long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than twenty per cent. nor the aggregate floor space thereof by more than 750 square metres, so long as:—
 - (a) in the case of operations carried out under sub-paragraph (c) or (d), the external appearance of the premises of the undertaking is not materially affected;
 - (b) in the case of operations carried out under sub-paragraph (a), (c) or (d) no part of the works is, as a result of the development, within a distance of five metres from any boundary of the curtilage of the premises;

- (c) no development is carried out under this class if any boundary of the curtilage adjoins the curtilage of any dwellinghouse or flat; and
- (d) no development carried out under this class is used in connection with any of the industrial processes involving hazardous materials listed in Part II of this Schedule.

Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage and used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.

PART II

Industrial Processes involving Hazardous Materials

Petrochemical and plastic polymer manufacture

Other chemical works involving:—

Acrylonitrile
 Ammonia
 Bromine
 Chlorine
 Ethylene Oxide
 Hydrogen Cyanide
 Phosgene
 Sulphur Dioxide

Fertiliser manufacture involving ammonia

Aluminium and magnesium powder production

Aluminium refining involving chlorine

Paper pulp manufacture involving chlorine and sulphur dioxide

Air liquification plants and steel works involving liquid oxygen

Flour manufacture

Sugar processing involving refined white sugar

Processing and storage of liquid petroleum gas.

“Petrochemical manufacture” means the manufacture of chemicals from an oil refinery product or from natural gas.”

Application to Conservation Areas

3. In its application to conservation areas, Schedule I of the Planning (General Development) Order (Northern Ireland) 1973 shall have effect subject to the following modifications:—

(a) for Class 1(1)(a) there were substituted—

“(a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or ten per cent., whichever is the greater, subject to a maximum of 115 cubic metres”;

- (b) in proviso (a) to Class 1(1) there were omitted the words from "if" to the word "dwellinghouse";
- (c) Class 1(2) (the erection and alteration of buildings and enclosures in the curtilage of a dwellinghouse) shall not include development consisting of the erection, construction or placing, or the maintenance, improvement or other alteration, of garages; and
- (d) Class 15 (Development for industrial purposes) shall not apply to conservation areas.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 7th July 1981.

(L.S.)

W. P. McIlmoyle

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Planning (General Development) Order (Northern Ireland) 1973, which is the general order made under Article 13 of the Planning (Northern Ireland) Order 1972 providing for the grant of permission for the development of land under Part IV of that Order.

The following amendments are made to the provisions of article 2 of the Order and to Schedule 1 to the Order, which sets out the classes of development for which planning permission is granted by the Order:—

- (a) article 2 (which makes provision for the interpretation of the order) is amended by the addition of definitions of “industrial process”, “industrial undertakers”, “terrace house” and “the Use Classes Order”, and by the addition of provisions relating to the measurement of the height of a building for the purposes of the order;
- (b) in Class 1(1) set out in Schedule 1 (enlargement, improvement or other alteration of a dwellinghouse), the limits imposed on the amount of any increase in the size of the original dwellinghouse are changed (for all houses other than terrace houses) from 50 cubic metres or one-tenth of the cubic content of the original dwellinghouse (whichever is the greater) to 70 cubic metres or 15 per cent.; but the overall maximum of 115 cubic metres remains the same; for terrace houses the limits are unchanged;
- (c) new limitations are added to Class 1(1) which restrict the area of ground within the curtilage which may be covered by buildings to one-half of the curtilage, excluding the ground area of the original dwellinghouse, and impose a height limit of four metres on extensions to the dwellinghouse which are within 3 metres of the perimeter of the premises (this limitation does not apply however to the insertion of windows, the alteration of existing windows or alterations to the roof of the original dwellinghouse); and a provision is added specifying the method of calculating increases in the cubic content of the original dwellinghouse and making it clear that all enlargements, whether or not carried out under the Class, count towards the limit on cubic content;
- (d) Class 1(1) and Class 1(2) (erection of buildings and enclosures within the curtilage of a dwellinghouse) are amended in relation to the erection of a garage: where such a building is erected within 5 metres of the dwellinghouse it will come within Class 1(1) (and will be taken into account for the purpose of calculating the cubic content of the dwellinghouse), but otherwise it will come within Class 1(2) and will be subject only to the limitations set out in that Class;
- (e) provision is added in Class 1(1A) to authorise the erection or construction of a porch at a dwellinghouse so long as the floor area does not exceed two metres, the height of the structure is not more than three metres and no part of the porch is within two metres of a site boundary fronting a road;
- (f) Class 3 (changes of use) is amended by the addition of permission for changes of use from use as a light industrial building or general industrial building (within Class 3 or 4 of the Planning (Use Classes) Order (Northern Ireland) 1973) to use as a wholesale warehouse or repository (within Class 10 of the same Order) and from use as a wholesale warehouse or repository to use as a light industrial building, subject in all cases to the limitation that the amount of floorspace in the premises which is used for the purposes of the undertaking does not exceed 235 square metres; and
- (g) Class 15 (Development for industrial purposes) is a new provision which permits certain extensions and additions within existing industrial premises

provided the specified conditions are met (this class does not apply to mines or quarries or to industrial processes involving hazardous materials):—

- (i) Class 15(a) allows the provision and rearrangement of private ways, railways, sidings or conveyers so long as the site does not adjoin residential property and no part of the works comes within 5 metres of the perimeter of the premises;
- (ii) Class 15(b) allows the provision or alteration of sewers, mains, pipes, cables or other apparatus;
- (iii) Class 15(c) allows the installation of additional or replacement plant or machinery provided the height does not exceed 15 metres or the existing height of machinery being replaced and so long as the site does not adjoin residential property and no part of the plant or machinery comes within 5 metres of the perimeter of the premises;
- (iv) Class 15(d) allows the extension or alteration of industrial buildings so long as the existing height is not increased, nor the cubic content of the original buildings exceeded by more than twenty per cent. nor the floor space by more than 750 square metres and provided the site does not adjoin residential property and no part to the extension comes within 5 metres of the perimeter of the premises.

Article 3 provides that the increase in the limits on house extensions laid down in Article 2 will not apply to conservation areas. Instead, the former limits of 50 cubic metres or one-tenth of the cubic content (whichever is the greater) will continue to apply. In conservation areas a garage will still count towards the cubic content limits even if located within 5 metres of the house. Nor will the new Class 15 (development for industrial purposes) be available.