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STATUTORY INSTRUMENTS

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**1987 No. 764**

**The Town and Country Planning (Use Classes) Order 1987**

**Citation and commencement**

1. This Order may be cited as the Town and Country Planning (Use Classes) Order 1987 and shall come into force on 1st June 1987.

**Interpretation**

2. In this Order, unless the context otherwise requires:—

“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 C2 also includes the personal care of children and medical care and treatment;

“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;

“hazardous substance” and “notifiable quantity” have the meanings assigned to those terms by the Notification of Installations Handling Hazardous Substances Regulations 1982(1)(b);

“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 a ship or vessel, or a film, video or sound recording);
- (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;

“Schedule” means the Schedule to this Order;

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

**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) 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 any two or more of classes B1 to B7 in the Schedule, 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 either within class B2 or within classes B3 to B7 is not substantially increased as a result.

(5) 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.

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

- (a) as a theatre,
- (b) as an amusement arcade or centre, or a funfair,
- (c) for the washing or cleaning of clothes or fabrics in coin-operated machines or on premises at which the goods to be cleaned are received direct from the visiting public,
- (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.

#### **Change of use of part of building or land**

4. In the case of a building used for a purpose within class C3 (dwellinghouses) in the Schedule, the use as a separate dwellinghouse of any part of the building or of any land occupied with and used for the same purposes as the building is not, by virtue of this Order, to be taken as not amounting to development.

#### **Revocation**

5. The Town and Country Planning (Use Classes) Order 1972(2)(a) and the Town and Country Planning (Use Classes) (Amendment) Order 1983(3)(b) are hereby revoked.

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(2) S.I. 1972/1385.

(3) S.I. 1983/1614.