

2012 No. 329

PLANNING

**The Planning (General Development) (Amendment) Order
(Northern Ireland) 2012**

Made - - - - - *28th August 2012*

Coming into operation - *19th September 2012*

The Department of the Environment, in exercise of the powers conferred by Articles 13, 20(1) and 20(3) of the Planning (Northern Ireland) Order 1991(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Planning (General Development) (Amendment) Order (Northern Ireland) 2012 and comes into operation on 19th September 2012.

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

2.—(1) The Planning (General Development) Order (Northern Ireland) 1993(b) is amended in accordance with paragraphs (2) and (3).

(2) In Article 7(1)(c) (applications for planning permission) and Article 9(c) (application for approval of reserved matters) for “6” substitute “3”.

(3) In Schedule 1 (development permitted under Article 3)—

- (a) for Part 8 (industrial and warehouse development) substitute Part 8 as set out in Schedule 1 to this Order; and
- (b) after Part 32 (development for national security purposes) add Parts 33 to 36 as set out in Schedule 2 to this Order.

Sealed with the Official Seal of the Department of the Environment on 28th August 2012.



Angus Kerr

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

SUBSTITUTION OF PART 8 OF SCHEDULE 1 TO THE PLANNING
(GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND)
1993

“PART 8

INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development

Development not
permitted

- A. The erection, extension or alteration of an industrial building or a warehouse.**
- A.1 Development is not permitted by Class A if—
- (a) the height of any part of the new building erected would exceed—
 - (i) if within ten metres of a boundary of the curtilage of the premises, five metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
 - (b) the height of the building as extended or altered would exceed—
 - (i) if within ten metres of a boundary of the curtilage of the premises, five metres;
 - (ii) in all other cases, the height of the building being extended or altered;
 - (c) the gross floor space of the original building would be exceeded by more than—
 - (i) 10% in respect of development in an area of outstanding natural beauty, a National Park, a World Heritage Site or a conservation area or 25% in any other case; or
 - (ii) 500 square metres in respect of development in an area of outstanding natural beauty, a National Park, a World Heritage Site or a conservation area or 1000 square metres in any other case;

whichever is the lesser;
 - (d) the gross floor space of any new building erected would exceed 100 square metres;
 - (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
 - (f) any part of the development would be within 10 metres of any boundary of the curtilage of the premises which adjoins the curtilage of any dwellinghouse or flat;
 - (g) any part of the development would face onto a

- (a) where an industrial building or warehouse is situated in an industrial estate the “boundary of the curtilage of the premises” relates to the boundary of the curtilage of the premises of the undertaking concerned and not the boundary of the curtilage of the industrial estate as a whole;
- (b) “original building” does not include any building erected at any time under Class A;
- (c) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (d) “employee facilities” means social care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees;
- (e) “raised platform” means a platform with a height greater than 0.3 metres above ground level.

Class B

Permitted development

- B. Development carried out on industrial land for the purposes of an industrial process consisting of—**
- (a) **the installation of additional or replacement plant or machinery or structures or erections of the nature of plant or machinery;**
 - (b) **the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or**
 - (c) **the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.**

Development not permitted

- B.1** Development is not permitted in Class B if—
- (a) it materially affects the external appearance of the premises of the undertaking concerned; or
 - (b) any plant or machinery exceeds a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class B

- B.2** In Class B “industrial land” means land used for the carrying out of an industrial process, including land used for the purpose of an industrial undertaking as a dock, harbour or quay, but does not include land in or adjacent to and occupied together with a mine.

