STATUTORY RULES OF NORTHERN IRELAND

2011 No. 75

PLANNING

The Planning (General Development) (Amendment) Order (Northern Ireland) 2011

Made - - - -	*7th March 2011*
Coming into operation	*6th April 2011*

The Department of the Environment, in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1991(**1**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2011 and shall come into operation on 6th April 2011.

Amendment of the Planning (General Development) Order (Northern Ireland) 1993

2.—(1) The Planning (General Development) Order (Northern Ireland) 1993(**2**) shall be amended in accordance with paragraphs (2) and (3).

(2) In Article 2(1) (interpretation)—

(a) in the definition of "area of special scientific interest" for "Article 24 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985" substitute "Article 28 of the Environment (Northern Ireland) Order 2002(**3**)";

(b) for the definition of "designated area" substitute—

> ""designated area" means—
>
> (a) a conservation area;
>
> (b) an area of outstanding natural beauty;
>
> (c) an area of special scientific interest;
>
> (d) a National Park;
>
> (e) a World Heritage Site;";

(c) after the definition of "liquefied petroleum gas" insert—

(**1**) S.I. 1991/1220 (N.I. 11) to which there are amendments not relevant to this Order
(**2**) S.R. 1993 No. 278; the relevant amendment is S.R. 2006 No. 348
(**3**) S.I. 2002/3153 (N.I.7)

""microgeneration" means the use for the generation of electricity or the production of heat of any plant—

(a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on biomass, biofuels, fuel cells, photovoltaics, water (including waves and tides), wind, solar power, geothermal sources, combined heat and power systems and other sources of energy or technologies for the generation of electricity or the production of heat; and

(b) the capacity of which—

(i) to generate electricity, does not exceed 50 kilowatts;

(ii) to produce heat, does not exceed 45 kilowatts thermal;";

(d) after the definition of "the Use Classes Order" insert—

";

"World Heritage Site" means a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage".

(3) In Schedule 1 (development permitted under Article 3)—

(a) for Part 1 (development within the curtilage of a dwellinghouse), substitute Part 1 as set out in Schedule 1 to this Order;

(b) after Part 1 (development within the curtilage of a dwellinghouse) insert Part 1A (installation of domestic microgeneration equipment) as set out in Schedule 2 to this Order;

(c) in Part 2 (minor operations)—

(i) in Class A.1(a) after "wall or" insert "other";

(ii) in Class A.1 (d) after "listed building" insert—

"unless listed building consent for the development has previously been granted";

(iii) in Class B.1 for "in" substitute "by";

(iv) in Class B.1 after "within" insert "an area of special scientific interest, or";

(v) for Class C substitute—

"**Class C**		
Permitted development	**C.**	**The painting of the exterior of any building or work.**
Development not permitted	C.1	Development is not permitted by Class C— (a) where the painting is for the purpose of advertisement, announcement or direction; or (b) within the curtilage of a listed building, unless listed building consent for the development has previously been granted.

Interpretation of Class C C.2	In Class C "painting" includes any application of colour."

Sealed with the Official Seal of the Department of the Environment on 7th March 2011.

L.S.

L.S.

Maggie Smith
A senior officer of the Department of the Environment

SCHEDULE 1 Article 2(3)(a)

SUBSTITUTION OF PART 1 OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

"PART 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A		
Permitted development	**A.**	**The enlargement, improvement or other alteration of a dwellinghouse.**
Development not permitted	A.1	Development is not permitted by Class A if— (a) as a result of the works the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; (d) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) faces onto a road; and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse; (e) the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse;

(ii) exceed 4 metres in height; or

(iii) be within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;

(f) the enlarged part of the dwellinghouse would have more than one storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres; or

(ii) be within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

(g) the enlarged part of the dwellinghouse would be within 2 metres of any boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height; or

(ii) have a width greater than half the width of the original dwellinghouse;

(i) it would consist of or include—

(i) an alteration to any part of the roof of the dwellinghouse;

(ii) the construction or provision of a deck, balcony, veranda or other raised platform;

(iii) the provision of a basement;

(iv) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

(v) the installation, alteration or replacement of a microwave antenna; or

(j) the dwellinghouse is within the curtilage of a listed building, unless listed building consent for the development has previously been granted.