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The law regulating rural hospitality: A legal analysis of agricamping in Italy and selected EU Member States*

La legge sull'ospitalità rurale: un'analisi giuridica dell'agricampeggio in Italia e in alcuni Stati membri dell'UE

This article explores the legal framework of farm-based camping (*agricampeggio*) in Italy, analysing its classi-fication as an agricultural activity and the associated regulatory, planning, environmental, and tax implications. Drawing on national and regional legislation, administrative practice and case law, it highlights the legal fragmentation and risks of misclassification. A comparative overview of selected EU Member States (France, Germany, and Spain) provides additional insights. The article concludes with recommendations for a more coherent and unified legal approach to rural hospitality within multifunctional agriculture.

Keywords: agricamping regulation, multifunctional agriculture, building and landscape authorisations, tax treatment of rural hospitality, comparative rural tourism law

Questo articolo esplora il quadro giuridico dell'agricampeggio in Italia, analizzandone la classificazione come attività agricola e le implicazioni normative, urbanistiche, ambientali e fiscali ad essa associate. Attingendo alla legislazione nazionale e regionale, alla prassi amministrativa e alla giurisprudenza, mette in evidenza la frammentazione giuridica e i rischi di errata classificazione. Una panoramica comparativa di alcuni Stati membri dell'UE

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(Francia, Germania e Spagna) fornisce ulteriori approfondimenti. L'articolo si conclude con alcune raccomandazioni per un approccio giuridico più coerente e unificato all'ospitalità rurale nell'ambito dell'agricoltura multifunzionale.

Parole chiave: regolamentazione dell'agricampeggio, agricoltura multifunzionale, autorizzazioni edilizie e paesaggistiche, trattamento fiscale dell'ospitalità rurale, diritto comparato del turismo rurale

Introduction

Farm-based open-air hospitality (commonly referred to as *agricampeggio* in Italy) represents a distinctive model within the broader framework of rural tourism, combining temporary outdoor accommodation with ongoing agricultural activity.[1] This hybrid model raises complex legal issues that intersect with agrarian law, land-use planning, environmental protection, building regulations, and tax law.

Over the past two decades, the phenomenon has gained increasing relevance within the Italian agri-food sector, particularly in marginal or high-value rural areas.[2] In these contexts, agritourism in the form of open-air camping such as the temporary placement of tents, caravans, or camper vans on farmland has emerged as a viable diversification strategy for small and family-run farms, aiming to integrate economic sustainability with environmental stewardship.

However, the absence of a unified national legal framework, together with the broad discretion left to the Italian regions in regulating the matter, has led to significant legal fragmentation. This, in turn, affects the identification of the applicable authorisation regimes (SCIA,[3] building permits, or landscape

[1] F. Morandi, *Esperienze di turismo trasformativo: opportunità per territori autentici e nuovi paradigmi regolamentari*, in: S. Battino (ed.), *Il turismo per lo sviluppo delle aree interne. Esperienze di rigenerazione territoriale*, Trieste 2022, p. 25.

[2] ISTAT, *Agritourism Holdings in Italy – Year 2022*, Rome, 14 December 2023, https://www.istat.it. According to the report, there were 25,849 active agritourism holdings in Italy in 2022 (an increase of 1.8% compared to 2021), approximately 78% of which offered accommodation services, including agricamping. The current value of agritourism production was estimated at around 1.5 billion euros.

[3] SCIA (Certified Notice of Commencement of Activity): an administrative tool under Italian law (Article 19 of Law No. 241/1990) that allows individuals or entities to commence certain economic or construction activities immediately upon submission of a self-certified declaration attesting compliance with legal requirements. The competent authority retains the power to conduct subsequent checks and to prohibit the activity within 60 days in case of non-compliance.

authorisations), the classification of structures (temporary or permanent), and the tax treatment of revenues and land use.

