
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 70

**The Planning (General Permitted
Development) Order (Northern Ireland) 2015**

Application, citation and commencement

1.—(1) This Order shall, subject to paragraph (2), apply to all land in Northern Ireland.

(2) Where a special development order is made as to any land this Order shall apply to that land to such an extent only and subject to such modifications as may be specified in the special order.

(3) Nothing in this Order shall apply to any permission which is deemed to be granted under section 130(6) of the 2011 Act.

(4) This Order may be cited as the Planning (General Permitted Development) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“airport” has the meaning assigned to it in Article 2(2) of the Airports (Northern Ireland) Order 1994(1);

“area of outstanding natural beauty” means an area so designated under Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(2);

“area of special scientific interest” means an area so designated under Article 28 of the Environment (Northern Ireland) Order 2002(3);

“aqueduct” does not include an underground conduit;

“betting office” means any premises in respect of which there is in force a bookmaking office licence under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985(4);

“building” does not include plant or machinery or a structure or erection of the nature of plant or machinery and for the purposes of the Schedule does not include any gate, fence, wall or other means of enclosure but includes any structure or erection and any part of a building as so defined;

“caravan” and “caravan site” have the meanings respectively assigned to them by the Caravans Act (Northern Ireland) 1963(5);

“classified road” and “trunk road” have the same meaning as in the Roads (Northern Ireland) Order 1993(6);

(1) S.I. 1994/426 (N.I.1)
(2) S.I. 1985/170 (N.I.1)
(3) S.I. 2002/3153 (N.I.7)
(4) S.I. 1985/1204 (N.I.11)
(5) 1963 c.17 (N.I.1) as amended by 2011 c.12 (N.I.)
(6) S.I. 1993/3160 (N.I.15)

“conservation area” means land which is within an area designated as a conservation area under section 104 of the 2011 Act;

“council” means a district council;

“Crown land” has the meaning assigned to it by section 212 of the 2011 Act;

“cubic content” means the cubic content of a structure or building measured externally;

“the Department” means the Department of the Environment;

“designated area” means—

- (a) a conservation area;
- (b) an area of outstanding natural beauty;
- (c) an area of special scientific interest;
- (d) a National Park;
- (e) a World Heritage Site;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“EIA development” has the meaning assigned to it by regulation 2 of the EIA Regulations;

“the EIA Regulations” means the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(7);

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001(8);

“existing” in relation to any building, plant or machinery means (except in the definition of “original”) existing immediately before the carrying out of development described in this Order;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“hazardous substance” has the meaning assigned to that term in regulation 3(1) of the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015(9);

“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 a ship or vessel, or a film, video or sound recording);
- (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 process carried out on land used as a mine or adjacent to and occupied together with a mine;

“liquefied petroleum gas” means commercial butane or commercial propane as defined in British Standard 4250: 1997;

“microgeneration” means the use for the generation of electricity or the production of heat of any plant—

(7) S.R. 2015 No.74

(8) 2001 c.9 (N.I.) as amended by 2003 c.21

(9) S.R. 2015 No.61

- (a) which in generating electricity or (as the case may be) producing heat, relies wholly or mainly on biomass, biofuels, fuel cells, photovoltaics, water (including waves and tides), wind, solar power, geothermal sources, combined heat and power systems and other sources of energy or technologies for the generation of electricity or the production of heat; and
- (b) the capacity of which—
 - (i) to generate electricity, does not exceed 50 kilowatts;
 - (ii) to produce heat, does not exceed 45 kilowatts thermal;

“microwave” means that part of the radio spectrum above 1000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“mine” means any site on which mining operations are carried out;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“National Park” means an area so designated under Article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“nature reserve” has the meaning assigned to it by Article 2(2) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“operational Crown building” means a building which is operational Crown land;

“operational Crown land” means—

- (a) Crown land which is used for operational purposes; and
- (b) Crown land which is held for those purposes, but does not include—
 - (i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held for operational purposes;
 - (ii) Crown land—
 - (aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;
 - (bb) in which there is an estate belonging to Her Majesty in right of Her private estates;

