

**2004 No. 459**

**PLANNING**

**Planning (General Development) (Amendment) Order  
(Northern Ireland) 2004**

*Made* - - - - - *3rd November 2004*

*Coming into operation* *29th November 2004*

The Department of the Environment, in exercise of the powers conferred on it by Article 13 of the Planning (Northern Ireland) Order 1991(a) and of all other powers 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) Order (Northern Ireland) 2004 and shall come into operation on 29th November 2004.

**Amendment of the Planning (General Development) Order (Northern Ireland) 1993**

**2.—(1)** The Planning (General Development) Order (Northern Ireland) 1993(b) shall be amended as provided by paragraphs (2) and (3).

(2) In Article 2(1) for the definition of the “Use Classes Order” there is substituted –  
“ “the Use Classes Order” means the Planning (Use Classes) Order (Northern Ireland) 2004(c).”.

(3) For Part 3 of Schedule 1 there is substituted Part 3 as set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment on 3rd November 2004.

(L.S.)

*Marianne Fleming*

A senior officer of the Department of the Environment

---

(a) S.I. 1991/1220 (N.I. 11) to which there are amendments not relevant to this Order  
(b) S.R. 1993 No. 278; relevant amending Order is S.R. 1996 No. 232  
(c) S.R. 2004 No. 458

## SCHEDULE

Article 2

### SUBSTITUTION FOR PART 3 OF SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

#### “PART 3

#### CHANGES OF USE

Class A Permitted development	A.	Development consisting of a change of use of a building to a use falling within Class A1 (Shops) or Class A2 (Financial, professional and other services) of the Schedule to the Use Classes Order from a use as a betting office or from a use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.
Class B Permitted development	B.	Development consisting of a change of use of a building – (a) to a use falling within Class B2 (Light Industrial) of the Schedule to the Use Classes Order from a use falling within Class B3 (General Industrial); (b) to a use falling within Class B2 (Light Industrial) of that Schedule from a use falling within Class B4 (Storage or distribution); (c) to a use falling within Class B4 (Storage or distribution) of that Schedule from a use falling within Class B2 (Light Industrial) or Class B3 (General Industrial).
<i>Development not permitted</i>	B.1	Development is not permitted by Class B where the change is to or from a use falling within Class B4 of the Schedule to the Use Classes Order if the change of use relates to more than 235 square metres of floorspace in the building.
Class C Permitted development	C.	Development consisting of a change of use of any building with a display window at ground floor level to a use falling within Class A1 (Shops) of the Schedule to the Use Classes Order from a use falling within Class A2 (Financial, professional and other services).
Class D Permitted development	D.	Development consisting of a change of use of a building to a use falling within Class C1 (Dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class C2 (Guest houses) or Class C3 (Residential institutions).
Class E Permitted development	E.	Development consisting of a change of the use of a building – (a) to a mixed use for any purpose within Class A1 (Shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A1 of that Schedule; (b) to a mixed use for any purpose within Class A2 (Financial, professional and other services) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 of that Schedule; (c) where that building has a display window at ground floor level, to a mixed use for any purpose within Class A1 (Shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 (Financial, professional and other services) of that Schedule.
<i>Conditions</i>	E.1	Development is permitted by Class E subject to the following conditions – (a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the part of the building used as a single flat; (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as the single flat; (c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence) –

- (i) by a single person or by people living together as a family, or
- (ii) by not more than six residents living together as a single household (where care is provided for residents).

<i>Interpretation of Class E</i>	E.2	For the purposes of Class E the expression “care” means “personal care” as defined in the Registered Homes (Northern Ireland) Order 1992 <sup>(a)</sup> .
Class F Permitted development	F.	Development consisting of a change of the use of a building – <ul style="list-style-type: none"> <li>(a) to a use for any purpose within Class A1 (Shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A1 of that Schedule and as a single flat;</li> <li>(b) to a use for any purpose within Class A2 (Financial, professional and other services) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 of that Schedule and as a single flat;</li> <li>(c) where that building has a display window at ground floor level, to a use for any purpose within Class A1 (Shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 (Financial, professional and other services) of that Schedule and as a single flat.</li> </ul>
<i>Development not permitted</i>	F.1	Development is not permitted by Class F unless the part of the building used as a single flat was immediately prior to being so used, used for any purpose within Class A1 or Class A2 of the Schedule to the Use Classes Order.”.

---

<sup>(a)</sup> S.I. 1992/3204 (N.I. 20)

## EXPLANATORY NOTE

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

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 (the “General Development Order”) to take account of the Planning (Use Classes) Order (Northern Ireland) 2004 (the “2004 Order”).

Article 2 of the General Development Order provides a definition of the Use Classes Order and describes the Planning (Use Classes) Order (Northern Ireland) 1989 (the “1989 Order”). This Order substitutes a new definition of the Use Classes Order to take account of the replacement of the 1989 Order by the 2004 Order.

Part 3 of Schedule 1 to the General Development Order describes development, for which planning permission is granted, for certain changes of use by reference to classes of use specified in the 1989 Order. This amendment substitutes a new Part 3 taking account of the new classes of use set out in the 2004 Order (Article 3).

© Crown Copyright 2004

Published and printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly

Dd. 1755. C3. 11/04. Gp. 130. 14567.

£3.00

ISBN 0-337-95725-8



9 780337 957253