

1989 No. 290**PLANNING****Planning (Use Classes) Order (Northern Ireland) 1989**

Made 26th July 1989

Coming into operation 1st September 1989

The Department of the Environment, in exercise of the powers conferred by Article 11(2)(e) of the Planning (Northern Ireland) Order(a) and now vested in it(b) and of all other powers enabling it in that behalf, makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (Use Classes) Order (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2.—(1) In this Order—

“betting office” means any premises in respect of which there is in force a bookmaking office licence granted under Part II of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(c);

“bingo hall” means any premises in respect of which there is in force a bingo club licence granted under Part III of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class 13 also includes the personal care of children and medical care or treatment;

“day centre” means premises which are visited during the day for social or recreational purposes or for purposes of rehabilitation or occupational training, at which care is also provided;

“hazardous substance” and “notifiable quantity” have the meanings assigned to those terms by regulation 2(1) of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984(d);

“industrial process” means a process for or incidental to any of the following purposes:

(a) the making of any article or part of any article (including an aircraft, ship or vessel, or a film, video or sound recording);

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

(b) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); S.I. 1976/424 (N.I. 6) Art. 3(1)

(c) S.I. 1985/1204 (N.I. 11)

(d) S.R. 1984 No. 177

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals;

in the course of any trade or business other than agriculture and other than a use carried out in or adjacent to a mine or quarry;

“site” means the whole area of land within a single unit of occupation.

(2) A reference in this Order to a Class followed by a number is a reference to the Class followed by that number in the Schedule.

Use classes

3.—(1) Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in the Schedule is not excluded from the use to which it is incidental merely because it is specified in the Schedule as a separate use.

(4) No class specified in the Schedule includes any use for a purpose which involves the manufacture, processing, keeping or use of a hazardous substance in such circumstances as will result in the presence at one time of a notifiable quantity of that substance in, on, over or under that building or land or any site of which that building or land forms part.

(5) No class specified in the Schedule includes use—

(a) as an amusement arcade or centre, or a funfair;

(b) as a betting office;

(c) for the purposes of a funeral undertaker;

(d) as a hotel;

(e) for the sale of fuel for motor vehicles;

(f) for the sale or display for sale of motor vehicles;

(g) for a taxi business or business for the hire of motor vehicles;

(h) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises;

(i) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles;

(j) for or in connection with public worship or religious instruction.

Revocation

4. (a) The Planning (Use Classes) Order (Northern Ireland) 1973(a);

- (b) Article 2 of the Planning (Use Classes and General Development Orders) (Amendment) Order (Northern Ireland) 1974(a); and
- (c) The Planning (Use Classes) (Amendment) Order (Northern Ireland) 1984(b)

are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on
26th July 1989.

(L.S.)

John Russell

Assistant Secretary

Class 1: Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for hairdressing,
- (e) for the display of goods for retail sale,
- (f) for the hiring out of domestic or personal goods or articles,
- (g) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either on or off the premises

where the sale, display or service is to visiting members of the public.

Class 2: Financial, professional and other services

Use for the provision of services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public including—

- (a) financial services, or
- (b) professional services.

Class 3: Business

Use as an office other than a use within Class 2 (financial, professional and other services).

Class 4: Light Industrial

Use for:

- (a) research and development of products or processes, or
- (b) any industrial process

being a use which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class 5: General Industrial

Use for the carrying on of any industrial process other than one falling within Class 4 or Classes 6 to 10.

Class 6: Special Industrial

Use for any work required to be registered under section 9 of the Alkali, etc., Works Regulation Act 1906(a) and which is not included in any of the Classes 7 to 10 below.

Class 7: Special Industrial

Use for any of the following processes, except where the process is ancillary to the getting, dressing or treatment of minerals and is carried on in or adjacent to a quarry or mine—

- (a) smelting, calcining, sintering or reducing ores, minerals, concentrates or mattes,

(a) 1906 c. 14 as amended by S.R. 1987 No. 123

- (b) converting, refining, re-heating, annealing, hardening, melting, carburising, forging or casting metals or alloys other than pressure die-casting,
- (c) recovering metal from scrap or drosses or ashes,
- (d) galvanising,
- (e) pickling or treating metal in acid,
- (f) chromium plating.

Class 8: Special Industrial

Use for any of the following processes, except where the process is ancillary to the getting, dressing or treatment of minerals and is carried on in or adjacent to a quarry or mine—

- (a) burning bricks or pipes,
- (b) burning lime or dolomite,
- (c) producing zinc oxide, cement or alumina,
- (d) foaming, crushing, screening or heating minerals or slag,
- (e) processing pulverised fuel ash by heat,
- (f) producing carbonate of lime or hydrated lime,
- (g) producing inorganic pigments by calcining, roasting or grinding.

