

## Planning and Economic Development

### Frequently Asked Questions

#### Exempted Development

##### Background Information – What Does It Mean

Most forms of development, whether doing building work or making a material change of use of any structures or land, require planning permission.

However the Planning Acts since 1963, have all allowed for some development to take place, without the need for planning permission/and this is called "Exempted Development".

Section 4 of the Planning & Development Act 2000 and the Planning & Development Regulations 2001 contain the details of what are exempted development.

If a question arises as to whether or not, a particular case is exempted or not, a person may, on payment of a fee request in writing, a declaration from the planning authority on that question (Section 5 of the Planning & Development Act 2000).

Schedule 2 (pages 154-199) of the Planning & Development Regulations contains the details of what has been defined by regulation as "Exempted Development". It is divided into four parts.

Link to [Part 2](#) of Planning and Development Regulations 2001

Link to [Schedule 2](#) of Planning and Development Regulations 2001

Link to [Schedule 2, Part 2-4](#) of Planning and Development Regulations 2001

##### Part 1 General

This Part of the Exempted Development Regulations covers some of the most frequently asked questions such as an extension to a house, a garage or backgarden shed, a front porch, putting up a T.V. aerial and satellite dish, building a wall in front of a house, or behind a house, or keeping a boat or caravan in the grounds of a house.

##### Part 2 Advertisements.

This sets out a very detailed series of requirements for advertisements which are exempted development.

*It should be noted, that, elsewhere (in Article 6(2)(V) it is stated that an advertisement in Gaeltacht areas should be:*

*in Irish or*

*in Irish and other language with prominence given to the Irish text.*

*It is important to keep this in mind in Electoral Areas with Gaeltacht areas.*

### **Part 3 Exempted Development in Rural Areas.**

17 Classes of Exempted Development are set out in this Part. Most of the classes refer to types of agricultural structures, but there are also classes covering limited and temporary use of land for camping, mineral prospecting, keeping of greyhounds.

Important: - The definition of "Rural" for the purposes of exempted development is very specifically set out in Article 6 (3) –

It includes all areas other than a city, a town (Letterkenny, Buncrana and Bundoran in Donegal) and areas for which a local area plan must be prepared under Section 19 (1) (b) of the Planning and Development Act 2000 (Ballybofey/Stranorlar, Donegal Town and Ballyshannon in County Donegal). So what is set out as Exempted Development under Part 3 applies outside of the above areas.

*It should be kept in mind that this differs from the definition of Rural in the County Development Plan.*

### **Part 4 Exempted Development – Classes of Use**

This part sets out the classes of use, within which changes of use can be made.

In some cases here, it is necessary to check the definitions set out in Part 5 (1). This is particularly so for the definition of "shop" which includes for example hairdresser and post office, but does not include a takeaway or restaurant.