Planning Requirements for Farm Building Development

By Sean Regan, Teagasc.

Development is generally defined in planning legislation as meaning the carrying out of works on, in, over or under land, or the making of any material change in the use of land or buildings. Such works require planning permission unless they are exempted. In the case of farm buildings where the size exceeds certain limits, or specific conditions are not met, exemptions no longer apply. Much agricultural development was exempted in the past though this is gradually being restricted. The Planning and Development Regulations (2001) reduced the threshold sizes and altered the exemption conditions for farm buildings so that most farmyard developments now requires planning permission. Planning permission (where required) is necessary to obtain grant approval.

It should be noted that the exempted development clause does not apply in the following situations or instances regardless of scale:

- Areas to which special amenity order relate
- Areas the preservation of which are covered in the county development plan or draft plan
- Natural Heritage Areas (NHAs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)
- Obstruction of right of way
- Fencing or enclosure of land open to or used by the public during the previous 10 years

Exemption Thresholds

A schedule of the common farmyard structures that come under the exempted development categories are given in Table 1. Roofed structures for the housing of cattle, sheep, goats, donkeys, horses of all kinds, deer and rabbits are defined under Class 6. The next most important agricultural category is Class 8. This includes roofless cubicles, self feed silos and silage areas, structures for the making or storage of silage, feeding aprons, assembly yards and milking parlours.

The exemption limits for the various categories are summarised in Table 2. The size limit for a
new structure in Class 6 or Class 8 is 200 square meters whether or not this is arrived at by the extension of an existing structure. There is also an aggregate limit of 300 square meters where a structure in the same Class is within 100 meters. An example of this is where a farmer wants to build a slatted cattle shed with a gross floor space of 120 square meters within a 100 meters of another building in the same Class (say a sheep shed with a gross floor area of 220 square meters). Planning permission is required as the total floor area (340 meters) of the two Class 6 buildings exceeds 300 square meters.

**Other Structures**
Class 7 sets out the exemption limits for the housing of pigs, poultry and mink. These are 75 meters for individual structures and 100 meters on aggregate. These limits are such that all commercial operations are likely to require planning permission. The exemption limit for dry stores, barns, sheds and glass-houses is set out in Class 9. This is 300 square meters for individual structures and 900 square meters on aggregate.

All weather lunging areas, exercise areas and gallops for horses are defined in the new Class 10. These are exempt from planning provided they are not situated within 10 meters of the public road, the entrance is not directly off the public road and a height of 2 meters is not exceeded. There is also a requirement that they are used for exercising and training only and not for the staging of public events.

**Exemption Conditions**
The exemptions outlined apply subject to the following conditions:

- Exempted farm buildings may only be used for agriculture
- Structures must have adequate slurry/effluent storage for its size, use and location, and satisfy Department requirements in this regard.
- Distance from public a road must be at least 10 metres
- Height above ground level must not exceed 8 metres within 100 metres of any public road
- **Distance from any house (other than own), school, church, hospital or public building must be at least 100 metres unless consent is obtained in writing from the owner or occupier or person in charge.**
Unpainted metal sheeting cannot be used for roofing or side cladding

Storage Structures
Effluent storage facilities (includes slurry tanks) are no longer listed as exempted development and will normally require planning permission unless they can be classed as ancillary i.e. under or adjacent to the structures they serve. Sheep dipping units have also lost exempted development status and require planning permission. The general advice of the competent regulatory authorities is that artificially-lined and clay-lined earthen bank structures require planning permission.

Planning Fees
The fees payable to the Local Authority for agricultural buildings are €80 for each building, or €1 for each square meter of gross floor area in excess of 200 square meters whichever is the greater. This is subject to a maximum of €300. Fees for the retention of unauthorized structures are one and a half to three times the normal rate. It should be noted that the gross floor area comprises the total internal floor area and includes the feed passage overhang.

Public Notification
A newspaper notice must be placed two weeks prior to making the planning application. The full page of the newspaper showing the notice must be submitted with the application. The site notice must also be erected two weeks before the application is made and must now be retained on the site for a minimum period of 5 weeks from the date a valid application is received by the Planning Authority. A copy must be submitted with the application.

Implications for Grant-aided Works
Where a grant approved building proceeds on the basis that planning permission is not required, but on completion planning was found to be necessary, the approval may be withdrawn. Assuming the applicant successfully applies for permission to retain the structure grant aid may then be payable subject to penalty. Given these consequences it is wise to err on the safe side when assessing whether planning permission is required in marginal cases.
It is important to be aware that grant approval relates to the application documents including the site map and drawings. It is not unusual for builders to suggest design and/or sighting modifications when quotations are being discussed. This is fine provided any desirable alterations are included in the plans and re-submitted to the Department. A penalty may be incurred if the completed works are at variance with the approved plans. It can be even more serious if a new structure does not conform to the maps/drawings on which a grant of planning permission was made. Again permission to retain the structure is required before grant aid is payable and a penalty may be imposed.

Table 1. **Schedule of Farm Structures in Exempted Development Classes**

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 6</td>
<td>- roofed animal housing (cattle, sheep, goats, donkeys, horses of all kinds, deer and rabbits)</td>
</tr>
<tr>
<td>Class 7</td>
<td>- housing for pigs, poultry &amp; mink</td>
</tr>
<tr>
<td>Class 8</td>
<td>- roofless cubicles, open loose yards, self feed silos and silage areas, structures for the making or storage of silage, feeding aprons, assembly yards and milking parlours</td>
</tr>
<tr>
<td>Class 9</td>
<td>- dry stores, barns etc,</td>
</tr>
<tr>
<td>Class 10</td>
<td>- lunge rings/exercise areas/ gallops for horses</td>
</tr>
</tbody>
</table>

Table 2. **Planning Exemption Limits for Farm Structures in Various Classes**

<table>
<thead>
<tr>
<th>Class</th>
<th>Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 6:-</td>
<td>Under 200 square metres and 300 square metres on aggregate</td>
</tr>
<tr>
<td>Class 7:-</td>
<td>Under 75 square metres and 100 square metres on aggregate</td>
</tr>
<tr>
<td>Class 8:-</td>
<td>Under 200 square metres and 300 square metres on aggregate</td>
</tr>
<tr>
<td>Class 9:-</td>
<td>Under 300 square metres and 900 square metres on aggregate</td>
</tr>
<tr>
<td>Class 10:-</td>
<td>No size limit provided there are no public events and entrance is indirect</td>
</tr>
</tbody>
</table>

**Note:** This article does not purport to be a legal interpretation of the Planning and Development Acts or Regulations.