

Planning and Economic Development

Frequently Asked Questions

Exempted Development

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 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 which exceeds 4 metres in width.
3. 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.**
4. 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.**
5. 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 seashore, mountain.
6. 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. – **Example, This will apply in Letterkenny Town Council, area, as the newly adopted plan includes two architectural conservation areas.**
7. Advertisements in Gaeltacht areas should be in Irish or in Irish and other languages with prominence given to the Irish text (Article 6 (2)(v)).

Example, This will apply in all Gaeltacht areas.

8. 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)).

Example, This could apply in the two architectural conservation areas in the Letterkenny Development Plan, 2003.

9. Any work to a structural protected under the Record of Protected Structures (in the County Development Plan or Town Council Plans) is exempted development only if these works do not materially affect (a) the structure or (b) any element of the structure which contributes to its special interest. See Section 57, Planning and Development Act, 2000.

Example, This will now apply to the County and Letterkenny RPS.