

1973. No. 326

[C]

**TOWN AND COUNTRY PLANNING****Planning (General Development) Order (Northern Ireland) 1973**

ORDER, DATED 14TH SEPTEMBER 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER ARTICLES 13, 14, 16, 22, 23, 24, 67, 70 AND 106 OF THE PLANNING (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Development, on behalf of the Secretary of State, and in exercise of the powers conferred upon it by Articles 13, 14, 16, 22, 23, 24, 67, 70 and 106 of the Planning (Northern Ireland) Order 1972(a) hereby makes the following order:—

*Application, citation and commencement*

1.—(1) This order shall apply to all land in Northern Ireland:

Provided that if a special development order is made as to any land this order shall apply thereto to such an extent only and subject to such modifications as may be specified in the special order.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under Article 41(5) of the 1972 Order.

(3) This order may be cited as the Planning (General Development) Order (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

*Interpretation*

2. In this order unless the context otherwise requires—

“the 1972 Order” means the Planning (Northern Ireland) Order 1972;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing or departure of aircraft;

“agricultural land” has the meaning assigned to it in the Agriculture Act (Northern Ireland) 1949(b);

“agricultural unit” means land which is occupied as a unit for agricultural purposes including any dwellinghouse or other building occupied by the same person for the purpose of farming the land;

“betting office” means any premises in respect of which there is in force a bookmaking office licence under the Betting and Lotteries Act (Northern Ireland) 1957(c);

“building” does not include plant or machinery or a structure or erection of the nature of plant or machinery, and in Schedule 1 does not include any gate, fence, wall or other means of enclosure, but except as aforesaid 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(d);

“class” in relation to a road and “trunk road” have the same meanings as in the Roads Act (Northern Ireland) 1948(e);

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

(a) S.I. 1972, No. 1634 (N.I. 17).

(b) 1949, c. 2.

(c) 1957, c. 19.

(d) 1963, c. 17 (N.I.).

(e) 1948, c. 28.

“landscaping” means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, planting of trees, hedges, shrubs or grass, formation of banks, terraces or other earthworks, laying out of gardens or courts, and other amenity features;

“launderette” includes any building used for the purpose of washing or cleaning clothes or fabrics in coin-operated machines;

“mining undertakers” means undertakers engaged in the winning or working of minerals, whether by underground or surface working;

“office” includes a bank and premises occupied by an estate agency, building society or employment agency or (for office purposes only) for the business of car hire or driving instruction but does not include a post office or betting office;

“operational land” in relation to the undertakers specified in Class 11 of Schedule 1, means

(a) land which is used for the purpose of carrying on their undertaking; 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 the carrying on of 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 IV of the 1972 Order 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.

“original” means, in relation to a building existing on 1st October 1973, as existing on that date; and in relation to a building built on or after that date, as so built;

“outline planning permission” means a planning permission for the erection of a building which is granted subject to a condition (in addition to any other conditions which may be imposed) requiring subsequent approval to be obtained from the Ministry with respect to one or more reserved matters;

“painting” includes any application of colour;

“post office” does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

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

"public vehicle" means a public service vehicle, excluding a taxi, which has the meaning assigned to it by section 190 of the Road Traffic Act (Northern Ireland) 1970(f);

"reserved matters" in relation to an outline planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building to which the planning permission or the application relates, or the means of access to the building, or the landscaping of the site in respect of which the application was made;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker, travel agency or post office or for the reception of goods to be washed, cleaned, or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, amusement arcade, pin table saloon, garage, launderette, petrol filling station, office, betting office, hotel, restaurant, snackbar or café or premises licensed for the sale of intoxicating liquors for consumption on the premises;

"special road" means a road designated as a special road under section 1 of the Special Roads Act (Northern Ireland) 1963(g);

"unadopted street" means a street other than a public road.

#### *Permitted development*

3.—(1) Subject to the subsequent provisions of this order, development of any class specified in Schedule 1 is permitted by this order and may be undertaken upon land to which this order applies without the permission of the Ministry:

Provided that the permission granted by this order in respect of any such class of development shall be defined by any limitation and subject to any condition imposed in Schedule 1 in relation to that class:

(2) Nothing in this Article or in Schedule 1 shall operate so as to permit any development contrary to a condition imposed in any permission granted under Part IV of the 1972 Order otherwise than by this order.

(3) Any development of Class 9 authorised by an Act or order subject to the grant of any consent or approval shall not be deemed for the purposes of this order to be so authorised unless and until that consent or approval is obtained.

#### *Directions restricting permitted development*

4.—(1) If the Ministry is satisfied, after consultation with the appropriate district council, that it is expedient that development of any of the classes specified in Schedule 1 should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out unless permission is granted on an application in that behalf, the Ministry may direct that permission granted by Article 3 shall not apply to:—

- (a) all or any development of all or any of those classes in any particular area specified in the direction, or
- (b) any particular development specified in the direction falling within any of those classes:

(f) 1970. c. 2 (N.I.).

(g) 1963. c. 12 (N.I.).

Provided that no such direction shall have effect in relation to any development of Class 9.

(2) Subject to the provisions of paragraph (3) notice of any direction made under this Article shall be served by the Ministry 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 notice thereof is served on the occupier of that part or if there is no occupier, on the owner thereof.

(3) Where in the case of any direction specifying any particular area given under paragraph 1(a), the Ministry 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 (2) is impracticable, it shall publish notice of such direction in at least one newspaper circulating in the locality in which the area is situate and such notice shall contain a concise statement of the effect of the direction and name a place where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(4) No direction given or having effect under this Article shall have effect in relation to the carrying out in case of emergency of any development specified in Schedule 1 or, unless such direction specifically so provides, to the carrying out by statutory or other undertakers of any of the following operations:—

- (a) maintenance of bridges, buildings and railway stations;
- (b) alteration and maintenance of railway track and 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) maintenance of docks, harbours, quays and wharves;
- (d) 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) maintenance of buildings, runways, taxiways or aprons at an aerodrome;
- (g) provision, alteration and maintenance of equipment, apparatus and works at an aerodrome required in connection with the movement of traffic by air (but excepting buildings, the construction, erection, reconstruction or alteration of which is permitted by paragraph G of Class 11 of Schedule 1).

#### *Applications for planning permission*

5.—(1) Subject to paragraphs (2) to (4), an application for planning permission shall be made on a form issued by the Ministry, and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application together with such additional number of copies of the forms and plans as the Ministry requires: and the Ministry may require the applicant to give to it such further information as it may specify to enable it to determine the application.