

1981 No. 385

TOWN AND COUNTRY PLANNING

Planning (General Development) (Amendment No. 2) Order
(Northern Ireland) 1981

Made 4th December 1981

Coming into operation 1st January 1982

The Department of the Environment in exercise of the powers conferred by Article 13 of the Planning (Northern Ireland) Order 1972(a) and now vested in it(b) 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 (General Development) (Amendment No. 2) Order (Northern Ireland) 1981 and shall come into operation on 1st January 1982.

Amendment

2. In the Planning (General Development) Order (Northern Ireland) 1973(c)—
(a) after Article 3(3) insert—

“(4) The permission granted by this Article and Part I of Schedule 1 shall not, except in relation to development permitted by Classes 5 and 9 in the said Part I, 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 creates an obstruction to the view of persons using any road at or near any crest, bend, corner, junction or intersection so as to be likely to cause danger to such persons.”

(b) In Part I of Schedule 1—

(i) after Class 1 (3) insert—

“(4) The construction within the curtilage of a dwellinghouse of a hardstanding for vehicles for a purpose incidental to the enjoyment of the dwellinghouse as such.”;

(ii) for Class 2(2) substitute—

“(2) The construction, formation, laying out, or alteration of a means of access to a road not being a special, trunk or classified road, where required in connection with development permitted by Article 3 and Part 1 of this Schedule.”;

(iii) after Class 5(1)(d) insert—

“(e) the construction, formation, laying out, or alteration of a means of access to a road is not required in connection with development for which a planning application is necessary under Part IV of the Planning (Northern Ireland) Order 1972 having regard to this Order.”;

(a) S.I. 1972/1634 (N.I. 17)

(b) S.R. & O. (N.I.) 1973 No. 504; S.I. 1976/424 (N.I. 6)

(c) S.R. & O. (N.I.) 1973 No. 326

- (iv) in Class 9 after the words "structure of erection" insert "or the construction, formation, laying out or alteration of a means of access to any road"; and
- (v) after Class 15 insert—
- "Class 16 – Development required under the Roads (Northern Ireland) Order 1980(a).*

Development required by a notice served under the following provisions of the Roads (Northern Ireland) Order 1980:—

- (a) Article 30 and Schedule 2; and
- (b) Article 44(1)."

Sealed with the Official Seal of the Department of the Environment for Northern Ireland this 4th day of December 1981.

(L.S.)

W. P. McIlmoyle

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the provisions of the Planning (General Development) Order (Northern Ireland) 1973 which prescribe the range of minor operations and uses, known as permitted development, which may be carried out without applying for planning permission.

The following changes are made in the scope of permitted development in Article 3 and Schedule 1 to the Order to compensate for the repeal of the controls over roads accesses and roadside development in section 18 of the Roads Act (Northern Ireland) 1948:—

- (a) Article 3 is amended so that a planning application is necessary for any development which requires or involves the construction or alteration of a means of access to a motorway or a trunk or classified road or creates an obstruction likely to cause danger to a road user; it will not, however, be necessary to obtain planning permission for an access to an unclassified road required in connection with permitted development;
- (b) the amendment to Article 3 makes an exception for accesses for agricultural purposes to trunk or classified roads from agricultural land; they will continue to be exempt from planning control but will require the consent of the Department of the Environment under Articles 42(1)(c) and 42(7) of the Roads (Northern Ireland) Order 1980;
- (c) Class 1(4) is a new provision which extends permitted development to include the construction of a hardstanding for vehicles within the curtilage of a dwellinghouse;
- (d) Class 5 (Agricultural buildings, work and uses) is amended with effect that where an access from agricultural land is provided or altered to serve development which requires planning permission, the access must be included in the planning application (consent under Article 42(1)(c) of the Roads (Northern Ireland) Order 1980 is not required); and
- (e) Class 9 (Development under local or private Acts or orders) is amended to require the prior approval of the Department of the Environment to the detailed plans for the construction or alteration of any road access authorised by local or private Acts or Orders.

Class 16 is a new provision which exempts from planning control any works carried out in compliance with certain notices served under the Roads (Northern Ireland) Order 1980.