
EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Planning (Use Classes) Order (Northern Ireland) 1989, the Planning (Use Classes) (Amendment) Order (Northern Ireland) 1993, the Planning (Use Classes) (Amendment No.2) Order (Northern Ireland) 1993, and the Planning (Use Classes) (Amendment) Order (Northern Ireland) 1996.

It specifies classes of use of buildings or other land for the purposes of Article 11(2) of the Planning (Northern Ireland) Order 1991. Article 11(2) specifies operations or uses which are not to be taken for the purposes of that Order as involving development and which therefore do not require planning permission. Sub-paragraph (e) of that Article provides that a change of use is not to be regarded as involving development where the former use and the new use are both within the same class specified in an order made under that paragraph.

The principal changes made by this Order to the 1989 Order are –

1. Article 2.–(1) provides both new and revised definitions in addition to those already included in the 1989 Order. The new definitions include ‘after school facility’, ‘community centre’ and ‘house in multiple occupation’ and the revised definitions include ‘care’ and ‘industrial process’.

2. Article 3.–(4) extends the number of uses that do not fall within any of the classes in the Schedule to the Order, commonly known as the “sui generis uses”. In addition to those detailed in the 1989 Order this Article includes use as a hostel where a significant element of after care is provided, houses in multiple occupation and sports facilities. A revision to the types of waste facilities for which planning permission will be required is also provided.

3. The Schedule detailing the separate use classes has been organised in four parts each of which covers specific categories. Part A – Shopping and Financial & Professional Services, Part B – Industrial and Business Uses, Part C – Residential Uses and Part D – Community, Recreation and Culture. Some additions and revisions have also been made within individual classes to include call centres, to place research and development facilities in the same class as offices and to exclude dwellinghouses occupied by more than 6 residents living together as a single household where an element of care is not provided.

4. For clarity, a table is appended which provides details of the use classes included in the Schedule to the 1989 Order and the equivalent use classes included in the Schedule to this Order.

APPENDIX

| <i>Planning (Use Classes) Order (Northern Ireland) 1989</i> | <i>Planning (Use Classes) Order (Northern Ireland) 2004</i> |
|---|--|
| Class 1: Shops | Part A, Class A1: Shops |
| Class 2: Financial, professional and other services | Part A, Class A2: Financial, professional and other services |
| Class 3: Business | Part B, Class B1: Business |
| Class 4: Light Industrial | Part B, Class B2: Light Industrial |
| Class 5: General Industrial | Part B, Class B3: General Industrial |

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

| <i>Planning (Use Classes) Order (Northern Ireland) 1989</i> | <i>Planning (Use Classes) Order (Northern Ireland) 2004</i> |
|---|---|
| Classes 6, 7, 8, 9 and 10: Special Industrial These classes were subsequently revoked by amending legislation in 1993(1) and 1996(2) | None |
| Class 11: Storage or distribution | Part B, Class B4: Storage or distribution |
| Class 12: Guest houses and hostels | Part C, Class C2: Guest houses |
| Class 13: Residential institutions | Part C, Class C3: Residential institutions |
| Class 14: Dwellinghouses | Part C, Class C1: Dwellinghouses |
| Class 15: Non-residential institutions | Part D, Class D1: Community and Cultural Uses |
| Class 16: Assembly and leisure | Part D, Class D2: Assembly and leisure |

(1) S.R.1993 No. 462

(2) S.R.1996 No. 248