
STATUTORY INSTRUMENTS

1987 No. 764

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

The Town and Country Planning (Use Classes) Order 1987

Made - - - - *28th April 1987*
Coming into force - - *1st June 1987*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 22(2) (f) and 287(3) of the Town and Country Planning Act 1971(1)(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

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(2)(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

(1) 1971c.78; section 22(2) (f) was amended by paragraph 1 of Schedule 11 to the Housing and Planning Act 1986 (c. 63).
(2) S.I.1982/1357.

- (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 scrapyards, 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⁽³⁾(a) and the Town and Country Planning (Use Classes) (Amendment) Order 1983⁽⁴⁾(b) are hereby revoked.

⁽³⁾ S.I. 1972/1385.
⁽⁴⁾ S.I. 1983/1614.

SCHEDULE

PART A

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 the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the reception of goods to be washed, cleaned or repaired,

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

Class A2. Financial and professional services

Use for the provision of—

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

where the services are provided principally to visiting members of the public.

Class A3. Food and drink

Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

PART B

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

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

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above or within classes B3 to B7 below.

Class B3. Special Industrial Group A

Use for any work registrable under the Alkali, etc. Works Regulation Act 1906(5)(a) and which is not included in any of classes B4 to B7 below.

Class B4. Special Industrial Group B

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;
- (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) galvanizing;
- (e) pickling or treating metal in acid;
- (f) chromium plating.

Class B5. Special Industrial Group C

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 pulverized fuel ash by heat;
- (f) producing carbonate of lime or hydrated lime;
- (g) producing inorganic pigments by calcining, roasting or grinding.

Class B6. Special Industrial Group D

Use for 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;

(5) 1906 c. 14.

- (f) producing aliphatic esters of the lower fatty acids, butyric acid, caramel, hexamine, iodoform, 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 B7. Special Industrial Group E

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

Boiling blood, chitterlings, nettlings or soap.

Boiling, burning, grinding or steaming bones.

Boiling or cleaning tripe.

Breeding maggots from putrescible animal matter.

Cleaning, adapting or treating animal hair.

Curing fish.

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).

Dressing or scraping fish skins.

Drying skins.

Making manure from bones, fish, offal, blood, spent hops, beans or other putrescible animal or vegetable matter.

Making or scraping guts.

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.

Melting, refining or extracting fat or tallow.

Preparing skins for working.

Class B8. Storage or distribution

Use for storage or as a distribution centre.

PART C

Class C1. Hotels and hostels

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

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a 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).

PART D

Class D1. 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 crèche, 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 public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction.

Class D2. Assembly and leisure

Use as —

- (a) a cinema,
- (b) a concert hall,
- (c) a bingo hall or casino,
- (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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Town and Country Planning (Use Classes) Order 1972 as amended by the Town and Country Planning (Use Classes) (Amendment) Order 1983.

This Order specifies classes of use of buildings or other land for the purposes of section 22(2)(f) of the Town and Country Planning Act 1971. Section 22(2) specifies operations or uses which are not to be taken for the purposes of the Act as involving development, and which therefore do not require planning permission. Paragraph (f) 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.

Various changes are made in this Order to the classes of use specified in the Schedule to the 1972 Order.

Class I of the 1972 Order specified use as a shop (which expression was defined in the Order) subject to specific exclusions. The specific exclusions of tripe shops, cats-meat shops and pet shops are no longer to be found in the new shops class A1. Use for the sale of hot food is now to be found in the new class A3 (food and drink) and is excluded specifically from class A1. The former exclusion of use for the sale of motor vehicles is now in article 3(6)(e).

Class A2 is a new class of use for financial, professional and other services. This combines some of the office uses formerly in Class II, and some uses formerly within the definition of “shop” as being uses of buildings for a purpose appropriate to a shopping area. The test of appropriateness to a shopping area governs the whole of class A2.

Class A3 (food and drink) is a new class. It combines use for the sale of hot food, which was formerly excluded from Class I, with use as a restaurant or for the sale of drink.

Class B1 combines some of the office uses formerly within Class II with uses for light industrial purposes formerly within Class III into a business class. It also includes use for the research and development of products or processes. A test similar to that which formerly applied to Class III — that is a use which could be carried out in any residential area without detriment to the amenity of that area — now governs all the purposes in this class.

Class B2 (general industrial) reflects the old Class IV.

Classes B3 to B7 reflect old Classes V to IX (Special Industrial Groups (A) to (E)). Although there has been some reorganisation, the content of these classes is the same.

Class B8 (storage and distribution) is based on former Class X but extends additionally to use of open land and to use as a centre for distribution.

Class C1 (hotels and hostels) largely reflects the former Class XI but makes it clear that this class does not cover any residential establishment where a significant element of care (defined in article 2) is provided.

Class C2 (residential institutions) combines the former Classes XII and XIV.

Class C3 (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 six 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 (as defined in article 2) is provided for residents. The intention of this class is to include, for example, use as a dwellinghouse

by individuals living together in the community who have formerly been in an institution of some kind.

Class D1 includes the uses formerly contained in Classes XIII, XV and XVI. Dispensaries are no longer included, and these will be either within class A1 (shops) or, where ancillary to a hospital, within class C2 residential institutions. Class D2 (assembly and leisure) includes uses formerly in Classes XVII and XVIII. It has been extended to include use for all indoor or outdoor sports with the exception of motor sports and sports involving firearms. Theatres which were formerly in Class XVII are no longer included in any of the classes (see article 3(6)).

One difference between this Order and the 1972 Order is that in Parts A and B of the Schedule to this Order the uses specified are uses of buildings or land whereas their equivalents in the 1972 Order specified uses of buildings. There are also more uses specifically excluded from the classes, and these are listed in article 3(6) of the Order.

Paragraph 1 of Schedule 11 to the Housing and Planning Act 1986 amended section 22(2)(f) of the 1971 Act by providing that a change of use of part of any building or land is not a material change of use where the former use and the latter use of the part are within the same class, subject to the provisions of an order made under that paragraph. Article 4 of the Order provides that use as a separate dwellinghouse of any part of a building or of land used for the purposes of class C3 (dwellinghouses) is not by virtue of this Order to be taken as not amounting to development.