“operational land” in relation to the undertakers specified in Parts 14, 15, 25 and 29 of the Schedule means—

- (a) land which is used for the purpose of carrying on their undertakings; and
- (b) land in which an interest is held for that purpose;

not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on those undertakings:

Provided that where an interest in land is held by such undertakers for the purpose of carrying on their undertaking and—

- (a) the interest was acquired by them on or after 1st October 1973; or
- (b) it was held by them immediately before that date but the circumstances at that date were such that the land did not fall to be treated as operational land had this Order applied to it,

that land shall not be treated as operational land unless there is in force with respect to the land a planning permission granted on an application made in that behalf under Part 3 of the 2011 Act for its development and that development, if carried out, would involve the use of the land for the purpose of the carrying on of the undertaking;

“operational purposes” means the purposes of carrying out the functions of the Crown;

“original” means—

- (a) in relation to a building, other than a building which is Crown land, existing on 1st October 1973, as existing on that date; and in relation to a building built on or after 1st October 1973, as so built;
- (b) in relation to a building which is Crown land on 10th June 2006, as existing on that date; and, in relation to a building built on or after 10th June 2006 which is Crown land on the date of its completion, as so built;

“pipe line” means a pipe (together with associated apparatus and works) or system of pipes (together with associated apparatus and works), for the conveyance of anything other than air, water, water vapour or steam, not being—

- (a) a drain or sewer;
- (b) a pipe or system of pipes constituting or comprised in apparatus for heating or cooling or for domestic purposes;
- (c) a pipe or system of pipes on the site of any operations or works to which certain provisions of the Factories Act (Northern Ireland) 1965⁽¹⁰⁾ apply by virtue of section 125(1) (building operations and works of engineering construction) of that Act;
- (d) a pipe or system of pipes wholly situated within the boundaries of an agricultural unit and designed for use for the purposes of agriculture;
- (e) a pipe or system of pipes wholly situated in premises used for the purposes of education or research; or
- (f) a pneumatic despatch tube.

For the purposes of this definition the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely—

- (a) apparatus for including or facilitating the flow of anything through the pipe or, as the case may be, through the system or any part of it;
- (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;
- (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in (a) or of any such works as are mentioned in (b);
- (d) apparatus for the transmission of information for the operation of the pipe or system;
- (e) apparatus for affording cathodic protection to the pipe or system;
- (f) a structure for exclusive support of a part of the line or system;

“plant or machinery” includes any structure or erection in the nature of plant or machinery;

“private way” means a way or footpath which is not a public road or any part of that road;

“public service vehicle” means a vehicle, excluding a taxi, which has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1981⁽¹¹⁾;

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them and includes any mountings or brackets attached to such apparatus;

“sensitive area” has the meaning assigned to it in regulation 2 of the EIA Regulations;

⁽¹⁰⁾ 1965 c.20 (N.I.) as amended by S.R. & O. (N.I.) 1973 No.211; S.I. 1978/1039 (N.I.9) Articles 51, 56(2), Schedules 5 and 7; S.R. 1979 No.246, S.I. 1990/246 (N.I.2) Article 19(1) and Schedule 4; S.I. 1991/194 (N.I.1) Article 32; S.R. 1991 No.105; S.R. 1996 No.512; 2009 c.1 (N.I.) sections 32 and 34(3) and Schedule 6 paragraph 13(11) and S.R. 2009 No.114

⁽¹¹⁾ S.I. 1981/154 (N.I.1)

“site of archaeological interest” means land which has been scheduled for protection or taken into care under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(12) or which is within a site registered in the Department’s Sites and Monuments Record;

“special road” means a road designated as a special road under Article 15 of the Roads (Northern Ireland) Order 1993(13);

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two or more fixed points;

“unadopted street” means a street other than a public road;

“the Use Classes Order” means the Planning (Use Classes) Order (Northern Ireland) 2015(14);

“World Heritage Site” means a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(15).

(2) Any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

(a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;

(b) references to notices, forms, maps, plans, drawings, certificates or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any notice or other document to any other person (“the recipient”).