The present article offers a critical legal analysis of farm-based camping in Italy, reconstructing the regulatory landscape through the lens of national and regional legislation, administrative practice, and recent case law. Each section explores the legal prerequisites and constraints that govern this activity, particularly with regard to its functional link with agricultural production, its compatibility with land-use planning, and its implications in terms of taxation and cadastral classification.

In addition to examining the Italian framework, this contribution seeks to expand the discussion by drawing comparisons with selected EU Member States including France, Germany, and Spain, in which similar practices exist under more codified regulatory regimes. By doing so, the article aims not only to clarify the legal conditions for the exercise of open-air agritourism in Italy, but also to contribute to the broader European debate on the legal status of multifunctional agriculture and rural hospitality.

In the Italian legal and policy debate, the notion of "multifunctional agriculture" refers to the capacity of farming to perform, alongside food and fibre production, a broader set of environmental, social and cultural functions, such as landscape management, biodiversity protection and the provision of recreational and educational services. This concept, however, should not be confused with that of "pluriactivity" which concerns the coexistence, within the same holding, of agricultural and non-agricultural activities. While the two dimensions may overlap in practice, they do not coincide: multifunctionality pertains to the functions performed by agriculture, whereas pluriactivity refers to the combination of activities carried out by the agricultural entrepreneur.[4]

1. Agricultural and agritourism enterprises in Italian law: the functional link between farming and rural hospitality

Under Italian law, the legal classification of farm-based camping (*agricampeggio*) cannot be understood without first clarifying the relationship between the primary agricultural activity and agritourism. Article 2135 of

[4] S. Masini, *Orientamenti per un'agricoltura "multifunzionale"*, "Diritto e giurisprudenza agraria e dell'ambiente" 1999, no. 9, p. 453 ff.; F. Bruno, *Profili soggettivi dell'impresa agricola, integrità aziendale e semplificazione nel settore agrario (d.lgs. 29 marzo 2004, n. 99)*, "Le Nuove leggi civili commentate" 2004, no. 4, p. 941 ff.

the Italian Civil Code defines the "agricultural entrepreneur" as a person who carries out cultivation of the land, forestry, animal husbandry and related activities. "Related activities" are those that are functionally connected to the primary agricultural cycle and remain organisationally and economically centred on the farm, such as the processing, packaging and direct sale of farm products.

Law No. 96 of 20 February 2006, which provides the national framework for agritourism, builds explicitly on this civil-law notion. Agritourism activities, including overnight accommodation, food and beverage services, and, where regionally provided for, open-air hospitality, may be carried out only by agricultural entrepreneurs and only through the use of their farm, in a relationship of accessoriness and functional connection to the primary production cycle. The statute requires that farming remains the main activity of the holding, while hospitality services are legally qualified as accessory and complementary.

From this combined reading of Article 2135 c.c. and Law No. 96/2006 it follows that farm-based camping can be framed as an agritourism activity only where a genuine primary agricultural activity is concretely in place and can be demonstrated in terms of land use, production volumes and organisational structure. Where such an agricultural core is missing or purely nominal, there is a risk of a *de facto* commercial camping business being operated under the misleading label of agritourism, with consequent tensions in the application of land-use, building and planning rules.

Regional legislation, which implements the national framework, typically requires not only that the operator formally qualifies as an agricultural entrepreneur but also that the requirement of prevalence be met, understood in functional and organisational terms. In most Italian Regions, this is assessed primarily by reference to the working time devoted to farming compared to that devoted to agritourism activities, possibly supplemented by economic or structural indicators such as farm income, production plans or the scale of hospitality facilities.

Against this background, farm-based camping cannot constitute an autonomous business division of the holding, nor can it become the organisational or managerial centre of gravity of the enterprise, on pain of losing the conditions for its legal qualification as agritourism. The functional link with the agricultural enterprise is therefore not a merely rhetorical requirement but it operates as a legal and factual constraint designed to ensure that rural hospitality remains embedded in, and subordinate to, the farming activity.

