STATUTORY RULES OF NORTHERN IRELAND

2004 No. 458

PLANNING

Planning (Use Classes) Order (Northern Ireland) 2004

Made - - - -	*2nd November 2004*
Coming into operation	*29th November 2004*

The Department of the Environment, in exercise of the powers conferred on it by Article 11(2)(e) of the Planning (Northern Ireland) Order 1991(**1**) and of all other powers 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) 2004 and shall come into operation on 29th November 2004.

Interpretation

2.—(1) In this Order –

"after school facility" means a facility to accommodate schoolchildren of 4 years of age and older in the absence of their parents at work;

"betting office" means any premises in respect of which there is in force a bookmaking office licence granted under Part II of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(**2**);

"bingo hall" means any premises in respect of which there is in force a bingo club licence granted under Part III of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;

"call centre" means a large office in which a company's employees provide information to its customers, or sell or advertise its goods or services by telephone;

"care" means personal care as defined in the Registered Homes (Northern Ireland) Order 1992(**3**) and in Class C3 (a) also includes the personal care of children and medical care and treatment;

"community centre" means premises used by residents of a particular neighbourhood for social and recreational purposes;

(**1**) S.I.1991/1220 (N.I. 11)
(**2**) S.I. 1985/1204 (N.I. 11)
(**3**) S.I. 1992/3204 (N.I. 20)

"day centre" means premises which are visited during the day for social or recreational purposes or for the purposes of rehabilitation or occupational training at which care is also provided;

"house in multiple occupation" has the meaning assigned to that term by Article 75 of the Housing (Northern Ireland) Order 1992(**4**) as amended by Article 143 (1) of the Housing (Northern Ireland) Order 2003(**5**);

"industrial process" means a process for or incidental to any of the following purposes:

(a) the making of any article or part of any article (including an aircraft, ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning or adapting for sale of any article;

(c) the breaking up or demolition of any article (where this is not a process related to the use in Article 3(4)(o)); or

(d) the getting, dressing or treatment of minerals;

in the course of any trade or business other than agriculture and other than a use carried out in or adjacent to a mine or quarry;

"site" means the whole area of land within a single unit of occupation.

(2) A reference in this Order to a Class followed by a letter and a number is a reference to the Class followed by that letter and a number in the Schedule.

Use classes

3.—(1) Subject to the provisions of this Order, where a building or other land is used for a purpose of any Class specified in the Schedule, the use of that building or that other land for any other purpose of the same Class shall not be taken to involve development of the land.

(2) References in paragraph (1) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a Class specified in the Schedule is not excluded from the use to which it is incidental merely because it is specified in the Schedule as a separate use.

(4) No class specified in the Schedule includes use –

(a) as an amusement arcade or centre, or a funfair;

(b) as a betting office;

(c) for the purposes of a funeral undertaker;

(d) as a hostel where a significant element of care is provided;

(e) as a hotel;

(f) as a house in multiple occupation;

(g) for the sale of fuel for motor vehicles;

(h) for the sale or display for sale of motor vehicles;

(i) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises;

(j) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles;

(**4**) S.I. 1992/1725 (N.I. 15)
(**5**) S.I. 2003/412 (N.I. 2)

(k) as a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations including those involving motorised vehicles or firearms;

(l) for a taxi business or business for the hire of motor vehicles;

(m) for or in connection with public worship or religious instruction;

(n) for any work required to be registered under Article 20 of the Industrial Pollution Control (Northern Ireland) Order 1997(**6**) and regulation 30 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003(**7**);

(o) as a waste management facility for the recovery, treatment, recycling, storage, transfer or disposal of waste (as defined in Council Directive 75/442/EEC(**8**) on waste as amended by Council Directives 91/156/EEC and 91/692/EEC and Commission Decision 96/350/EC).

Revocations

4. The –

(a) Planning (Use Classes) Order (Northern Ireland) 1989(**9**);

(b) Planning (Use Classes) (Amendment) Order (Northern Ireland) 1993(**10**);

(c) Planning (Use Classes) (Amendment No. 2) Order (Northern Ireland) 1993(**11**); and

(d) the Planning (Use Classes) (Amendment) Order (Northern Ireland) 1996(**12**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 2nd November 2004.

Marianne Fleming
A senior officer of the
Department of the Environment

(**6**) S.I. 1997/2777 (N.I. 18)
(**7**) S.R. 2003 No. 46
(**8**) Council Directive 75/442/EEC, O.J. No. L194,25.7.75, p. 39-41. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC, O.J. No. L078, 26.3.91, p. 32-37. Council Directive 91/692/EEC, O.J. L377, 31.12.91, p. 48-54 and by Commission Decision 96/350/EC, O.J. L135, 6.06.96, p. 32-34
(**9**) S.R.1989 No. 290
(**10**) S.R.1993 No. 277
(**11**) S.R.1993 No. 462
(**12**) S.R.1996 No. 248