(5) The requirement shall not be taken to be fulfilled, or (as the case may be) the notice or other document shall not be taken to have been lodged, unless the document transmitted by the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(6) In paragraph (5), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(7) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(12) S.I. 1995 No.1625 (N.I.9)

(13) S.I. 1993/3160 (N.I.15)

(14) S.R. 2015 No.40

(15) See Command Paper 9424

(8) A requirement in this Order that any notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6), and “written” and cognate expressions are to be construed accordingly.

Permitted Development

3.—(1) Subject to the provisions of this Order and regulations 55 and 56 of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995⁽¹⁶⁾, planning permission is hereby granted for the classes of development described as permitted development in the Schedule.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in the Schedule.

(3) References in the following provisions of this Order to permission granted by the Schedule or by any Part, Class or paragraph of that Schedule is a reference to the permission granted by this Article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the 2011 Act otherwise than by this Order.

(5) The permission granted by the Schedule shall not, except in relation to development permitted by Parts 10, 12 and 23, authorise any development which requires or involves the construction, formation, laying out or alteration of a means of access to an existing road which is a special, trunk or classified road or which creates an obstruction to the view of persons using any road at or near any crest, bend, corner, junction or inter-section so as to be likely to cause danger to such persons.

(6) Any development falling within Part 12 of the Schedule authorised by any Act or Order subject to the grant of any consent or approval shall not be treated for the purpose of this Order as authorised unless and until that consent or approval is obtained.

(7) The Schedule does not grant permission for the laying or construction of a pipe line which contains, or is intended to contain a hazardous substance, except in the case of laying or construction of a pipe line by a gas undertaker in accordance with Part 14 Class D which contains or is intended to contain no hazardous substance other than—

- (a) a flammable gas (as specified in items 20 and 66 of Part A of Schedule 2 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015) at a pressure of less than 8 bars absolute; or
- (b) a liquid or mixture of liquids, not included in items 18, 19 and 67 of Part A of Schedule 2 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015, which has a flash point of less than 21°C.

(8) Subject to paragraph (9) the Schedule does not grant planning permission for—

- (a) development within the meaning of Schedule 1 to the EIA Regulations; or
- (b) development of a description mentioned in column 1 of the table in Schedule 2 to the EIA Regulations; where—
 - (i) any part of the development is to be carried out in a sensitive area; or
 - (ii) any threshold or criterion mentioned in column 2 of the table in Schedule 2 to the EIA Regulations as applicable to development of that description is respectively exceeded or met in relation to that development,

unless the council or, as the case may be, the Department has given a determination pursuant to regulation 5 of the EIA Regulations that the proposed development is not EIA development.

(9) Paragraph (8) does not apply to development for which permission is granted by Class B of Part 23, Class A of Part 24 or Class A of Part 25.

(10) The permission granted by the Schedule shall not apply if—

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
- (b) in the case of permission granted in connection with an existing use, that use is unlawful.

Directions restricting permitted development

4.—(1) If in relation to any area the Department or, in relation to the district of a council, that council is satisfied that it is expedient that development described in any Part, Class or paragraph in the Schedule, other than development within Part 16 should not be carried out unless permission is granted for it on an application, the Department or that council may, subject to paragraph (2) give a direction that the permission granted by Article 3 shall not apply to—

- (a) all or any development of the Part, Class or paragraph in question in any particular area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) Subject to paragraph (4), a direction by a council under this Article shall require the approval of the Department who may approve the direction with or without modifications.

(3) When a council submits a direction to the Department for approval, it shall also send—

- (a) two additional copies together with a plan of the area in respect of which the direction applies, unless the direction includes such a plan; and
- (b) a statement of its reasons for making the direction.

(4) The approval of the Department is not required in the case of a direction which does not affect the carrying out of such development by a statutory undertaker as is referred to in paragraph 6 and which relates only to either or both of the following—

- (a) a listed building;
- (b) development within the curtilage of a listed building.

