The Town and Country Planning (Use Classes for Third Schedule Purposes) Order, 1948

1948 No. 955

Made - - - - 5th May, 1948

B2304.

The Minister of Town and Country Planning in exercise of the powers conferred on him by paragraph 6 of the Third Schedule to the Town and Country Planning Act, 1947(a), and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation

1. This Order may be cited as the Town and Country Planning (Use Classes for Third Schedule Purposes) Order, 1948.

Interpretation

2.—(1) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

" the Act " means the Town and Country Planning Act, 1947(a);

" 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 (excluding refreshments other than light refreshments) by retail, and without prejudice to the generality of the foregoing includes a building used for the purposes of a hairdresser, undertaker, ticket agency or receiving office for goods to be washed, cleaned or repaired, or for other purposes appropriate to a shopping area, but does not include a building used as an amusement arcade, pin-table saloon, funfair, garage, petrol filling station, hotel or premises licensed for the sale of intoxicating liquors for consumption on the premises;

" light refreshments " means eatables not cooked on the premises, and beverages;

" building " includes part of a building;

" office " includes a bank;

" 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

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(a) 10 & 11 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.

(*c*) without prejudice to the foregoing paragraphs, 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;

" 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;

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

" special industrial building " means an industrial building used for one or more of the purposes specified in Classes V, VI, VII, VIII and IX referred to in the Schedule to this Order;

" wholesale warehouse " means a building where business, principally of a wholesale nature, is transacted and goods are stored or displayed, but only incidentally to the transaction of that business;

" repository " means a building (excluding any land occupied therewith) where storage is the principal use and where no business is transacted other than incidentally to such storage;

and references to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

Use Classes.

3.—(1) The classes specified in the Schedule to this Order, shall be the general classes for the purposes of paragraph 6 of the Third Schedule to the Act.

(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 to this Order as Classes III to IX 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 to this Order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

SCHEDULE

Class I.—Use as a shop for any purpose except as:—

(i) a fried fish shop;

(ii) a tripe shop;

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

(iv) a cats-meat shop.

Class II.—Use as an office for any purpose.

Class III.—Use as a light industrial building for any purpose.

Class IV.—Use as a general industrial building for any purpose.

Class V.—Use for any work which is registerable under the Alkali, etc. Works Regulation Act, 1906(a), as extended by the Alkali, etc. Works Orders, 1928 to 1939(b), except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine.

Use for any of the following processes, except as aforesaid, so far as not registerable under the above Act:—

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

(ii) converting, re-heating, annealing, hardening or carburising, forging or casting, of iron or other metals;

(iii) galvanising;

(iv) recovering of metal from scrap;

(v) pickling or treatment of metal in acid;

(vi) chromium plating.

(Special Industrial Group A)

Class VI.—Use for any of the following processes so far as not included in Class V and except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine:—

(i) burning of building bricks;

(ii) lime and dolomite burning;

(iii) carbonisation of coal in coke ovens;

(iv) production of calcium carbide, lampblack or zinc oxide;

(v) crushing or screening of stone or slag.

(Special Industrial Group B.)

Class VII.—Use for any of the following purposes so far as not included in Class V:—

The production or employment of

(i) cyanogen or its compounds;

(ii) liquid or gaseous sulphur dioxide;

(iii) sulphur chlorides.

Salt glazing.

Sintering of sulphur bearing materials.

The manufacture of glass, where the sodium sulphate used exceeds 1.5 per cent. of the total weight of the melt.

The production of ultramarine or zinc chloride.

(Special Industrial Group C.)

Class VIII.—Use for any of the following purposes, so far as not included in Class V:—

The distilling, refining or blending of oils, the production or employment of cellulose lacquers (except their employment in garages in connection with minor repairs), hot pitch or bitumen, or pyridine; the stoving of enamelled ware; the production of amyl acetate, aromatic esters, butyric acid, caramel, hexamine, iodoform, B-naphthol, resin products (except synthetic resins, plastic moulding or extrusion compositions and plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering,

(a) 6 Edw. 7. c. 14.

(b) S.R. & O. 1928 (No. 26) p. 63; S.R. & O. 1935 (No. 162) p. 129; and S.R. & O. 1939 (No. 1299) I, p. 142.

moulding, shaping or extrusion), salicylic acid, or sulphonated organic compounds; paint and varnish manufacture (excluding mixing, milling and grinding); the production of rubber from scrap; or the manufacture of acetylene from calcium carbide, for sale or for use in a further chemical process.

(Special Industrial Group D.)

Class IX.—Use for carrying on any of the following industries, businesses or trades so far as not included in Class V:—

Animal charcoal manufacturer.

Blood albumen maker.

Blood boiler.

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.

Leather dresser.

Maker of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, 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, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter.

Parchment maker.

Size maker.

Skin drier.

Soap boiler.

Tallow melter or refiner.

Tanner.

Tripe boiler or cleaner.

(Special Industrial Group E.)

Class X.—Use as a wholesale warehouse for any purpose, except storage of offensive or dangerous goods.

Class XI.—Use as a repository for any purpose except storage of offensive or dangerous goods.

Class XII.—Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class XIII.—Use as a residential or boarding school, a residential college, an orphanage or a home or institution providing for the boarding, care and maintenance of children (other than a hospital, home, hostel, or institution included in Class XVII or Class XVIII).

Class XIV.—Use as a boarding or guest house, a residential club, a hostel or a hotel providing sleeping accommodation.

Class XV.—Use (other than for persons of unsound mind, mental defectives or epileptic persons) as a convalescent home, a nursing home, a sanatorium or a hospital.

Class XVI.—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 XVII.—Use as a hospital, home or institution for persons of unsound mind, mental defectives, or epileptic persons.

Class XVIII.—Use as a home, hostel or institution in which persons may be detained by order of a court or which is approved by one of His Majesty's Principal Secretaries of State for persons required to reside there as a condition of a probation or a supervision order.

Class XIX.—Use as a theatre, a cinema or a music hall.

Class XX.—Use as an art gallery (other than for business purposes), a museum, a public library or a public reading room.

Class XXI.—Use as a dance hall, a skating rink, a swimming bath, a turkish or other vapour or foam bath or a gymnasium, or for indoor games.

Class XXII.—Use as a public hall, a concert hall, an exhibition hall, a social centre, a community centre or a non-residential club.

Given under the Official Seal of the Minister of Town and Country Planning this fifth day of May, one thousand nine hundred and forty-eight.

(L.S.) *Lewis Silkin,*
Minister of Town and Country Planning.

EXPLANATORY NOTE

(This Note is not part of this Order, but is intended to indicate its general purport.)

The Third Schedule to the Town and Country Planning Act, 1947, sets out certain classes of development which an owner of land is assumed to have permission to undertake, when assessments of compensation or development charge are being made under the Act. Paragraph 6 of that Schedule provides that one of such classes shall be, in the case of a building or other land which was used on the appointed day (1st July, 1948—*see* S.I. 1948 No. 213) or, if unoccupied on that day, was last used since 7th January, 1937, for a purpose within any general class specified in a ministerial Order, the use of that building or land for any other purpose falling within the same general class. This Order specifies the general classes accordingly.

An Order of the same date (S.I. 1948 No. 954) made under section 12 of the Act and specifying identical classes, provides that changes of use within these classes shall not involve development. That Order, however, may at any time be amended or revoked, while, in the case of this Order, the Act provides that it shall not be amended or revoked at any time after the appointed day (*see* section 111 (4)).