
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 458

Planning (Use Classes) Order (Northern Ireland) 2004

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 scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles;
- (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⁽¹⁾ and regulation 30 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003⁽²⁾;

(1) S.I.1997/2777 (N.I. 18)

(2) S.R. 2003 No. 46

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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](#)(3) on waste as amended by Council Directives [91/156/EEC](#) and [91/692/EEC](#) and Commission Decision [96/350/EC](#)).

(3) 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