

1963 No. 708

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (Use Classes) Order 1963**

Made - - - - - 29th March 1963  
Coming into Operation 1st May 1963

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 12 of the Town and Country Planning Act 1962(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and Commencement*

1. This order may be cited as the Town and Country Planning (Use Classes) Order 1963 and shall come into operation on 1st May 1963.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the Town and Country Planning Act 1962;

“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 or ticket agency 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, garage, petrol filling station, office, betting office, or hotel or premises (other than a restaurant) licensed for the sale of intoxicating liquors for consumption on the premises;

“funfair” includes an amusement arcade or pin-table saloon;

“office” includes a bank, but does not include a post office or betting office;

“betting office” means any building in respect of which there is for the time being in force a betting office licence pursuant to the provisions of the Betting and Gaming Act 1960(c);

“industrial building” means a building (other than a building in or adjacent to and belonging to a quarry or mine and other than a shop) used for the carrying on of any process for or incidental to any of the following purposes, namely:—

(a) the making of any article or of part of any article, or

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(a) 10 & 11 Eliz. 2. c. 38. (b) 52 & 53 Vict. c. 63. (c) 8 & 9 Eliz. 2. c. 60.

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article, or

(c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"light industrial building" means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"general industrial building" means an industrial building other than a light industrial building or a special industrial building;

"special industrial building" means an industrial building used for one or more of the purposes specified in classes V, VI, VII, VIII and IX referred to in the schedule to this order;

"motor vehicle" means any motor vehicle for the purposes of the Road Traffic Act 1960(a).

(3) References in this order to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

#### *Use Classes*

3.—(1) Where a building or other land is used for a purpose of any class specified in the schedule to this order, the use of such building or other land for any other purpose of the same class shall not be deemed for the purposes of the Act to involve development of the land.

(2) Where a group of contiguous or adjacent buildings used as parts of a single undertaking includes industrial buildings used for purposes falling within two or more of the classes specified in the schedule to this order as classes III to IX inclusive, those particular two or more classes may, in relation to that group of buildings, and so long as the area occupied in that group by either general or special industrial buildings is not substantially increased thereby, be treated as a single class for the purposes of this order.

(3) A use which is ordinarily incidental to and included in any use specified in the schedule to this order is not excluded from that use as an incident thereto merely by reason of its specification in the said schedule as a separate use.

#### *Revocation*

4. The Town and Country Planning (Use Classes) Order 1950(b), the Town and Country Planning (Use Classes) (Amendment) Order 1960(c) and the Town and Country Planning (Use Classes) (Amendment No. 2) Order 1960(d), are hereby revoked.

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(a) 8 & 9 Eliz. 2. c. 16.

(c) S.I. 1960/282 (1960 III, p. 3290).

(b) S.I. 1950/1131 (1950 II, p. 1097).

(d) S.I. 1960/1761 (1960 III, p. 3291).

## SCHEDULE

- Class I.—Use as a shop for any purpose except as :—
- (i) a fried fish shop ;
  - (ii) a tripe shop ;
  - (iii) a shop for the sale of pet animals or birds ;
  - (iv) a cats-meat shop ;
  - (v) a shop for the sale of motor vehicles.
- Class II.—Use as an office for any purpose.
- Class III.—Use as a light industrial building for any purpose.
- Class IV.—Use as a general industrial building for any purpose.
- Class V.—Use for any work which is registrable under the Alkali, &c. Works Regulation Act 1906(a), as extended by the Alkali, &c. Works Orders 1928 to 1963(b), except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine.

Use for any of the following processes, except as aforesaid, so far as not registrable under the above Act :—

- (i) smelting, calcining, sintering or reduction of ores, minerals, concentrates or mattes ;
- (ii) converting, re-heating, annealing, hardening, melting, carburising, forging or casting of iron or other metals or alloys ;
- (iii) recovering of metal from scrap or drosses or ashes ;
- (iv) galvanising ;
- (v) pickling or treatment of metal in acid ;
- (vi) chromium plating.

*(Special Industrial Group A)*

Class VI.—Use for any of the following processes so far as not included in class V and except a process ancillary to the getting, dressing or treatment of minerals, carried on in or adjacent to a quarry or mine :—

- (i) burning of building bricks ;
- (ii) lime or dolomite burning ;
- (iii) production of calcium carbide or zinc oxide ;
- (iv) foaming, crushing or screening of stone or slag.

