

## Exempted Development Frequently Asked Questions

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### Important Pre-Conditions

Please note all exempted development is subject to certain restrictions as set out in Articles 6, 7, 8, 9 and 10 of the Regulations. These restrictions seldom apply to the types of exempted development which arise frequently, but it is important to be aware of the more general restrictions which may affect some types of exempted development. **If they apply to a particular case, then that case is no longer exempted development.** Listed below are some of the restrictions which can arise. This is not the complete listing of all restrictions, but includes samples of restrictions which can affect the more common types of exempted development:

1. If carrying out the exempted development would contravene a condition attached to a permission under the Act. **Example, if a permission included a condition requiring that the front gardens of a housing estate be kept open plan, it would no longer be exempted development to build a front garden wall.**
2. Making or widening an entrance to a public road where that road exceeds 4 metres in width.
3. Endanger public safety by creating a traffic hazard or obstruction of road users.

4. Putting on an extension (except a porch described later) so as to bring the building or any part of the building forward of the front wall of the building on either side. **Example, putting a bay window onto the front of a house which projects beyond the front wall of the adjoining house – is not exempted development.**
5. Would interfere with the character of a landscape or a view or prospect of special amenity value or interest, the preservation of which is an objective of the development plan. **Example, this could arise in the case of certain exempted developments, in particular farm buildings.**
6. Fencing or enclosing any land habitually open to or used by the public during the previous 10 years for recreational purposes or as means of access to any mountain.
7. Obstruct any right of way.
8. Carrying out works to the exterior of a structure which is located within an architectural conservation area in a development plan or draft development plan and where the development would materially affect the character of the area.
9. Advertisements located on the exterior of structures within an architectural conservation area (or proposed such area in a draft development plan) should not materially affect the character of the area (see Article 6 (2) (iv)).

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### **Do I need planning permission to build a garage/shed?**

You can build or place a greenhouse, garage, shed, store or other similar structure, within the curtilage of your house subject to the following conditions:

- No such structure shall be constructed, erected or placed forward of the front wall of a house.
- The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
- The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
- The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
- The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case 3 metres.
- The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

In this case, the word “house” does not include a building designed for use or used as 2 or more dwellings, or a flat or apartment.

Source: Schedule 2 (Part 1) Class 3. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to convert my garage (which is attached) to my house into living/sleeping area for my family?**

Provided the garage is attached to the side or rear of the house, and the conversion is for use as part of the house (and not as a granny flat or self contained accommodation), you do not require planning permission. However, all the requirements which apply to a new extension also apply here. (See EDA3).

Source: Schedule 2 (Part 1) Class 1. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **What size extension to my house can I build without planning permission?**

You can build a small extension (this includes a conservatory) to the rear of your house. What you can build will depend on a number of factors, in particular, whether the house has been extended before, and whether it is a detached house or a terraced or semi-detached house.

#### **Case 1: Where the house has not been extended previously.**

An extension of up to 40 sq. metres can be built onto a detached house, where the floor area of any extension above ground level does not exceed 20 sq. metres. Where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 sq. metres. Any other ground floor extension must be not less than 2 metres from any party boundary. Windows at ground floor level must be not less than 1 metre from the boundary it faces and any window above ground level shall not be less than 11 metres from the boundary it faces.

The proposed extension should not reduce the area of private open space to the rear of the house to less than 25 sq. metres and the roof of any extension should not be used as a balcony or roof garden. The height of the walls of any extension must not exceed the height of:

- The rear wall of the house, where the rear wall of the house does not include a gable.
- The side walls of the house, where the rear wall does include a gable.
- The highest part of any flat roofed extension should not exceed the height of the eaves or parapet, and in any other cases should not exceed the highest part of the roof of the dwelling.

#### **Case 2: Where the house has been previously extended.**

The floor area of the proposed extension, together with the floor area of previous extensions carried out after October 1964, should not exceed 40 sq. metres. The total extended floor space above

ground level should not exceed 12 sq. metres in the case of terraced or semi- detached houses, and 40 sq. metres in the case of detached houses.

All of the other requirements set out above for Case 1 apply also to Case 2.

In the above cases, the word “house” does not include a building designed for use or used as 2 or more dwellings, or a flat or apartment.

Source: Article 5 (1) and Schedule 2 (Part 1) Class 1. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Can I build a wall/to the front/to the back/or around my house without planning permission?**

Yes you can build a wall, of specified materials and to a certain height around and within the curtilage of your house without planning permission.

You can build a railing or wooden fence, or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Every wall (other than dry or natural stone) must be capped and the face of any wall of concrete or concrete block, which is visible from any road, path or public area must be rendered or plastered.

