

SCHEDULE

DEVELOPMENT PERMITTED UNDER ARTICLE 3

PART 9

INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development **A. The erection, extension or alteration of an industrial building or a warehouse.**

Development not permitted A.1 Development is not permitted by Class A if—

- (a) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (b) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (c) the floor space of the original building would be exceeded by more than—
 - (i) 10% in respect of development in an area of outstanding natural beauty, a National Park, a World Heritage Site or a conservation area or 25% in any other case; or
 - (ii) 500 square metres in respect of development in an area of outstanding natural beauty, a National Park, a World Heritage Site or a conservation area or 1000 square metres in any other case;whichever is the lesser;
- (d) the floor space of any new building erected would exceed 100 square metres;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) any part of the development would be within 10 metres of any boundary of the curtilage of the premises which adjoins the curtilage of any dwellinghouse or flat;
- (g) any part of the development would face onto a road;
- (h) as a result of the works the total area of ground covered by buildings within the curtilage of the

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- premises would exceed 50% of the total area of the curtilage;
 - (i) the development would lead to a reduction in the space available for the parking or turning of vehicles;
 - (j) the development is within an area of special scientific interest or a site of archaeological interest;
 - (k) the development would consist of or include the construction or provision of a veranda, balcony or raised platform; or
 - (l) the development would be within the curtilage of a listed building unless listed building consent has previously been granted.
- Conditions
- A.2 Development is permitted in Class A subject to the following conditions—
- (a) the development must be within the curtilage of an existing industrial building or warehouse;
 - (b) any building as erected, extended or altered shall only be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
 - (c) no building as erected, extended or altered shall be used to provide employee facilities—
 - (i) between 7.00 p.m. and 6.30 a.m. for employees other than those present at the premises of the undertaking for the purposes of their employment; or
 - (ii) at all if a hazardous substance is present in excess of the controlled quantity specified in Part A of Schedule 2 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 at the premises of the undertaking;
 - (d) any new building erected shall be constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
 - (e) any extension or alteration shall be constructed using materials which have a similar external appearance to those used for the building or warehouse being extended or altered.
- Interpretation of Class A
- A.3 For the purposes of Class A—

- (a) where an industrial building or warehouse is situated in an industrial estate the “boundary of the curtilage of the premises” relates to the boundary of the curtilage of the premises of the undertaking concerned and not the boundary of the curtilage of the industrial estate as a whole;
- (b) “original building” does not include any building erected at any time under Class A;
- (c) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (d) “employee facilities” means social care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees;
- (e) “raised platform” means a platform with a height greater than 0.3 metres above ground level.

Class B

Permitted development

- B. Development carried out on industrial land for the purposes of an industrial process consisting of—**
- (a) **the installation of additional or replacement plant or machinery or structures or erections of the nature of plant or machinery;**
 - (b) **the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or**
 - (c) **the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.**

Development not permitted

- B.1** Development is not permitted in Class B if—
- (a) it materially affects the external appearance of the premises of the undertaking concerned; or
 - (b) any plant or machinery exceeds a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class B

- B.2** In Class B “industrial land” means land used for the carrying out of an industrial process, including land used for the purpose of an industrial undertaking as a dock, harbour or quay, but does not include land in or adjacent to and occupied together with a mine.

Class C

Permitted development

- C. Development consisting of—**
- (a) **the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or**
 - (b) **the replacement in whole or in part of such a surface.**

Development not permitted

- C.1** Development is not permitted in Class C if—

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- Conditions
 - C.2 Development is permitted in Class C subject to the following conditions—

 - (a) it would involve the removal of trees; or
 - (b) the development would be within the curtilage of a listed building unless listed building consent has previously been granted.
 - (a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;
 - (b) in all other cases, either—

 - (i) the hard surface shall be made of porous materials; or
 - (ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.
 - Interpretation of Part 9
 - D. In Classes A and C of this Part—

 - “industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purpose of an industrial undertaking but does not include a building on land in or adjacent to and occupied together with a mine;
 - “warehouse” means a building used for any purpose within Class B4 (Storage or Distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.
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