



Planning Requirements for Farm Building Development

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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 and other structures where the size exceeds certain limits, or specific conditions are not met, exemptions no longer apply. The Planning and Development Regulations (2001) outline the threshold sizes and the exemption conditions for farm buildings. Most farmyard developments now require planning permission.

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

- Areas to which a special amenity order relate
- Areas the preservation of which are covered in the county development plan or draft plan. These will include: Natural Heritage Areas (NHAs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and All Archaeology Sites, see Records of Monuments & Places (RMP) <https://webgis.archaeology.ie/historicenvironment/>
- Obstruction of a right of way
- Fencing or enclosure of land open to or used by the public during the previous 10 years

Exempted Development only applies to areas outside town and city council boundaries (rural areas) and it only applies to buildings and other structures to be used for the purpose of agriculture.

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,

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 metres whether or not this is arrived at by the extension of an existing structure. There is also an aggregate limit of 300 square metres where a structure in the same Class is within 100 metres (includes buildings in any other farm yard within 100m). This means that even if the proposed structure is less than 200m², but the aggregate (total) of all structures within the same class exceed the 300m² limit, then planning permission is needed. An example of this is where a farmer wants to build a slatted cattle shed with a gross floor space of 120 square metres within 100 metres of another building in the same Class (say a sheep shed with a gross floor area of 220 square metres). Planning permission is required as the total floor area (340 metres) of the two Class 6 buildings exceeds 300 square metres.

Other Structures

Class 7 covers the housing of pigs and poultry. The exemption limits are 75 metres for individual structures and 100 metres on aggregate. These limits are such that all commercial operations are likely to require planning permission.

Class 9 covers dry stores, barns, sheds and glass-houses. The exemption limits are 300 square metres for individual structures and 900 square metres on aggregate.

Class 10 includes all weather lunging areas, exercise areas and gallops for horses. 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 of Agriculture, Food & the Marine (DAFM) & Local Authority requirements in this regard
- Distance from public a road must be at least 10 metres (measurement is taken from the

‘metalled edge’, that is where the grass margin meets the road)

- 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
- In general no unpainted metal sheeting shall be used for roofing or on the external finish of buildings

Meal bins must have painted sheeting and meet the other requirements to be exempt from planning.

Fencing & Solar Panels

In general the fencing of lowland is exempt from planning provided there is no interference with Monuments etc. The DAFM Targeted Agricultural Modernisation Scheme (TAMS) Animal Waste, Safety and Nutrient Storage Scheme, Terms & Conditions page 10 has useful information on the erection of sheep fencing in relation to National Monuments and requirements as regards Solar Photovoltaic (PV) Panels. See:

<https://www.agriculture.gov.ie/farmerschemespayments/tams/animalwelfaresafetyandnutrientstoragescheme/>.

Cattle Crushes, Races & Enclosures

The TAMS scheme does not specifically require applicants to have planning permission for these facilities. They may still require planning permission especially if within 10m of a public road etc.

Section 5 Application for an Exemption from Planning

Farmers can apply to their Local Authority for a Section 5 Declaration of Exemption from Planning. This declaration or a grant of full planning permission accompanied by stamped drawings from the relevant local authority is required for a number of the eligible investments under TAMS.

Requirement for Loans

Financial Institutions normally require planning permission before loans can be drawn down to finance a building project.

Table1. Schedule of Farm Structures in Exempted Development Classes

Class 6	Roofed animal housing (cattle, sheep, goats, donkeys, horses of all kinds, deer and rabbits) and the ancillary provision for effluent storage
Class 7	Housing for pigs & poultry
Class 8	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
Class 9	Dry stores, barns etc.
Class 10	Lunging rings/exercise areas/ gallops for horses

Table2. Planning Exemption Limits for Farm Structures in Various Classes

Class 6:	Under 200 square metres and 300 square metres on aggregate
Class 7:	Under 75 square metres and 100 square metres on aggregate
Class 8:	Under 200 square metres and 300 square metres on aggregate
Class 9:	Under 300 square metres and 900 square metres on aggregate
Class 10:	No size limit provided there are no public events and entrance is indirect

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

Avoid delays in the planning process

Devote adequate time to prepare a planning application

Enclose a detailed plan to comply with the Nitrates Regulations

Extensive buildings including Polytunnels need to take flood risks into consideration