

2005 No. 427

PLANNING

Planning (General Development) (Amendment) Order (Northern Ireland) 2005

Made - - - - - *19th September 2005*

Coming into operation - *24th October 2005*

The Department of the Environment, in exercise of the powers conferred 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) 2005 and shall come into operation on 24th October 2005.

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

2. For Part 6 Class A of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993(b) there is substituted Part 6 Classes A and A2 as set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment on 19th September 2005.



Marianne Fleming
A senior officer of the Department of the Environment

PART 6

Agricultural Buildings and Operations

**Class A
Permitted
Development**

- A. Prior to 1st January 2008, the carrying out on agricultural land comprised in an agricultural unit of—**
- (a) works for the erection, extension or alteration of a building; or**
 - (b) any excavation or engineering operations;**
- reasonably necessary for the purposes of agriculture within that unit.**

Development not permitted

- A.1** Development is not permitted by Class A if—
- (a) the development is on agricultural land less than 0.5 hectares in area;
 - (b) it consists of or includes the erection, extension or alteration of a dwelling;
 - (c) a building, structure or works not designed for the purposes of agriculture is provided on the land;
 - (d) the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings;
 - (e) the nearest part of any building or structure so erected or extended is less than 75 metres from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the said unit);
 - (f) the ground area to be covered by—
 - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or any building as extended or altered, other than a building to which paragraph A.1(g) applies by virtue of Class A;

exceeds 300 square metres, calculated as described in paragraph A.3;
 - (g) the ground area to be covered by a building, or excavation used or to be used for the storage of slurry or manure or, by a building for both the accommodation of livestock

and storage of slurry and manure, exceeds 600 square metres, calculated as described in paragraph A.3;

- (h) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;
- (i) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

**Class A2
Permitted
Development**

A2.

After 31st December 2007, the carrying out on agricultural land comprised in an agricultural unit of—

- (a) works for the erection, extension or alteration of a building; or**
- (b) any excavation or engineering operations;**

reasonably necessary for the purposes of agriculture within that unit.

Development not permitted

A2.1

Development is not permitted by Class A2 if—

- (a) the development is on agricultural land less than 0.5 hectares in area;
- (b) it consists of or includes the erection, extension or alteration of a dwelling;
- (c) a building, structure or works not designed for the purposes of agriculture is provided on the land;
- (d) the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings;
- (e) the nearest part of any building or structure so erected or extended is less than 75 metres from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on the said unit);
- (f) the ground area to be covered by—
 - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or any building as extended or altered;
exceeds 300 square metres, calculated as described in paragraph A.3;
- (g) the height of any part of the building, structure or works within 3 kilometres of

Interpretation of
Classes A and A2

A.3

the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;

- (h) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

For the purposes of Classes A and A2—

(1) (a) the area of 0.5 hectares shall be calculated without taking into account any separate parcels of land;

- (b) the ground area referred to in paragraphs A.1(f) and A.1(g) is the total of: –
 - (i) the ground area which the proposed development covers; and
 - (ii) the ground area of any building (other than a dwelling house) or any works, structure, plant or machinery within the same unit which is being provided or has been provided within the preceding two years (being a period following the operative date of this Order) and any part of which is within 75 metres of the proposed development;

- (c) the ground area referred to in paragraph A2.1(f) is the ground area which the proposed development covers together with the ground area of any building (other than a dwellinghouse), or any works, structure, plant or machinery within the same unit which is being provided or has been provided within the preceding two years, (being a period commencing after 31 December 2007) and any part of which is within 75 metres of the proposed development.

(2) (a) “agricultural land” has the meaning assigned to it by the Agriculture Act (Northern Ireland) 1949(a);

- (b) “agricultural unit” means land which is occupied as a unit for the purposes of agriculture other than fish farming but includes any dwellinghouse or other building occupied by the same person for the purpose of farming the land by the person who occupies the same unit;
- (c) “building” does not include anything resulting from engineering operations.

(3) The carrying out of works for the erection, alteration or extension of a building, or any

(a) 1949 c.2 (N.I.)

excavation in Class A used or to be used for the storage of slurry or manure or for both the accommodation of livestock and storage of slurry or manure includes works begun prior to 1 January 2008 and completed after 31 December 2007.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes a new Part 6 Class A and Part 6 Class A2 for Part 6 Class A of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993. These classes describe development for which planning permission is granted for agricultural buildings and operations, subject to conditions.

The new Part 6 Class A, which applies to development prior to 1 January 2008 increases the maximum size of:

- (i) a building or excavation used or to be used for the storage of slurry or manure; or
- (ii) a building or structure used for both the accommodation of livestock and storage of slurry and manure,

from 300 square metres to 600 square metres.

The new Part 6 Class A2, which applies to development after 31st December 2007 reduces the maximum size permitted by the new Part 6 Class A from 600 square metres to 300 square metres.