(5) A direction under paragraph (1) shall not affect the carrying out of—

- (a) development permitted by Part 12;
- (b) development permitted by Class B of Part 23;
- (c) development permitted by Part 31 and Part 32;
- (d) any development in an emergency other than development permitted by Part 31; or
- (e) any development mentioned in Part 18, unless the direction specifically so provides.

(6) A direction given or having effect as if given under this Article shall not, unless the direction so provides, affect the carrying out by statutory or other undertakers of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays and wharves;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking,

- disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
 - (f) the maintenance of buildings, runways, taxiways or aprons at an airport;
 - (g) the provision, alteration and maintenance of equipment, apparatus and works at an airport, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class A of Part 15).

Notices relating to Article 4 directions

5.—(1) Subject to the provisions of paragraph (3) notice of any direction made or approved by the Department under Article 4 shall be served by the council on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which the notice is served on the occupier of that part or if there is no occupier, on the owner.

(2) Where the Department thinks fit it may serve notice in accordance with paragraph (1) of any direction given under Article 4(1)(b) in which case the council shall not be required to serve notice.

(3) Where in the case of a direction under Article 4(1)(a) the council is of the opinion that having regard to the number of persons interested in the land as owners or occupiers, or the difficulty of identifying and locating such persons, individual service in accordance with the provisions of paragraph (1) is impracticable, it shall publish notice of such direction in at least one newspaper circulating in the locality in which the land is situated and, where the council maintains a website for the purpose of advertisement, by publication of the notice on the website.

(4) Where the Department thinks fit it may publish notice in accordance with paragraph (3) of any direction given under Article 4(1)(a) in which case the council shall not be required to publish such notice.

(5) A notice published pursuant to paragraph (3) shall contain a concise statement of the effect of the direction and name a place where a copy of that statement and of a map defining the area to which it relates may be seen at all reasonable hours.

(6) Where a notice of a direction has been published in accordance with paragraph (3), the direction shall come into force on the date on which the notice is first published.

Cancellation of Article 4 directions

6.—(1) Any direction made by the Department under Article 4 may be cancelled by a subsequent direction made by the Department.

(2) Any direction made by a council in accordance with Article 4 may be cancelled by a subsequent direction made by that council or by a direction made by the Department. A direction given by a council which contains only provisions cancelling a previous direction shall not require the approval of the Department.

(3) Article 5 shall apply to the making of any cancelling direction in the same way as it would apply to the making of the direction being revoked.

Directions restricting permitted development under Part 16

7.—(1) If, on receipt of a notification from any person that they propose to carry out development within Part 16 of the Schedule, a council is satisfied as mentioned in paragraph (2), it may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted

by Article 3 shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The council may make a direction under this Article if it is satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

- (a) the development is to be carried out on land which is within or affects—
 - (i) a conservation area;
 - (ii) a National Park;
 - (iii) a nature reserve;
 - (iv) an area of outstanding natural beauty;
 - (v) an area of special scientific interest; or
 - (vi) a site of archaeological interest;
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Part 16, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a listed building;
- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby airport.

(3) As soon as reasonably practicable a copy of a direction under this Article shall be sent by the council to the Department and to the person who gave notice of the proposal to carry out development.

(4) A direction made under this Article shall contain a statement as to the date on which, if it is not disallowed under paragraph (5), it will come into force, which shall be 29 days from the date on which notice of it is sent to the Department in accordance with paragraph (3).

(5) The Department may, at any time within a period of 28 days beginning on the day on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Department that they have disallowed the direction, the council shall give notice in writing to the person who gave notice of the proposal that the person is authorised to proceed with the development.

(6) Any direction made by a council in accordance with this Article may be cancelled by a subsequent direction made by the council and the foregoing Article shall apply to the making of such cancelling direction in the same way as it would apply to the making of the direction being revoked.

Transitional provisions

8.—(1) In this Article “appropriate council” means the council for the district in which any land is situated.

(2) Anything done by, to or in relation to the Department in connection with its functions under Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(17) shall be treated as if it had been done by, to or in relation to the appropriate council under the Schedule to this Order.

Sealed with the Official Seal of the Department of the Environment on 25th February 2015.



Angus Kerr
A senior officer of the Department of the
Environment