



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322387-25

### Question

Whether farmyard buildings on Keith Wilson's farm at Drumgeeny is or is not development and is or is not exempted development.

### Location

Drumgeeney, Carrickmacross,  
Co.Monaghan.

### Declaration

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

EX24-128

Applicant for Declaration

Keith Wilson

Planning Authority Decision

Is not exempted development

### Referral

Referred by

Keith Wilson.

Owner/ Occupier

Keith Wilson.

Observer(s)

None

Date of Site Inspection

27/07/2025.

**Inspector**

Darragh Ryan

## **1.0 Site Location and Description**

1.1. The existing farmyard is located at the end of a cul de sac road off the N2 road. The site is located in the townland of Drumgeeny, 6.5 km south of Carrickmacross, Co Monaghan. The site is located within an existing equine agricultural farm yard. There are a number of agricultural sheds in the yard and existing domestic dwelling to the north of the site. There are no other third party domestic dwellings in close proximity to the site.

## **2.0 The Question**

2.1. Whether the erection of 2 no farm buildings (labelled 3 & 4 in attached site layout) fall into Class 9 of Article 6 Schedule 2, Part 3 Exempted Development (Rural) of the Planning and Development Regulations, 2001, as amended.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

The proposed works are not considered to be exempted development.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

It is offered that Class 9, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, (as amended) pertains. Crucially, Class 9 agricultural structures shall not be used to house animals (or store effluent). As per the details/pics submitted, the proposed farm buildings have already being constructed and are at least in part being used to house animals.

As the development is used for the housing of animals. The works are considered not to be exempted development

#### **3.2.2. Other Technical Reports**

- None

## 4.0 Planning History

- PA reg ref 19/101 – Permission to construct a shed for the training & keeping of horses. 2) construct attached manure pit, along with associated ancillary site works; 3) retain excavation/ground works carried out to facilitate shed.
- Exemption Cert EX 19-33 – Construction of horse stables (Class 6), Construction of Storage Shed (Class 9), Unroofed outdoor horse-riding area (Class 10)

## 5.0 Policy Context

### 5.1. Monaghan County Development Plan 2025 – 2031

AGFO 1 - To promote the agricultural sector, appropriate rural development and rural diversification.

AGFO 2 - To control, through the development management process and the relevant environmental legislation, effluent spreading on land in order to protect ground and surface water sources in the County. Developers are required to comply with relevant Department of Agriculture, Food and the Marine Guidelines and the Nitrates Regulations in this regard.

AGFO 3 - To protect natural waters, wildlife habitats, conservation areas, heritage areas, prominent landscape features, archaeological sites, nature designations and scenic routes within forest sites from pollution or injury.

AGFO 4 - To protect access to forestry and other amenity facilities in co-operation with Coillte and private owners / operators for walking routes, nature trails for the benefit of local communities and tourists.

### 5.2. Natural Heritage Designations

Dundalk Bay SAC 000455 – 18km east of site

## 6.0 The Referral

### 6.1. Referrer's Case

The proposed two buildings subject to referral fall into the category of Class 9, Roofed Structure being a store, barn, shed, glass house or other structure not falling into class 6,7,8 and not exceeding 300sqm. There are 6 no conditions. The two buildings (labelled 3 & 4 ) comply with all of these 6 conditions and in particular condition 2 which restricts aggregate areas to 900sqm when similar structures are added.

Overall height of building no 3:	4.5m
Internal dimensions of building no 3	23.80m X 5.90m
Internal floor area:	140.42sqm
Overall height of building no 4	4.5m
Internal dimensions of building 4	17.6m X 5.90m
Internal floor area:	103.84sqm

It is stated the development does not fall foul of any of the provisions of Article 9 which would de-exempt what ordinarily would be exempted development.

### 6.2. Planning Authority Response

- None

### 6.3. Further Responses

- None

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000

Under Section 3(1) of the Act, “development” means “(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land...”

Under Section 2(1) of the Act,

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure. “use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and - (a) where the context so admits, includes the land on, in or under which the structure is situate,

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

Under Section 5 of the Act:

(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(3) (a) Where a declaration is issued under this section, any person issued with a

declaration under subsection (2)(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

## **7.2.Planning and Development Regulations, 2001**

### **Part 3 Agricultural Structures**

#### **CLASS 6**

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

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 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

## Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

5. No such structure shall be situated 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.

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

## **8.0 Assessment**

### **8.1. Background**

The existing site is located on an existing farmyard with existing agricultural structures thereon. The applicant has previously obtained an exempt cert for the following:

- Construction of a Horse Stables (Class 6)
- Construction of a Storage Shed (Class 9)
- Unroofed outdoor horse -riding area (Class 10)

The sheds and horse-riding area have been constructed to the north of existing farmyard.

