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 STATUTORY INSTRUMENTS
 

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1972 No. 1385

**TOWN AND COUNTRY PLANNING  
ENGLAND AND WALES**
**The Town and Country Planning (Use Classes) Order 1972**
*Made* - - - 11th September 1972

*Coming into Operation* 23rd October 1972

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 22 of the Town and Country Planning Act 1971<sup>(a)</sup> and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Town and Country Planning (Use Classes) Order 1972 and shall come into operation on 23rd October 1972.

*Interpretation*

2.—(1) The Interpretation Act 1889<sup>(b)</sup> shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the Town and Country Planning Act 1971;

“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, ticket 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 fun-fair, 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;

“office” includes a bank and 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;

“betting office” means any building in respect of which there is for the time being in force a betting office licence pursuant to the provisions of the Betting and Gaming Act 1960<sup>(c)</sup>;

“launderette” includes any building used for the purpose of washing or cleaning clothes or fabrics in coin-operated machines;

(a) 1971 c. 78.

(b) 1889 c. 63

(c) 1960 c. 60.

“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 the foregoing paragraphs, 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;

“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;

“general industrial building” means an industrial building other than a light industrial building or a special industrial building;

“special industrial building” means an industrial building used for one or more of the purposes specified in Classes V, VI, VII, VIII and IX referred to in the Schedule to this order;

“motor vehicle” means any motor vehicle for the purposes of the Road Traffic Act 1960(a).

(3) 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 to this order, 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 Act 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 to this order as Classes III to IX 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 to this order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

#### *Revocation*

4. The Town and Country Planning (Use Classes) Order 1963(b) and the Town and Country Planning (Use Classes) (Amendment) Order 1965(c) are hereby revoked.

(a) 1960 c. 16. (b) S.I. 1963/708 (1963 I, p. 857). (c) S.I. 1965/229 (1965 I, p. 583).

## SCHEDULE

Class I.—Use as a shop for any purpose except as:—

- (i) a shop for the sale of hot food;
- (ii) a tripe shop;
- (iii) a shop for the sale of pet animals or birds;
- (iv) a cats-meat shop;
- (v) a shop for the sale of motor vehicles.

Class II.—Use as an office for any purpose.

Class III.—Use as a light industrial building for any purpose.

Class IV.—Use as a general industrial building for any purpose.

Class V. (*Special Industrial Group A*)—Use for any work which is registrable under the Alkali & c Works Regulation Act 1906<sup>(a)</sup>, as extended by the Alkali & c Works Orders' 1966 and 1971<sup>(b)</sup> and which is not included in any of Classes VI, VII, VIII or IX of this Schedule.

Class VI. (*Special Industrial Group B*)—Use for any of the following processes, except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

- (i) smelting, calcining, sintering or reduction of ores, minerals, concentrates or mattes;
- (ii) converting, refining, re-heating, annealing, hardening, melting, carburising, forging or casting of metals or alloys, other than pressure die-casting;
- (iii) recovery of metal from scrap or drosses or ashes;
- (iv) galvanizing;
- (v) pickling or treatment of metal in acid;
- (vi) chromium plating.

Class VII. (*Special Industrial Group C*)—Use for any of the following processes except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

- (i) burning of bricks or pipes;
- (ii) lime or dolomite burning;
- (iii) production of zinc oxide, cement or alumina;
- (iv) foaming, crushing, screening or heating of minerals or slag;
- (v) processing by heat of pulverized fuel ash;
- (vi) production of carbonate of lime and hydrated lime;
- (vii) production of inorganic pigments by calcining, roasting or grinding.

Class VIII. (*Special Industrial Group D*)—Use for any of the following purposes:—

- (i) distilling, refining or blending of oils (other than petroleum or petroleum products);
- (ii) production or employment of cellulose and employment of other pressure sprayed metal finishes (other than the employment of any such finishes in vehicle repair workshops in connection with minor repairs, and the application of plastic powder by the use of fluidised bed and electrostatic spray techniques);
- (iii) boiling of linseed oil and the running of gum;

<sup>(a)</sup> 1906 c. 14.

<sup>(b)</sup> S I. 1966/1143, 1971/960 (1966 III, p. 2741; 1971 II, p. 2799).

- (iv) processes involving the use of hot pitch or bitumen (except the use of bitumen in the manufacture of roofing felt at temperatures not exceeding 220°C and also the manufacture of coated roadstone);
- (v) stoving of enamelled ware;
- (vi) production of aliphatic esters of the lower fatty acids, butyric acid, caramel, hexamine, iodoform, naphthols, resin products (excluding plastic moulding or extrusion operations and production of plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering, moulding, shaping or extrusion), salicylic acid or sulphonated organic compounds;
- (vii) production of rubber from scrap;
- (viii) chemical processes in which chlorphenols or chlorcresols are used as intermediates;
- (ix) manufacture of acetylene from calcium carbide;
- (x) manufacture, recovery or use of pyridine or picolines, any methyl or ethyl amine or acrylates.

Class IX. (*Special Industrial Group E*)—Use for carrying on any of the following industries, businesses or trades:—

- Animal charcoal manufacturer.
- Animal hair cleanser, adapter or treater.
- Blood albumen maker.
- Blood boiler.
- Bone boiler or steamer.
- Bone burner.
- Bone grinder.
- Breeder of maggots from putrescible animal matter.
- Candle maker.
- Catgut manufacturer.
- Chitterling or nettlings boiler.
- Dealer in rags or bones (including receiving, storing, sorting or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit-skins, fat or putrescible animal products of a like nature).
- Fat melter or fat extractor.
- Fellmonger.
- Fish curer.
- Fish oil manufacturer.
- Fish skin dresser or scraper.
- Glue maker.
- Gut scraper or gut cleaner.
- Maker of feeding stuff for animals or poultry from any meat, fish, blood, bone, feathers, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.
- Manufacture of manure from bones, fish, offal, blood, spent hops, beans or other putrescible animal or vegetable matter.
- Size maker.
- Skin drier.
- Soap boiler.
- Tallow melter or refiner.
- Tripe boiler or cleaner.

Class X.—Use as a wholesale warehouse or repository for any purpose.

Class XI.—Use as a boarding or guest house, or an hotel providing sleeping accommodation.

Class XII.—Use as a residential or boarding school or a residential college.

Class XIII.—Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class XIV.—Use as a home or institution providing for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, a nursing home, a sanatorium or a hospital.

Class XV.—Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.

Class XVI.—Use as an art gallery (other than for business purposes), a museum, a public library or reading room, a public hall, or an exhibition hall.

Class XVII.—Use as a theatre, cinema, music hall or concert hall.

Class XVIII.—Use as a dance hall, skating rink, swimming bath, Turkish or other vapour or foam bath, or as a gymnasium or sports hall.

*P. Walker,*

Secretary of State for the Environment.

11th September 1972.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order revokes and re-enacts with amendments the Town and Country Planning (Use Classes) Order 1963 (as amended by one subsequent order), which was made under enactments now consolidated in the Town and Country Planning Act 1971.

The order specifies classes for the purpose of section 22(2)(f) of the Act of 1971: by virtue of the said section 22 the use of buildings or other land for any other purpose of the same class shall not be taken to involve development within the meaning of that section.

The principal amendments made by the order to the provisions of the previous orders are the exclusion of launderettes, cafés and restaurants from the definition of shop; the recasting of Special Industrial Groups A, B and C; and the omission of the former Class XVI. Other amendments are the substitution of hot food for fried fish in Class I(i); the omission of leather dresser, parchment maker and tanner from Class IX; and minor changes of wording in what are now Classes XVI, XVII and XVIII.

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