*(Special Industrial Group B)*

Class VII.—Use for any of the following purposes so far as not included in class V :—

- (i) the production or employment of cyanogen or its compounds ;
- (ii) the manufacture of glass, where the sodium sulphate used exceeds 1.5 per cent. of the total weight of the melt ;
- (iii) the production of zinc chloride.

*(Special Industrial Group C)*

Class VIII.—Use for any of the following purposes, so far as not included in class V :—

The distilling, refining or blending of oils, the production or employment of cellulose lacquers (except their employment in garages in connection with minor repairs), hot pitch or bitumen or pyridine ; the stoving of enamelled ware ; the production of amyl acetate, aromatic esters, butyric acid, caramel, hexamine, iodoform, B-naphthol, resin products (except synthetic resins, plastic moulding or extrusion compositions and plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering, moulding, shaping or extrusion), salicylic acid, or sulphonated organic compounds ; paint and varnish manufacture (excluding mixing, milling and grinding) ; the production of rubber from scrap ; or the manufacture of acetylene from calcium carbide, for sale or for use in a further chemical process.

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(a) 6 Edw. 7. c. 14. (b) S. R. & O. 1928/26, 1935/162, 1939/1299 (Rev. II, p. 51: 1928, p. 63; Rev. II, p. 54: 1935, p. 129; Rev. II, p. 56: 1939 I, p. 142); S.I. 1950/364, 1958/497, 1961/2261, 1963/493 (1950 I, p. 165; 1958 I, p. 318; 1961 III, p. 3969; 1963 I, p. 569).

*(Special Industrial Group D)*

Class IX.—Use for carrying on any of the following industries, businesses or trades so far as not included in class V:—

Animal charcoal manufacturer.  
Animal hair cleanser, adapter or treater.  
Blood albumen maker.  
Blood boiler.  
Bone boiler or steamer.  
Bone burner.  
Bone grinder.  
Breeder of maggots from putrescible animal matter.  
Candle maker.  
Catgut manufacturer.  
Chitterling or nettlings boiler.  
Dealer in rags or bones (including receiving, storing, sorting or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit-skins, fat or putrescible animal products of a like nature).  
Fat melter or fat extractor.  
Fellmonger.  
Fish curer.  
Fish oil manufacturer.  
Fish skin dresser or scraper.  
Glue maker.  
Gut scraper or gut cleaner.  
Leather dresser.  
Maker of meal for feeding poultry, dogs, cattle, or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.  
Manufacturer of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal or vegetable matter.  
Parchment maker.  
Size maker.  
Skin drier.  
Soap boiler.  
Tallow melter or refiner.  
Tanner.  
Tripe boiler or cleaner.

*(Special Industrial Group E)*

Class X.—Use as a wholesale warehouse or repository for any purpose.

Class XI.—Use as a boarding or guest house, a residential club, or a hotel providing sleeping accommodation.

Class XII.—Use as a residential or boarding school or a residential college.

Class XIII.—Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class XIV.—Use as a home or institution providing for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, a nursing home, a sanatorium or a hospital (other than a hospital, home, hostel or institution included in class XVI).

Class XV.—Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.

Class XVI.—Use as a hospital, home or institution for persons suffering from mental disorder, or epileptic persons, or a home, hostel or institution in which persons may be detained by order of a court or which is approved by one of Her Majesty's Principal Secretaries of State for persons residing there under a requirement of a probation or supervision order.

Class XVII.—Use as an art gallery (other than for business purposes), a museum, a public library or reading room, a public hall, a concert hall, an exhibition hall, a social centre, a community centre or a non-residential club.

Class XVIII.—Use as a theatre, a cinema, a music hall, a dance hall, a skating rink, a swimming bath, a Turkish or other vapour or foam bath or a gymnasium, or for indoor games.

Given under the official seal of the Minister of Housing and Local Government on 29th March 1963.

(L.S.)

*Keith Joseph,*  
Minister of Housing and  
Local Government.

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#### EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order replaces the Town and Country Planning (Use Classes) Order 1950 (as amended by two subsequent orders), which was made under enactments now consolidated in the Town and Country Planning Act 1962.

The order specifies classes for the purposes of section 12 (2) (f) of the Act of 1962: by virtue of the said section 12 the use of buildings or other land for any other purpose of the same class shall not be taken to involve development within the meaning of that section. The provisions of the previous orders are reproduced without any amendment of substance.

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STATUTORY INSTRUMENTS

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Printed in England and published by  
HER MAJESTY'S STATIONERY OFFICE: 1963

ISBN 0-11-024351-X



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