

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

**Register Reference:** ED22/0016  
**Correspondence Name & Address:** Bernard Bradshaw Swallowfield,, Killakee Road,  
Woodtown, Rathfarnham, D16, D16 XO32  
**Development:** Sheep/Farm shed on agricultural holding 19.2m x  
9.14m x 5.18m (H) for flock number F1040746  
**Location:** Swallowfield,, Killakee Road, Woodtown,  
Rathfarnham, D16, D16 XO32  
**Applicant:** Bernard Bradshaw

(CS)

### Description of Site and Surroundings:

The site of the subject application relates to a farm holding located at Killakee Road, Rathfarnham.

### Zoning:

The site is zoned 'RU' in the South Dublin County Council Development Plan 2016-2022, the objective for which is '*To protect and improve rural amenity and to provide for the development of agriculture.*'

### Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development:

- Sheep/farm shed on agricultural holding 19.2m x 9.14m x 5.18m (H) for flock number F1040746.

### Relevant Recent Planning History:

**SD03B/0183:** Single storey extension to the side and rear of the existing house.

Decision: **GRANT PERMISSION.**

**S00A/0451:** Dwelling house and septic tank to rear of existing dwelling.

Decision: **REFUSE PERMISSION.**

Appealed to ABP and was also **REFUSED PERMISSION** in April 2001.

### Pre Planning

None recorded.

### Relevant Enforcement History

None traced.

### Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000 (as

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

amended) and Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

### *Is the proposal development?*

*Section 2(1)* of the Planning and Development Act 2000 (as amended), states, '*works*' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'*structure*' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or 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

'*use*' in relation to land, does include the use of the land by the carrying out of works thereon

*Section 3(1)* defines '*development*', except where the context otherwise requires, as '*the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*'.

It is considered that the proposed development, which would involve the construction of a farm building (detached agricultural shed) for agricultural purposes, constitutes '*works*' and '*development*'.

### *Is the proposal exempted development?*

#### Sheds

Class 6 - Agricultural Structures, Exempted Development - Rural, Part 3 of Schedule 2, Planning and Development Regulations, 2001 (as amended);

*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.*

#### *Conditions & Limitations:*

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*

The proposed structures would be used for housing sheep.

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.*

The proposed structures would be c.175.4sq.m. No other similar structures are located within the same farmyard complex or within 100 metres of that complex.

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

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.*  
No details relating to effluent storage facilities have been submitted as part of this application. **Additional information is required to provide these details.**
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*  
The proposed farm building will not be situated within 10 metres of public road.
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*  
The structure would not exceed 8m 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.*  
The structure would be located within 100m of a neighbouring house and a letter of consent has been submitted confirming there is no objection to the erection of an agricultural shed on the subject site adjacent to their residential dwelling house. However it is not clear where any effluent from the structure shall be stored and the letter of consent does not indicate that, if effluent is stored within 100m, there is consent for this. **Additional information** is therefore requested.
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*  
The applicant has not indicated a colour on the drawings submitted for sheeting to roof and side walls to be painted. **Additional information** is therefore requested.

From the information submitted, it is not clear whether the proposal would comply with the conditions and limitations of Class 6 and could therefore be considered exempted development. Additional information should be sought regarding a number of matters. Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides an exemption for

*'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.'*

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

The cover letter states the proposal is for a sheep shed so Class 9 does not apply as 'sheep' is specified in class 6.

### Article 9

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

### Conclusion

Having regard to the provisions of Section 4 of the Planning and Development Act 2000 (as amended), and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the following works:

- Sheep/Farm shed on agricultural holding 19.2m x 9.14m x 5.18m (H) for flock number F1040746

to be carried out at Swallowfield, Killakee Road, Woodtown, Rathfarnham, D16, D16 XO32 as detailed in the documentation submitted,

(A) **is development**

and

(B) **It is not clear whether it is exempt development.**

### Recommendation

The applicant shall be written to and informed that the proposed development comprising Sheep/Farm shed on agricultural holding 19.2m x 9.14m x 5.18m (H) for flock number F1040746

- (i) **is Development** and
- (ii) **Additional information is required to determine whether or not it is exempt development.**

### Further Information

Further Information was requested on 29/06/22

Further Information was received on 25/07/22

### Consultations

No reports required.

### Submissions/Observations

No further submissions/observations received.

### Assessment of Further Information

The Further Information requested was as follows:

1. *In accordance with Class 6 - Agricultural Structures, Exempted Development - Rural, Part 3 of Schedule 2, Planning and Development Regulations, 2001 (as amended), Condition 3, the following should be met:*

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

*'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'.*

*The applicant is requested to provide details of how the above condition has been met.*

- 2. In accordance with Class 6 - Agricultural Structures, Exempted Development - Rural, Part 3 of Schedule 2, Planning and Development Regulations, 2001 (as amended), Condition 6, the following should be met:*

*'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.'*

*The structure would be located within 100m of a neighbouring house and a letter of consent has been submitted confirming there is no objection to the erection of an agricultural shed on the subject site adjacent to their residential dwelling house. However it is not clear where any effluent from the structure shall be stored and the letter of consent does not indicate that, if effluent is stored within 100m, there is consent for this.*

*The applicant is requested to provide details of the relevant consent.*

- 3. In accordance with Class 6 - Agricultural Structures, Exempted Development - Rural, Part 3 of Schedule 2, Planning and Development Regulations, 2001 (as amended), Condition 7, the following should be met:*

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

*The applicant has not indicated a colour on the drawings. The applicant is requested to provide details of finishes for the proposed structure.*

### Assessment

#### *Item 1 – Effluent Storage*

The applicant has confirmed the location of the effluent seepage storage tank, on the southern end wall of the shed. The applicant has further confirmed that all works will be carried out in accordance with DAFM specifications S101, S123 and S146, providing details of the effluent channels and storage.

#### *Item 2 – Letter of Consent Regarding Effluent Storage*

The applicant has provided a letter of consent from the dwelling located proximate to the sheep shed. This letter confirms consent for the provision of a shed and effluent storage at the location indicated.

#### *Item 3 – Finishes*

The applicant has stated that the shed would be painted green.

# Comhairle Chontae Atha Cliath Theas

PR/1049/22

## Record of Executive Business and Chief Executive's Order

### Article 9 Restrictions


The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

### Conclusion

The applicant has submitted information to confirm details that were excluded from the initial application. On the basis of the information provided, the Planning Authority is satisfied that the works do not include any items that would exclude the works under the conditions and limitations specified under Class 6 - Agricultural Structures, Exempted Development - Rural, Part 3 of Schedule 2, Planning and Development Regulations, 2001 (as amended).

### Recommendation

The applicant should be written to and informed that the proposed development constitutes (i) **development** and (ii) **would constitute Exempted Development**.

  
\_\_\_\_\_  
Jim Johnston  
Senior Executive Planner


**ORDER:** That the applicant be informed that the proposed development of:

**Sheep/Farm shed on agricultural holding 19.2m x 9.14m x 5.18m  
(H) for flock number F1040746 at Swallowfield,, Killakee Road,  
Woodtown, Rathfarnham, D16, D16 XO32**

is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date:

17/8/22

  
\_\_\_\_\_  
Eoin Burke, Senior Planner