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.