1973. No. 263 [C]

TOWN AND COUNTRY PLANNING

Planning (Use Classes) Order

ORDER, DATED 1ST AUGUST 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER ARTICLES 11(2)(*e*) AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 11(2)(*e*) and 106 of the Planning (Northern Ireland) Order 1972(**a**) and of every other power enabling it in that behalf hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Planning (Use Classes) Order (Northern Ireland) 1973, and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In this order—

"the 1972 Order" means the Planning (Northern Ireland) Order 1972;

"betting office" means any premises in respect of which there is in force a bookmaking office licence under the Betting and Lotteries Act (Northern Ireland) 1957(**b**);

"industrial building" means a building (other than a building in or adjacent to and belonging to a quarry or mine and other than a shop) used for the carrying on of any process for or incidental to any of the following purposes, namely:—

(*a*) the making of any article or of part of any article, or

(*b*) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article, or

(c) without prejudice to paragraphs (*a*) and (*b*), the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"general industrial building" means an industrial building other than a light industrial building or a special industrial building;

"light industrial building" means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed 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;

"special industrial building" means an industrial building used for one or more of the purposes specified in Classes 5, 6, 7, 8 and 9 referred to in the Schedule;

(a) S.I. 1972, No. 1634 (N.I. 17). (b) 1957. c. 19.

"launderette" includes any building used for the purposes of washing or cleaning clothes or fabrics in coin-operated machines;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"office" includes a bank and also includes premises occupied by an estate agency, building society or employment agency, or (for office purposes only) for the business of car hire or driving instruction, but does not include a post office or betting office;

"post office" does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker, travel agency or post office, or for the reception of goods to be washed, cleaned or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, amusement arcade, pin-table saloon, garage, launderette, petrol filling station, office, betting office, hotel, restaurant, snackbar or café or premises licensed for the sale of intoxicating liquors for consumption on the premises.

(2) References in this order to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

Use classes

3.—(1) Where a building or other land is used for a purpose of any class specified in the Schedule, the use of such building or other land for any other purpose of the same class shall not be deemed for the purposes of the 1972 Order to involve development of the land.

(2) Where a group of contiguous or adjacent buildings used as parts of a single undertaking includes industrial buildings used for purposes falling within two or more of the classes specified in the Schedule as Classes 3 to 9 inclusive, those particular two or more classes may, in relation to that group of buildings, and so long as the area occupied in that group by either general or special industrial buildings is not substantially increased thereby, be treated as a single class for the purposes of this order.

(3) A use which is ordinarily incidental to and included in any use specified in the Schedule is not excluded from that use as an incident thereto merely by reason of its specification in the Schedule as a separate use.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 1st day of August 1973.

(L.S.)

D. J. Perham,
Assistant Secretary.

SCHEDULE

CLASS 1—Use as a shop for any purpose except as:—

(i) a shop for the sale of hot food;

(ii) a shop for the sale of pet animals or birds;

(iii) a shop for the sale of motor vehicles.

CLASS 2—Use as an office for any purpose.

CLASS 3—Use as a light industrial building for any purpose.

CLASS 4—Use as a general industrial building for any purpose.

CLASS 5 (*Special Industrial Group A*)—Use for any work which is registrable under the Alkali, &c. Works Regulation Act 1906(**c**) as amended by the Alkali, &c. Works Order (Northern Ireland) 1968(**d**) and which is not included in any of Classes 6, 7, 8 or 9 of this Schedule.

CLASS 6 (*Special Industrial Group B*)—Use for any of the following processes, except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

(i) smelting, calcining, sintering or reduction of ores, minerals, concentrates or mattes;

(ii) converting, refining, re-heating, annealing, hardening, melting, carburising, forging or casting of metals or alloys, other than pressure die-casting;

(iii) recovery of metal from scrap or drosses or ashes;

(iv) galvanising;

(v) pickling or treatment of metal in acid;

(vi) chromium plating.

CLASS 7 (*Special Industrial Group C*)—Use for any of the following processes, except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

(i) burning of bricks or pipes;

(ii) lime or dolomite burning;

(iii) production of zinc oxide, cement or alumina;

(iv) foaming, crushing, screening or heating of minerals or slag;

(v) processing by heat of pulverised fuel ash;

(vi) production of carbonate of lime and hydrated lime;

(vii) production of inorganic pigments by calcining, roasting or grinding.

CLASS 8 (*Special Industrial Group D*)—Use for any of the following purposes:—

(i) distilling, refining or blending of oils (other than petroleum or petroleum products);

(ii) production or employment of cellulose and employment of other pressure sprayed metal finishes (other than the employment of any such finishes in vehicle repair workshops in connection with minor repairs, and the application of plastic powder by the use of fluidised bed and electrostatic spray techniques);

(**c**) 6 Edw. 7, c. 14. (**d**) S.R. & O. (N.I.) 1968, No. 232.

(iii) boiling of linseed oil and the running of gum;

(iv) 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);

(v) stoving of enamelled ware;

(vi) production af aliphatic esters of the lower fatty acids, butyric acid, caramel, hexamine, iodoform, napthols, resin products (excluding plastic moulding or extrusion operations and production of plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering, moulding, shaping or extrusion), salicylic acid or sulphonated organic compounds);

(vii) production of rubber from scrap;

(viii) chemical processes in which chlorphenols or chlorcresols are used as intermediates;

(ix) manufacture of acetylene from calcium carbide;

(x) manufacture, recovery or use of pyridine or picolines, any methyl or ethyl amine or acrylates.

CLASS 9 (*Special Industrial Group E*)—Use for carrying on any of the following industries, businesses or trades:—

Animal charcoal manufacturer;
Animal hair cleanser, adapter, or treater;
Blood albumen maker;
Blood boiler;
Blood drier;
Bone boiler or steamer;
Bone burner;
Bone grinder;
Breeder of maggots from putrescible animal matter;
Candle maker;
Catgut manufacturer;
Chitterling or nettlings boiler;
Dealer in rags or 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 like nature);
Fat melter or fat extractor;
Fellmonger;
Fish curer;
Fish oil manufacturer;
Fish skin dresser or scraper;
Glue maker;
Gut scraper or gut cleaner;
Maker of feeding stuff for animals or poultry from any meat, fish, blood, bone, feathers, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia;
Manufacturer of manure from bones, fish, offal, blood, spent hops, beans or other putrescible animal or vegetable matter;
Size maker;
Skin drier;
Soap boiler;
Tallow melter or refiner;
Tanner;
Tripe boiler or cleaner.

CLASS 10—Use as a wholesale warehouse or repository for any purpose.

CLASS 11—Use as a home or institution providing for the boarding, care and maintenance of children, old people, or persons under disability, a convalescent home, a nursing home, or a hospital.

CLASS 12—Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.

CLASS 13—Use as an art gallery (other than for business purposes), a museum, a public library or reading room, a public hall or an exhibition hall.

CLASS 14—Use as a theatre, a cinema or concert hall.

CLASS 15—Use as a dance hall, skating rink, swimming bath, Turkish or other vapour or foam bath or as a gymnasium or sports hall.

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order specifies use classes for the purpose of Article 11(2)(*e*) of the Planning (Northern Ireland) Order 1972. By virtue of the said Article 11, the use of buildings or other land for any other purpose of the same class shall not be taken to involve development within the meaning of that Article.