Class C

Permitted development

- C. Development consisting of—**
- (a) **the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or**
 - (b) **the replacement in whole or in part of such a surface.**

Development not permitted

- C.1** Development is not permitted in Class C if—
- (a) it would involve the removal of trees; or
 - (b) the development would be within the curtilage of

Conditions	<p style="margin-left: 40px;">a listed building unless listed building consent has previously been granted.</p> <p>C.2 Development is permitted in Class C subject to the following conditions—</p> <p>(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;</p> <p>(b) in all other cases, either—</p> <p style="margin-left: 40px;">(i) the hard surface shall be made of porous materials; or</p> <p style="margin-left: 40px;">(ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.</p>
Interpretation of Part 8	<p>D. In Classes A and C of this Part—</p> <p>“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purpose of an industrial undertaking but does not include a building on land in or adjacent to and occupied together with a mine;</p> <p>“warehouse” means a building used for any purpose within Class B4 (Storage or Distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.”</p>

SCHEDULE 2

Article 2(3)(b)

ADDITION OF PARTS 33 TO 36 TO SCHEDULE 1 TO THE PLANNING (GENERAL DEVELOPMENT) ORDER (NORTHERN IRELAND) 1993

“PART 33

DEMOLITION OF BUILDINGS

Class A	
Permitted development	<p>A. Any building operation consisting of the demolition of a building.</p>
Development not permitted	<p>A.1 Development is not permitted by Class A if the building is in an area of townscape character or an area of village character except any such building—</p> <p>(a) the demolition of which is required or permitted to be carried out under any statutory provision;</p> <p>(b) the demolition of which is required to be carried out by virtue of an obligation arising under an agreement made under Article 40 of the 1991 Order; or</p> <p>(c) included in a vesting order under Article 48 or 87</p>

Interpretation of Class A	A.2	<p>of the Housing (Northern Ireland) Order 1981.</p> <p>For the purposes of Class A—</p> <p>“area of townscape character” means—</p> <p>(a) an area designated as such in a development plan prepared under Part III of the 1991 Order or in a draft of such a plan; or</p> <p>(b) any other area described as such in a direction under Article 11(2)(f) of that Order;</p> <p>“area of village character” means an area designated as such in a development plan prepared under Part III of the 1991 Order or a draft of such a plan.</p>
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PART 34

SHOPS, FINANCIAL AND PROFESSIONAL SERVICES ESTABLISHMENTS

Class A	A.	The extension or alteration of a shop or financial or professional services establishment.
Permitted development	A.1	Development is not permitted by Class A if—
Development not permitted		<p>(a) the gross floor space of the original building would be exceeded by more than—</p> <p style="padding-left: 40px;">(i) 25%; or</p> <p style="padding-left: 40px;">(ii) 50 square metres;</p> <p>whichever is the lesser;</p> <p>(b) the height of the building as extended would exceed five metres;</p> <p>(c) any part of the development, other than an alteration, would be within two metres of any boundary of the curtilage of the premises;</p> <p>(d) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;</p> <p>(e) the development would lead to a reduction in the space available for the parking or turning of vehicles;</p> <p>(f) the development would be within the curtilage of a listed building unless listed building consent has previously been granted;</p> <p>(g) any extension or alteration would be in a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest;</p> <p>(h) any part of the development would extend beyond an existing shop front; or</p> <p>(i) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front.</p>
Conditions	A.2	Development is permitted by Class A subject to the

		following conditions—
		(a) any alteration shall be at ground floor level only;
		(b) any extension shall be constructed using materials which have a similar external appearance to those used for the building being extended; and
		(c) any extension or alteration shall only be used as part of, or for a purpose incidental to the use of the shop or financial or professional services establishment.
Interpretation of Class A	A.3	For the purposes of Class A—
		(a) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement;
		(b) “raised platform” means a platform with a height greater than 0.3 metres above ground level;
		(c) “shop or financial or professional services establishment” means a building, or part of a building, used for any purposes within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended.
Class B		
Permitted development	B.	The erection or construction of a trolley store within the curtilage of a shop.
Development not permitted	B.1	Development is not permitted by Class B if—
		(a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
		(b) any part of the development would be within 20 metres of any curtilage of any dwellinghouse or flat;
		(c) the height of the building or enclosure would exceed 2.5 metres;
		(d) the development would be within the curtilage of a listed building unless listed building consent has previously been granted;
		(e) the development would be in a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest; or
		(f) the development would be between a shop front and a road where the distance between the shop front and the boundary of the curtilage of the premises is less than five metres.
Conditions	B.2	Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.
Interpretation of Class B	B.3	For the purposes of Class B—
		“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