Class 9: Special Industrial

Use of any of the following processes—

- (a) distilling, refining or blending oils (other than petroleum or petroleum products),
- (b) producing or using cellulose or using other pressure sprayed metal finishes (other than in vehicle repair workshops in connection with minor repairs, or the application of plastic powder by the use of fluidised bed and electrostatic spray techniques),
- (c) boiling linseed oil or running gum,
- (d) processes involving the use of hot pitch or bitumen (except the use of bitumen in the manufacture of roofing felt at temperatures not exceeding 220°C and also the manufacture of coated roadstone),
- (e) stoving enamelled ware,
- (f) producing aliphatic esters of the lower fatty acids, butyric acid, caramel, hexamine, idodoform, naphthols, resin products (excluding plastic moulding or extrusion operations and producing plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering, moulding, shaping or extrusion), salicylic acid or sulphonated organic compounds,
- (g) producing rubber from scrap,
- (h) chemical processes in which chlorphenols or chlorcresols are used as intermediates,
- (i) manufacturing acetylene from calcium carbide,
- (j) manufacturing, recovering or using pyridine or picolines, any methyl or ethyl amine or acrylates.

Class 10: Special Industrial

Use for carrying on any of the following industries, businesses or trades—

- (a) boiling blood, chitterlings, nettlings or soap,
- (b) boiling, burning, grinding or steaming bones,

- (c) boiling or cleaning tripe,
- (d) breeding maggots from putrescible animal matter,
- (e) cleaning, adapting or treating animal hair,
- (f) curing fish,
- (g) dealing in rags and bones (including receiving, storing, sorting or manipulating rags in, or likely to become in, an offensive condition, or any bones, rabbit skins, fat or putrescible animal products of a similar nature),
- (h) dressing or scraping of fish skins,
- (i) drying skins,
- (j) making manure from bones, fish, offal, blood, spent hops, beans or other putrescible animal or vegetable matter
- (k) making or scraping guts,
- (l) manufacturing animal charcoal, blood albumen, candles, catgut, glue, fish oil, size or feeding stuff for animals or poultry from meat, fish, blood, bone, feathers, fat or animal offal either in an offensive condition or subjected to any process causing noxious or injurious effluvia,
- (m) melting, refining or extracting fat or tallow,
- (n) preparing skins for working.

Class 11: Storage or distribution

Use for storage or as a distribution centre.

Class 12: Guest houses and hostels

Use as a boarding or guest house or as a hostel where, in each case, no significant element of care is provided.

Class 13: Residential institutions

Use—

- (a) for the provision of residential accommodation and care to people in need of care (other than a use within Class 14 (dwellinghouses)),
- (b) as a hospital or nursing home, or
- (c) as a residential school, college or training centre.

Class 14: Dwellinghouses

Use as a dwellinghouse (whether or not as sole or main residence)—

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Class 15: Non-residential institutions

Any use (not including a residential use)—

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a creche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum.

- (f) as a public library or reading room, or
- (g) as a public hall or exhibition hall.

Class 16: Assembly and leisure

Use as—

- (a) a bingo hall,
- (b) a cinema,
- (c) a concert hall,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms, or
- (f) a theatre.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Planning (Use Classes) Order (Northern Ireland) 1973, (the 1973 Order), Article 2 of the Planning (Use Classes and General Development Orders) (Amendment) Order (Northern Ireland) 1974 and the Planning (Use Classes) (Amendment) Order (Northern Ireland) 1984.

Article 11(2) of the Planning (Northern Ireland) Order 1972 specifies operations or uses which are not to be taken for the purposes of that Order as involving development and which therefore do not require planning permission. Sub-paragraph (e) of that Article provides that a change of use is not to be regarded as involving development where the former use and the new use are both within the same class specified in an order made under that paragraph.

The principal changes made by this Order are—

Class 1 of the 1973 Order specified use as a shop (as defined in Article 2(1) of that Order) excluding shops for the sale of hot food and pet shops. The new Class 1 sets out 7 categories of shops comprised in that class according to their use.

Class 2 is a new class of use for financial, professional and other services appropriate in a shopping area. This combines some uses in former Class 1 and some of the office uses in former Class 2.

Class 3 provides for office use (other than a use which falls within Class 2).

Class 4 expands the former light industrial use to include premises used for research and development.

Class 11 (storage and distribution) is based on the former Class 10 but extends additionally to use of open land and to use as a centre for distribution.

Class 12 (guest houses and hostels) provides for residential establishments where no significant element of care (defined in Article 2(1)) is provided.

Class 13 (residential institutions) based on former Class 11 includes also use as residential school, college or training centre.

Class 14 (dwellinghouses) is a new class which comprises use as a dwellinghouse by an individual, by people living together as a family or by not more than 6 residents living together as a single household. In the case of people living together as a household rather than as a family the use will continue to be within the class notwithstanding that an element of care is provided for residents.

Class 15 (non-residential institutions) includes the uses contained in former Classes 12 and 13 and also provides for non-residential educational institutions. Dispensaries are no longer included and these will either be within Class 1 (shops) or, where ancillary to a hospital, within Class 13 (residential institutions).

Class 16 (assembly and leisure) includes uses formerly in Classes 14 and 15. It has been extended to include bingo halls and use for all indoor or outdoor sports with the exception of motor sports and sports involving firearms.

The former Classes 3 (light industrial building) and 4 (general industrial building) were restricted by the definition of industrial building which did not extend to land held with the building. The definition is omitted and new Classes 4 and 5 do not refer to buildings. Article 3(2) provides that the reference in Article 3(1) to use of a building shall include reference to the use of land occupied with it.

Article 3(5) lists uses which are specifically excluded from any class.