

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

- 1 (1) The carrying out of any of the following works, that is to say—
- (a) the rebuilding, as often as occasion may require, of any building which was in existence at the date of the passing of this Act, or of any building which was in existence before that date but was destroyed or demolished within the period of five years ending with that date;
 - (b) the rebuilding, as often as occasion may require, of any building erected after the passing of this Act which was in existence at a material date;
 - (c) the rebuilding as often as occasion may require of any building destroyed or demolished by war damage, not being a building existing at the date of the passing of this Act;
 - (d) the making good of war damage sustained by any building;
- so long as the cubic content of the building does not exceed the cubic content of the original building—
- (i) (where the original building is a dwelling house)—by more than ten per cent. or seventeen hundred and fifty cubic feet, whichever is the greater;
 - (ii) (where the original building is not a dwelling house)—by more than ten per cent.
- (2) Any reference in sub-paragraph (1) to the original building is a reference to the building which existed at a time before any rebuilding mentioned in that paragraph was first executed and not to the building resulting from the execution of any such rebuilding.
- 2 The use as two or more separate dwelling houses of any building which at a material date was used as a single dwelling house.
- 3 (1) Subject to sub-paragraph (2), the enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in paragraph 1(1)(a), (b) or (c), or any building substituted for such a building by the carrying out of any such operations as are mentioned in that paragraph so long as the cubic content of the original building is not exceeded or increased by more than the amount specified in paragraph 1(1)(i) or (ii), as the case may require.
- (2) Sub-paragraph (1) shall not extend to works involving an increase in the cubic content of a building erected after the passing of this Act (including a building resulting from the carrying out of such works as are described in paragraph 1).
- Para. 4 rep. by 1972 NI 17*
- 5 The getting, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes.

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- 6 In the case of a building or other land which, at a material date, was used for a purpose falling within any general class specified in any paragraph of Part II of Schedule 2, or which, being unoccupied on the date of the passing of this Act, was last used (otherwise than before the day beginning the period of five years ending with that date) for any such purposes, the use of that building or land for any other purpose falling within the same paragraph.
- 7 In the case of any building or other land which, at a material date, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the date of the passing of this Act, or on the day thereafter when the building began to be so used, or, as the case may be, one-tenth of the area of the land so used on that day.
- 8 The deposit of waste materials or refuse in connection with the working of minerals, on any land comprised in a site which at a material date was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.
- 9 For the purposes of this Schedule cubic content shall be ascertained by external measurement.
- 10 Where, after the passing of this Act—
- (a) any building or works have been erected or constructed, or any use of land has been instituted; and
 - (b) a condition has been imposed under [^{F1}the Planning Act], limiting the period for which the building or works may be retained, or the use continued;
- this Schedule shall only apply in relation to the period specified in the condition.
- F1** Words in Sch. 1 para. 10(b) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), [Sch. 4 para. 8\(a\)](#) (with s. 211); [S.R. 2015/49](#), arts. 2, 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)
- 11 For the purposes of paragraph 3—
- (a) the erection, on land within the curtilage of any such building as is mentioned in that paragraph, of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and
 - (b) where any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in that paragraph to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.
- 12 (1) In this Schedule “at a material date” means at either of the following dates—
- (a) the date of the passing of this Act; and
 - (b) (subject to sub-paragraphs (2) and (3)) the date by reference to which this Schedule falls to be applied to the particular case in question.
- (2) Sub-paragraph (1)(b) shall not apply in relation to any use of land in respect of which before the date mentioned in that sub-paragraph, the planning authority have made an order under section 4(1)(b) of the Act of 1944 prohibiting that use [^{F2} or an

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enforcement notice under [^{F3}section 138 or 139 of the Planning Act] served before that date has become or becomes effective].

- (3) Sub-paragraph (1)(b) shall not apply in relation to any buildings or works in respect of which, whether before or after the date mentioned in that sub-paragraph, the planning authority [^{F2} or the Ministry] have become, or become, entitled, under a notice served under the Schedule to the Act of 1944 [^{F2} or under the [^{F4}Planning Act]] before that date, to take any action under section 4(1)(a) of that Act in accordance with that section and that Schedule [^{F2} or [^{F5}that Act]].

F2 [1972 NI 17](#)

F3 Words in Sch. 1 para. 12(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 4 para. 8(b)** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F4 Words in Sch. 1 para. 12(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 4 para. 8(c)(i)** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

F5 Words in Sch. 1 para. 12(3) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\)](#), s. 254(1)(2), **Sch. 4 para. 8(c)(ii)** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

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