

**2015 No. 40**

**PLANNING**

**The Planning (Use Classes) Order (Northern Ireland) 2015**

*Made* - - - - *9th February 2015*

*Coming into operation* - *1st April 2015*

The Department of the Environment makes the following Order, in exercise of the powers conferred on it by section 23(3)(e) of the Planning Act (Northern Ireland) 2011(a).

**Citation and commencement**

1. This Order may be cited as the Planning (Use Classes) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

**Interpretation**

2.—(1) In this Order—

“after school facility” means a facility to accommodate schoolchildren of 4 years of age and older in the absence of their parents at work;

“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(b);

“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;

“call centre” means a large office in which a company’s employees provide information to its customers, or sell or advertise its goods or services by telephone;

“care” means personal care as defined in the Registered Homes (Northern Ireland) Order 1992(c) and in Class C3(a) also includes the personal care of children and medical care and treatment;

“community centre” means premises used by residents of a particular neighbourhood for social and recreational purposes;

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

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(a) 2011 c. 25 (N.I.)  
(b) S.I. 1985/1204 (N.I. 11)  
(c) S.I. 1992/3204 (N.I. 20)

“house in multiple occupation” has the meaning assigned to that term by Article 75 of the Housing (Northern Ireland) Order 1992<sup>(a)</sup> as amended by Article 143(1) of the Housing (Northern Ireland) Order 2003<sup>(b)</sup> and section 10 of the Housing (Amendment) Act (Northern Ireland) 2011<sup>(c)</sup>;

“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);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning or adapting for sale of any article;
- (c) the breaking up or demolition of any article (where this is not a process related to the use in Article 3(4)(o)); or
- (d) 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 letter and a number is a reference to the Class followed by that letter and a 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 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 hostel where a significant element of care is provided;
- (e) as a hotel;
- (f) as a house in multiple occupation;
- (g) for the sale of fuel for motor vehicles;
- (h) for the sale or display for sale of motor vehicles;
- (i) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises;
- (j) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles;
- (k) as a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations including those involving motorised vehicles or firearms;

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(a) S.I. 1992/1725 (N.I. 15)

(b) S.I. 2003/412 (N.I. 2)

(c) 2011 c. 22 (N.I.)

- (l) for a taxi business or business for the hire of motor vehicles;
- (m) for or in connection with public worship or religious instruction;
- (n) for the carrying out of any prescribed process which requires an authorisation under Article 6 of the Industrial Pollution Control (Northern Ireland) Order 1997<sup>(a)</sup> or for the operation of any installation or mobile plant which requires a permit under regulation 9 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013<sup>(b)</sup>;
- (o) as a waste management facility for the collection, transport, treatment, recovery, recycling, transfer and disposal of waste (as defined in Council Directive 2008/98/EC)<sup>(c)</sup>.

#### **Revocations**

4. The Planning (Use Classes) Order (Northern Ireland) 2004<sup>(d)</sup> is revoked.

Sealed with the Official Seal of the Department of the Environment on 9th February 2015.



*Angus Kerr*

A senior officer of the Department of the Environment

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(a) S.I. 1997/2777 (N.I. 18)  
(b) S.R. 2013 No. 160  
(c) Council Directive 2008/98/EC, O.J. No. L312,22,11,2008, p.3-30.  
(d) S.R. 2004 No. 458

# SCHEDULE

## PART A

### SHOPPING AND FINANCIAL & PROFESSIONAL SERVICES

#### **Class A1: 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; or
- (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 A2: 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.

## PART B

### INDUSTRIAL AND BUSINESS USES

#### **Class B1: Business**

Use—

- (a) as an office other than a use within Class A2 (Financial, professional and other services);
- (b) as a call centre; or
- (c) for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

#### **Class B2: Light Industrial**

Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

#### **Class B3: General Industrial**

Use for the carrying on of any industrial process other than one falling within Class B2.

**Class B4: Storage or distribution**

Use for storage or as a distribution centre.

## PART C

### RESIDENTIAL ISSUES

**Class C1: 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 where care is provided for residents.

**Class C2: Guest houses**

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

**Class C3: Residential institutions**

Use—

- (a) for the provision of residential accommodation and care to people in need of care (other than a use within Class C1 (Dwellinghouses));
- (b) as a hospital or nursing home; or
- (c) as a residential school, college or training centre.

**Class C4: Secure residential institutions**

Use for the provision of secure residential accommodation, including use as a prison, young offenders centre, detention centre, juvenile justice centre, short term holding centre, secure hospital, or use as a military barracks.

## PART D

### COMMUNITY, RECREATION AND CULTURE

**Class D1: Community and Cultural Uses**

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 crèche, day nursery, after school facility or day centre;
- (c) as a community centre;
- (d) for the provision of education;
- (e) for the display of works of art (otherwise than for sale or hire);
- (f) as a museum;
- (g) as a public library or reading room;
- (h) as a public hall or exhibition hall; or
- (i) as a law court.

**Class D2: Assembly and leisure**

Use as a—

- (a) bingo hall;
- (b) cinema;
- (c) concert hall;
- (d) dance hall;
- (e) theatre.

## **EXPLANATORY NOTE**

*(This note is not part of the Order.)*

This Order replaces the Planning (Use Classes) Order (Northern Ireland) 2004.

It specifies classes of use of buildings or other land for the purposes of section 23(3) of the Planning Act (Northern Ireland) 2011. Section 23(3) specifies operations or uses which are not to be taken for the purposes of that Act as involving development and which therefore do not require planning permission. Sub-paragraph (e) of that section 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.

A regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast, BT2 7EG or accessed at [www.doeni.gov.uk](http://www.doeni.gov.uk).

The Explanatory Memorandum is available alongside the Order on the government's website [www.legislation.gov.uk](http://www.legislation.gov.uk).

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