Class C Permitted development	C. Development consisting of—
	(a) the provision of a hard surface within the curtilage of a shop, financial or professional services establishment; or
	(b) the replacement in whole or in part of such a surface.
Development not permitted	C.1 Development is not permitted in Class C if—
	(a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 19th September 2012) would exceed 50 square metres; or
	(b) the development would be within the curtilage of a listed building unless listed building consent has previously been granted.
Conditions	C.2 Development is permitted in Class C subject to the following conditions—
	(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;
	(b) in all other cases, either—
	(i) the hard surface shall be made of porous materials; or
	(ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.
Interpretation of Class C	C.3 For the purposes of Class C “shop or financial or professional services establishment” means a building, or part of a building, used for any purposes within Classes A1 or A2 of the Schedule to the Use Classes Order.

PART 35

OFFICE BUILDINGS

Class A Permitted development	A. The extension or alteration of an office building.
Development not permitted	A.1 Development is not permitted by Class A if—
	(a) the gross floor space of the original building would be exceeded by more than—
	(i) 25%; or
	(ii) 50 square metres;
	whichever is the lesser;
	(b) the height of the building as extended or altered

		would exceed—
		(i) if within ten metres of a boundary of the curtilage of the premises, five metres;
		(ii) in all other cases, the height of the building being extended or altered;
		(c) any part of the development, other than an alteration, would be within five metres of any boundary of the curtilage of the premises;
		(d) any part of the development would face onto a road;
		(e) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;
		(f) the development would lead to a reduction in the space available for the parking or turning of vehicles;
		(g) the development would be within the curtilage of a listed building unless listed building consent has previously been granted; or
		(h) any extension or alteration would be in a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest.
Conditions	A.2	Development is permitted by Class A subject to the following conditions—
		(a) any alteration shall be at ground floor level only;
		(b) any extension shall be constructed using materials which have a similar external appearance to those used for the building being extended; and
		(c) any office building as extended or altered shall only be used as part of, or for a purpose incidental to the use of that office building.
Interpretation of Class A	A.3	For the purposes of Class A—
		(a) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement;
		(b) “office building” means a building used for any purpose within Class B1 of the Schedule to the Use Classes Order;
		(c) “raised platform” means a platform with a height greater than 0.3 metres above ground level.
Class B Permitted development	B.	Development consisting of—
		(a) the provision of a hard surface within the curtilage of an office building to be used for the purposes of the office concerned; or
		(b) the replacement in whole or in part of such a surface.
Development not permitted	B.1	Development is not permitted by Class B if—

Conditions	B.2	<p>Development is permitted by Class B subject to the following conditions—</p> <ul style="list-style-type: none"> (a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 19th September 2012) would exceed 50 square metres; (b) the development would be within the curtilage of a listed building unless listed building consent has previously been granted. <p>(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;</p> <p>(b) in all other cases, either—</p> <ul style="list-style-type: none"> (i) the hard surface shall be made of porous materials; or (ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.
Interpretation of Class B	B.3	<p>For the purposes of Class B “office building” means a building used for any purpose within Class B1 of the Schedule to the Use Classes Order.</p>