The applicant has now constructed 2 sheds to the south of the site with the stated use of storage under Class 9 of Part 3 of the Exempted Development Regulations

### **8.2. Is or is not development**

- 8.2.1. Firstly, the question is whether the works in question constitute development. The definition of works under Section 2 of the Act includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. The proposal consisted of the construction of two sheds for a total internal floor area of 244.26sqm. Under Section 3(1) of the Act, “development” means “(a) the carrying out of any works in, on, over or under land”, and “works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal” or

the making of any material change in the use of any structures or other land. The list of works that are entailed would require a level of construction and I would conclude that this is development constitute works in accordance with Section 3 of the Planning and Development Act, 2000 (as amended).

### **8.3. Is or is not exempted development**

8.3.1. The referrer argues that the works in question constitutes exempted development based on the fact the two buildings were constructed as farm storage buildings as permitted under Class 9 of Article 6, Schedule 2, Part 3 Exempted (Rural) Development of the Planning and Development Regulations 2001, as amended. The argument presented is that the two buildings were constructed as “farm storage structures”, and that the total aggregate floor area of all Class 9 buildings on the farm amounts to 544.26sqm, which is below the 900sqm threshold permitted under Class 9.

8.3.2. I note the contents of the planning authority’s report, which highlight that Class 9 agricultural structures are not permitted to be used for the housing of animals or for effluent storage. I further note, based on my site inspection and photographic evidence (see attached), that one of the units was, at the time of inspection, being used for the housing of horses. The other units had stalls for the management of horses.

On this basis, I am satisfied that the use of this structure for the stabling of horses brings it outside the scope of Class 9, and instead brings it within the parameters of Class 6 of Article 6, Schedule 2, Part 3 of the Regulations. Class 6 provides for:

8.3.3. *“Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.”*

8.3.4. Furthermore, Class 6 imposes a cumulative floor area restriction whereby:

*“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 300 square metres in aggregate.”*

- 8.3.5. In this instance, the combined internal floor area of the two buildings subject to this referral amounts to 244.26 square metres. Additionally, there are existing stables with a cumulative area of 199 square metres, which already benefit from exemption under Article 6. Therefore, the aggregate total floor area for structures used for housing animals on the holding exceeds the 300 square metre threshold prescribed under Class 6.
- 8.3.6. In light of the above, I am satisfied that the development cannot be considered exempted under Class 9 due to the use of at least one structure for the housing of animals, which is expressly excluded under that class.
- 8.3.7. The development also fails to comply with the restrictions of Class 6, by virtue of the exceedance of the cumulative floor space threshold of 300 square metres for structures used for the housing of animals within the same farmyard complex or within 100 metres thereof.
- 8.3.8. Accordingly, I conclude that the development in question does not constitute exempted development within the meaning of Article 6, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

## 9.0 Recommendation

9.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the construction of two “storage” sheds is or is not development or is or is not exempted development:

**AND WHEREAS** Keith Wilson requested a declaration on this question from Monaghan County Council and the Council issued a declaration on the 14<sup>th</sup> day of April 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** Keith Wilson referred this declaration for review to An Coimisiún Pleanála on the 24<sup>th</sup> day of April 2025.

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Class 9 of Article 6, Schedule 2, Part 3 Exempted Development of the Planning and Development Regulations 2001,
- (g) the planning history of the site,
- (h) the pattern of development in the area:

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (a) The development cannot be considered exempted development under Class 9 of Article 6, Schedule 2, Part 3 Exempted Development of the Planning and Development Regulations 2001, based on restrictions on the housing of animals.
- (b) The development cannot be considered exempted development under Class 6 of Article 6, Schedule 2, Part 3 Exempted Development of the Planning and Development Regulations 2001, based on restrictions on aggregate floor area for which the development will exceed the restriction of 300sqm.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the is development and is not exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Darragh Ryan  
Planning Inspector

5<sup>th</sup> of August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322387-25
<b>Proposed Development Summary</b>	Construction of storage shed
<b>Development Address</b>	
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b> <i>[Delete if not relevant]</i>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> <i>[Delete if not relevant]</i>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_