1989 No. 290

PLANNING

Planning (Use Classes) Order (Northern Ireland) 1989

Made	*26th July 1989*
Coming into operation . .	*1st September 1989*

The Department of the Environment, in exercise of the powers conferred by Article 11(2)(*e*) of the Planning (Northern Ireland) Order(**a**) and now vested in it(**b**) and of all other powers enabling it in that behalf, makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (Use Classes) Order (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2.—(1) In this Order—

"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(**c**);

"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;

"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class 13 also includes the personal care of children and medical care or treatment;

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

"hazardous substance" and "notifiable quantity" have the meanings assigned to those terms by regulation 2(1) of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984(**d**);

"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);

(**a**) S.I. 1972/1634 (N.I. 17)
(**b**) S.R. & O. (N.I.) 1973 No. 504 Art. 7(1); S.I. 1976/424 (N.I. 6) Art. 3(1)
(**c**) S.I. 1985/1204 (N.I. 11)
(**d**) S.R. 1984 No. 177

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

(*c*) 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 number is a reference to the Class followed by that 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 any use for a purpose which involves the manufacture, processing, keeping or use of a hazardous substance in such circumstances as will result in the presence at one time of a notifiable quantity of that substance in, on, over or under that building or land or any site of which that building or land forms part.

(5) 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 hotel;

(*e*) for the sale of fuel for motor vehicles;

(*f*) for the sale or display for sale of motor vehicles;

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

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

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

(*j*) for or in connection with public worship or religious instruction.

Revocation

4. (*a*) The Planning (Use Classes) Order (Northern Ireland) 1973(**a**);

(a) S.R. & O. (N.I.) 1973 No. 263

(*b*) Article 2 of the Planning (Use Classes and General Development Orders) (Amendment) Order (Northern Ireland) 1974(**a**); and

(*c*) The Planning (Use Classes) (Amendment) Order (Northern Ireland) 1984(**b**)

are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 26th July 1989.

(L.S.) *John Russell*
Assistant Secretary

(**a**) S.R. 1974 No. 38
(**b**) S.R. 1984 No. 433

SCHEDULE

Class 1: Shops

Use for all or any of the following purposes—

(*a*) for the retail sale of goods other than hot food,

(*b*) as a post office,

(*c*) for the sale of tickets or as a travel agency,

(*d*) for hairdressing,

(*e*) for the display of goods for retail sale,

(*f*) for the hiring out of domestic or personal goods or articles,

(*g*) for the reception of goods including clothes or fabrics to be washed, cleaned or repaired either on or off the premises

where the sale, display or service is to visiting members of the public.

Class 2: Financial, professional and other services

Use for the provision of services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public including—

(*a*) financial services, or

(*b*) professional services.

Class 3: Business

Use as an office other than a use within Class 2 (financial, professional and other services).

Class 4: Light Industrial

Use for:

(*a*) research and development of products or processes, or

(*b*) any industrial process

being a use which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class 5: General Industrial

Use for the carrying on of any industrial process other than one falling within Class 4 or Classes 6 to 10.

Class 6: Special Industrial

Use for any work required to be registered under section 9 of the Alkali, etc., Works Regulation Act 1906(**a**) and which is not included in any of the Classes 7 to 10 below.

Class 7: Special Industrial

Use for any of the following processes, except where the process is ancillary to the getting, dressing or treatment of minerals and is carried on in or adjacent to a quarry or mine—

(*a*) smelting, calcining, sintering or reducing ores, minerals, concentrates or mattes,

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(**a**) 1906 c. 14 as amended by S.R. 1987 No. 123