PART 36

SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Class A	A.	The erection, extension or alteration of a school, college, university or hospital building.
Permitted development	A.1	Development is not permitted by Class A if—
Development not permitted		<ul style="list-style-type: none"> (a) the cumulative gross floor space of any buildings erected, extended or altered would exceed— <ul style="list-style-type: none"> (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or (ii) 100 square metres; <p>whichever is the lesser;</p> <ul style="list-style-type: none"> (b) any part of the development would be within 5 metres of any boundary of the curtilage of the premises; (c) any part of the development would be within 10 metres of any boundary of the curtilage of the premises which adjoins the curtilage of any dwellinghouse or flat; (d) as a result of the development any land used as a playing field at any time in the five years before the development commenced and remaining in use could no longer be so used; (e) the height of any new building erected would

- exceed five metres;
- (f) any part of the development would face onto a road;
- (g) the height of the building as extended or altered would exceed—
 - (i) if within ten metres of a boundary of the curtilage of the premises, five metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (h) the development would be within the curtilage of a listed building unless listed building consent has previously been granted;
- (i) as a result of the works the total area of ground covered by buildings within the curtilage of the premises would exceed 50% of the total area of the curtilage;
- (j) the development would lead to a reduction in the space available for the parking or turning of vehicles;
- (k) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;
- (l) any part of the development would be in a conservation area, a World Heritage Site, an area of special scientific interest or a site of archaeological interest; or
- (m) unless—
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Conditions

- A.2 Development is permitted by Class A subject to the following conditions—
- (a) the development must be within the curtilage of an existing school, college, university or hospital;
 - (b) the development shall only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
 - (c) any new building erected shall be constructed using materials which have a similar external appearance to those used for the existing school, college, university or hospital; and
 - (d) any extension or alteration shall be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class A	A.3	<p>For the purposes of Class A—</p> <p>(a) where two or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement;</p> <p>(b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A;</p> <p>(c) “raised platform” means a platform with a height greater than 0.3 metres above ground level.</p>
Class B Permitted development	B.	<p>Development consisting of—</p> <p>(a) the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or</p> <p>(b) the replacement in whole or in part of such a surface.</p>
Development not permitted	B.1	<p>Development is not permitted by Class B if—</p> <p>(a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 19th September 2012) would exceed 50 square metres;</p> <p>(b) as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in use could no longer be so used; or</p> <p>(c) the development would be within the curtilage of a listed building unless listed building consent has previously been granted.</p>
Conditions	B.2	<p>Development is permitted by Class B subject to the following conditions—</p> <p>(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;</p> <p>(b) in all other cases, either—</p> <p style="margin-left: 40px;">(i) the hard surface shall be made of porous materials; or</p> <p style="margin-left: 40px;">(ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.”</p>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Development) Order (Northern Ireland) 1993 (“the 1993 Order”).

Article 2(2) of this Order amends Article 7 “Applications for planning permission” and Article 9 “Application for approval of reserved matters” of the 1993 Order, so as to reduce the maximum number of copies of forms, plans and drawings that need to accompany such applications from 6 to 3.

The Order also deals with the amendment and introduction of certain classes of permitted development described in Schedule 1 to the 1993 Order and in respect of which no specific application for planning permission is needed subject to the specified limitations and conditions.

Schedule 1 of this Order amends by substitution Part 8 of Schedule 1 to the 1993 Order to expand the scope of that permitted development. Part 8 of Schedule 1 to the 1993 Order describes classes of development within the curtilage of industrial buildings and warehouses.

Schedule 2 adds new Parts 33 to 36 to Schedule 1 to the 1993 Order.

Part 33 permits the demolition of buildings, subject to certain limitations for buildings in Areas of Townscape and Village Character.

Part 34 describes classes of permitted development for shops, financial and professional services.

Part 35 describes classes of permitted development for office premises.

Part 36 describes classes of permitted development for schools, colleges, universities and hospitals.

A regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Department of the Environment, Millennium House, 17-25 Great Victoria Street, Malone Lower, Belfast BT2 7BN (Tel: 028 90416967) or accessed at www.planningni.gov.uk.

The Explanatory Memorandum is available alongside the Order on the government’s website www.legislation.gov.uk.

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