A metal palisade or other security fencing cannot be used. **If you wish to use this type of material, you need to apply for planning permission.**

The height of any wall should not exceed 2m and any wall within or bounding the space in front of a house should not exceed 1.2m.

Source: Schedule 2 (Part 1) Class 5. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to place a mobile home/caravan within the garden of my house or on a site beside a beach?**

You can store a caravan, camper van or boat within the garden of a house for up to 9 months in any year. They must not be used as a dwelling nor can they be used for the storage, display, advertisement or sale of goods.

**Only one of the above can be stored.**

In rural areas you may place a tent, camper van or caravan or boat, barge or other vessel for purposes of camping, for not more than 10 days. It should not be within 50 metres of any public road unless enclosed by a wall, bank or hedge of not less than 1.5m and, should not be within 100 metres of another tent, caravan or camper van.

Source: Schedule 2 (Part 1) Class 8 and Schedule 2 (Part 3) Class 1. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to demolish a building?**

You need planning permission to demolish:

- a) A habitable house.
- b) A building which forms part of a terrace of buildings (these can be any type of buildings i.e. shops, offices).
- c) A building which abuts another building in separate ownership.

It is important to note that a “habitable house” is broadly defined. A derelict or run down building previously used as a habitable house, is still a habitable house.

Source: Schedule 2 (Part 1) Class 50. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to use my house as a bed and breakfast or hostel?**

Provided not more than 4 bedrooms are used for guest accommodation and provided that there are not more than 4 persons per room, you do not need planning permission.

In this case, the word “house” does not include a building designated for use or used as 2 or more dwellings, or a flat, or apartment.

Source: Article 5 (1) and Article 10 (4). Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to mind children in my house?**

Where you are minding no more than 6 children (including your own) for profit or gain, you do not require planning permission.

Note: There may be Childminding Regulations which you must comply with. Check with your local Health Board.

In this case, the word “house” does not include a building designated for use or used as 2 or more dwellings, or a flat, or apartment.

Source: Article 5 (1) and Article 10 (4). Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Can I erect a TV aerial or and/or satellite dish on my house without planning permission?**

You can erect a TV aerial on the roof provided it is not more than 6 metres above the roof of the house.

You can erect one satellite dish on or within the curtilage of a house, but it must not be on the front wall of the house or forward of the house, nor should it be on the front roof slope of the house or higher than the highest part of the roof of the house. The height of any satellite dish should not exceed 1 metre.

In this case, the word “house” does not include a building designated for use or used as 2 or more dwellings, or a flat, or apartment.

Source: Article 5 (1) and Schedule 2 (Part 1) Class 4. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Can I build a front porch on my house without planning permission?**

Yes, provided that the floor area does not exceed 2 square metres, and the height does not exceed 4 metres in the case of a tiled or slated pitched roof and 3 metres in any other case. The porch must not be less than 2 metres from any road.

In this case, the word “house” does not include a building designated for use or used as 2 or more dwellings, or a flat, or apartment.

Source: Article 5 (1) and Schedule 2 (Part 1) Class 7. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Can I erect an advertisement for my business on my business premises without planning permission?**

Schedule 2 (Part 2) of the Planning and Development Regulations 2001 sets out very specific provisions regarding the erection of advertisements without planning permission. It is best to refer specifically to this, as the details of what is exempt are very precise.

**Important** There are a number of restrictions to what would normally be exempted advertisements, set out in Article 6(2)(iii) which limits the type of advertisements which may be erected on a protected structure or proposed protected structure.

6(2)(iv) which limits the type of advertisements which may be erected within an architectural conservation area or proposed architectural area.

Source: Schedule 2 (Part 2) Classes 1 to 18 and Article 6. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to build or extend a shed to keep cattle (or horses, donkeys, deer, sheep, goats or rabbits)?**

Provided the gross floor area is not greater than 200 sq. metres and meets the following conditions, you do not need planning permission if you live in a rural area as defined in the Planning and Development Regulations 2001. This definition is set out earlier in the section “Exempted Development – Background Information – What does it mean”.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location, shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Source: Schedule 2 (Part 3) Class 6. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.

### **Do I need planning permission to build or extend a shed for keeping pigs, (mink or poultry)?**

Provided the gross floor area is not greater than 75 sq. metres and meets the following conditions, you do not need planning permission if you live in a rural area as defined in the Planning and Development Regulations 2001. This definition is set out earlier in the section "Exempted Development – Background Information – What does it mean".

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

8. Boundary fencing on any mink holding must be escape-proof for mink.

Source: Schedule 2 (Part 3) Class7. Planning & Development Regulations 2001.

Remember: Check the **Important Pre-Conditions** to make sure that none of them apply.