2. The legal classification of farm-based camping and the requirement of agricultural prevalence

The legal classification of *agricampeggio* (farm-based camping) largely depends on its functional and subordinate connection to the core agricultural activity. This principle, which derives from national legislation on agritourism[5] and is implemented by regional laws, constitutes an essential benchmark for qualifying hospitality activities carried out in agricultural areas.

Within this framework, *agricampeggio* may be legally recognised as a "connected" agricultural activity only where it is demonstrably subordinate to an agricultural enterprise conducted in a prevailing, stable and continuous manner on the land. In the absence of tangible evidence proving the existence of such a primary farming activity, a building application aimed at establishing a hospitality facility for agritourism purposes may be lawfully rejected. The instrumental relationship between agriculture and rural hospitality cannot be based merely on declarations of intent or on a formal reference to land ownership. Farm-based camping cannot be considered an agricultural activity solely by virtue of being carried out on agricultural land; rather, it must demonstrate a genuine integration with the agronomic management and productive organisation of the holding.

Regional legislation has expressed this principle in various forms, but with the shared requirement of anchoring *agricampeggio* to a non-fictional agricultural operation. For instance, Regional Law of Emilia-Romagna No. 11 of 31 March 2004 makes the operation of *agricampeggio* subject to the registration of the holding in the regional list of agritourism operators and to the verification of a complementary relationship with the agricultural activity. Similarly, Apulian legislation (Regional Law No. 42 of 13 December 2013) requires that *agricampeggio* be carried out in accordance with a business plan demonstrating the centrality of the agricultural enterprise.

There thus remains a concrete risk of slippage into what is essentially a commercial hospitality activity concealed under the label of agriculture, particularly where *agricampeggio* is not genuinely supported by a real, documented and prevailing agricultural operation.[6] Such a phenomenon not only conflicts with the foundational principles of agricultural law which require that agritourism activities be functionally subordinate to agricultural

[5] Article 2(1), Law No. 96 of 20 February 2006 (Official Gazette No. 63 of 16 March 2006).

[6] F. Tedioli, *L'agriturismo: attività agricola, attività commerciale e impresa con oggetto complesso*, "Consulenza Agricola" 2021, no. 10, p. 7.

enterprises, but also results in a distorted and instrumental use of rural land, in direct tension with the objectives of protecting, safeguarding and planning the agricultural territory.

Finally, it should be noted that in the presence of a misuse of the agritourism framework for purely hospitality or tourism purposes, the competent public authorities, and municipalities in particular, may lawfully adopt repressive measures and deny authorisation due to the lack of the essential requirement of agricultural prevalence even if a valid SCIA (Certified Notice of Activity Commencement) has been submitted.

3. The legal framework of farm-based camping in Italy

3.1. Agritourism regulation and building permits

Farm-based camping represents one of the most significant and current expressions of agricultural multifunctionality. In general terms, it consists in the possibility for a farmer to temporarily host tourists on portions of their agricultural land and allow the use of privately owned overnight accommodations such as tents, caravans, or camper vans, while offering ancillary services connected to farming or to the rural environment. This form of *open-air hospitality*[7] which complements more traditional agritourism accommodations in rooms or apartments, may legitimately be included among the activities exercisable within an agricultural enterprise, provided it complies with the functional and quantitative limits imposed by sectoral legislation.

The applicable legal framework remains fragmented. Law No. 96 of 20 February 2006,[8] which constitutes the main national reference for agritourism, does not explicitly regulate farm-based camping, thereby delegating to the Regions the definition of operational modalities and specific requirements. This has led to significant differences in application between territories, with direct consequences on the legal classification of structures and on the applicable urban and building regulations. In exercising their legislative competences in the areas of agriculture and tourism, the Regions have adopted diverse approaches to regulating farm camping, generally recognising its ancillary and complementary nature in relation to farming

[7] On this topic: M. Michetti, *Il turismo open air nel quadro normativo statale e regionale alla luce delle principali questioni di rilievo giuridico*, "Rivista di diritto delle autonomie territoriali" 2021, no. 3, p. 512.

