

STATUTORY INSTRUMENTS

1987 No. 764

The Town and Country Planning (Use Classes) Order 1987

Use Classes

3.—(1) Subject to the provisions of this Order, where a building or other land [^{F1}is situated in Wales and] is used for a purpose of any class specified in [^{F2}Schedule 1], the use of that building or that other land for any other purpose of the same class [^{F3}is not to] be taken to involve development of the land.

[^{F4}(1A) Subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in—

- (a) Part B or C of Schedule 1, or
- (b) Schedule 2,

the use of that building or that other land, or if specified, the use of part of that building or the other land (“part use”), for any other purpose of the same class is not to be taken to involve development of the land.

(1B) Part B of Schedule 1 applies to a building or other land that is situated in England subject to the modifications set out in paragraph (1C).

(1C) Part B of Schedule 1 applies to a building or other land that is situated in England as if—

- (a) Class B1 (Business) were omitted, and
- (b) for Class B2 (General industrial) there were substituted—

“Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within the uses described in Schedule 2, Class E, sub-paragraph (g).”]

(2) References in paragraph (1) [^{F5}and (1A)] 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 [^{F6}Schedule 1 or 2] is not excluded from the use to which it is incidental merely because it is specified in [^{F6}Schedule 1 or 2] as a separate use.

[^{F7}(4) Where land on a single site or on adjacent sites used as parts of a single undertaking is used for purposes consisting of or including purposes falling within—

- (a) in relation to Wales, Classes B1 and B2 in Schedule 1, or
- (b) in relation to England, the use described in Schedule 2, Class E, sub-paragraph (g) and Class B2 in Schedule 1 as modified by paragraph (1C)(b),

those classes may be treated as a single class in considering the use of that land for the purposes of this Order, so long as the area used for a purpose falling within Class B2, or Class B2 as modified, is not substantially increased as a result.]

^{F8}(5)

- (6) No class specified in [^{F9}Schedule 1 or 2] includes use —
- (a) as a theatre,
 - (b) as an amusement arcade or centre, or a funfair,
 - [^{F10}(c) as a launderette,]
 - (d) for the sale of fuel for motor vehicles,
 - (e) for the sale or display for sale of motor vehicles,
 - (f) for a taxi business or business for the hire of motor vehicles,
 - (g) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles,
 - [^{F11}(h) for any work registrable under the Alkali, etc. Works Regulation Act 1906,]
 - [^{F12}(i) as a hostel,]
 - [^{F13}(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) or landfill of hazardous waste as defined (in relation to England) in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 or (in relation to Wales) in regulation 6 of the Hazardous Waste (Wales) Regulations 2005,]
 - [^{F14}(k) as a betting office.]
 - [^{F15}(k) as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club;
 - (l) as a night-club,] - [^{F16}(m) as a casino[^{F17},]]
 - [^{F18}(n) as a betting office,
 - (o) as a pay day loan shop.] - [^{F19}(p) as a public house, wine bar, or drinking establishment,
 - (q) as a drinking establishment with expanded food provision,
 - (r) as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises,
 - (s) as a venue for live music performance,
 - (t) a cinema,
 - (u) a concert hall,
 - (v) a bingo hall,
 - (x) a dance hall.] - [^{F20}(6A) For the purpose of paragraph (6)—
 - “high-cost short-term credit” has the meaning given in the edition of the Financial Conduct Authority’s Handbook which came into effect on 1st April 2014 (following an amendment by the Authority in the Consumer Credit (Consequential and Supplementary Amendments) Instrument 2014); and
 - “pay day loan shop” means premises—
 - (a) from which high-cost short-term credit is provided principally to visiting members of the public and includes premises from which such credit is provided in addition to other financial or professional services, and

- (b) which, but for provision made in this article, would fall within Class A2 (financial and professional services) of [^{F21}Schedule 1 or Class E (Commercial, Business and Service) of Schedule 2] to this Order.]

[^{F22}(7) Where a building or other land is situated in Wales, class B8 (storage or distribution) does not include use of that building or land for the storage of, or as a distribution centre for, radioactive material or radioactive waste.

[^{F23}(8) For the purpose of paragraph (7), “radioactive material” and “radioactive waste” have the same meaning as in [^{F24}the Environmental Permitting (England and Wales) Regulations 2016].]

- F1** Words in art. 3(1) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(a)**
- F2** Words in art. 3(1) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(b)**
- F3** Words in art. 3(1) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(c)**
- F4** Art. 3(1A)-(1C) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(3)** (with regs. 3, 4)
- F5** Words in art. 3(2) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(4)**
- F6** Words in art. 3(3) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(5)**
- F7** Art. 3(4) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(6)**
- F8** Art. 3(5) omitted (1.6.1992) by virtue of The Town and Country Planning (Use Classes) (Amendment) (No. 2) Order 1992 (S.I. 1992/657), arts. 1, **2(2)**
- F9** Words in art. 3(6) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(7)(a)**
- F10** Art. 3(6)(c) substituted (31.7.1991) by The Town and Country Planning (Use Classes) (Amendment) Order 1991 (S.I. 1991/1567), arts. 1, **2(1)**
- F11** Art. 3(6)(h) inserted (31.3.1992) by The Town and Country Planning (Use Classes) (Amendment) Order 1992 (S.I. 1992/610), arts. 1(1), **2(1)(b)**
- F12** Art. 3(6)(i) inserted (4.4.1994) by The Town and Country Planning (Use Classes) (Amendment) Order 1994 (S.I. 1994/724), arts. 1(1), **2(1)**
- F13** Art. 3(6)(j) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 4 para. 8** (with regs. 2, 47(2))
- F14** Art. 3(6)(k) inserted (20.10.2022) by The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 (S.I. 2022/994), arts. 1(1), **2(2)**
- F15** Art. 3(6)(k)(l) inserted (E.) (21.4.2005) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (S.I. 2005/84), arts. 1(1), **2(1)**
- F16** Art. 3(6)(m) added (E.) (6.4.2006) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2006 (S.I. 2006/220), arts. 1(1), **2(2)**
- F17** Art. 3(6): comma substituted for full stop (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(2)** (with art. 3)
- F18** Art. 3(6)(n)(o) inserted (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(2)** (with art. 3)
- F19** Art. 3(6)(p)-(x) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(7)(b)**
- F20** Art. 3(6A) inserted (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(3)** (with art. 3)
- F21** Words in art. 3(6A) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(8)**

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987, Section 3. (See end of Document for details)*

- F22** Art. 3(7)(8) inserted (W.) (12.8.2002) by The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2002 (S.I. 2002/1875), arts. 1(1), **2(2)**
- F23** Art. 3(8) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1), **Sch. 26 Pt. 2 para. 3** (with reg. 1(2))
- F24** Words in art. 3(8) substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 Pt. 2 para. 2** (with regs. 1(3), 77-79, Sch. 4)

Commencement Information

- I1** Art. 3 in force at 1.6.1987, see **art. 1**

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987, Section 3.