[8] This provision also reflects, within the domestic legal system, the increasing interest shown by the European legislator – most notably in Regulation (EC) No 1698 of 20 September 2005 – in supporting the development of agritourism as a form of multifunctional rural activity.

activities, and subordinating its exercise to the status of professional agricultural entrepreneur (*imprenditore agricolo professionale*) and to registration in the official list of agritourism operators.

This normative fragmentation has created a degree of legal uncertainty, especially with regard to the necessity and type of authorisations required to carry out the activity. In many Regions, farm camping may be commenced by means of a certified notice of commencement of activity (SCIA). However, this simplified administrative procedure does not exempt the operator from compliance with urban planning and landscape protection rules applicable to the territory in question. In practice, even a simple preparation of pitches, an installation of lightweight structures, or a provision of sanitary facilities or common areas may constitute building works that fall outside the scope of "free building" or ordinary maintenance, thereby requiring the acquisition of a formal building permit.

This intersection between agritourism planning and urban-building regulations is one of the most problematic areas for both public administrations and operators. This is because the classification of the activity as "agricultural" does not, in itself, automatically derogate from planning constraints, nor does it dispense with the need to obtain landscape or environmental authorisations where required. While the ancillary nature of the activity may be relevant in terms of eligibility for tax benefits or qualification as a farm enterprise, it does not automatically translate into a simplification of the authorisation burdens from a building law perspective.

What emerges, therefore, is the need for a systemic reading of the intersecting legal frameworks: on the one hand, agrarian and agritourism legislation, which enhances the entrepreneurial role of farmers and promotes the development of multifunctional and ancillary activities; on the other, urban and building law which safeguards the spatial organisation of the territory and requires effective control over transformations of agricultural land, even if temporary in nature. The point of equilibrium between these two legal demands is often difficult to identify and is typically subject to case-by-case evaluation by local authorities.

In light of the above, the classification of farm-based camping as a fully legitimate agritourism activity must always be accompanied by a specific and detailed assessment of subjective conditions (the legal status of the agricultural entrepreneur), the objective elements (the prevalence of farming activity), and the structural features (the type and scope of physical installations). These subjective and objective limits mark the legal boundary between genuine agritourism and the *de facto* commercial hospitality, as recent scholarship

has emphasised.[9] From a public-law perspective, such assessments must be situated within a framework that coordinates sectoral agritourism legislation with general planning and building regulations. This integrated approach, besides reflecting the principle of substantive legality, serves to prevent the opportunistic use of the agritourism label to conceal activities that are, in fact, purely commercial or touristic in nature and incompatible with the designated use of agricultural land.

3.2. Agricultural activity as the foundation of farm-based camping: the principle of prevalence

The legitimacy of farm-based camping, like all agritourism activities, is subject to the essential condition that it must be carried out by an agricultural entrepreneur and remain functionally connected and subordinate to the principal agricultural activity. This requirement, known in Italian law as the "principle of prevalence,"[10] is established by Article 1 of Law No. 96/2006, which defines agritourism as "reception and hospitality activities carried out by agricultural entrepreneurs [...] through the use of their own agricultural holdings in connection and complementarity with the activities of cultivation of the land, forestry, animal husbandry and related activities."[11]

This requirement is not merely formal, but constitutes the substantive criterion that distinguishes agritourism – and thus farm camping – from any other hospitality activity carried out on agricultural land. It is precisely compliance with the clause that enables agritourism activities to benefit from a differentiated legal regime that is often more favourable in terms of taxation, access to public funds and compatibility with land-use planning regulations.

The notion of "prevalence" must be understood in both economic and functional terms: economically, the revenues from core farming operations

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[9] G. Ferrara, *I limiti oggettivi e soggettivi dell'attività agrituristica*, "Diritto agroalimentare" 2018, no. 1, pp. 19–41.

[10] G. Ferrara, *I limiti oggettivi e soggettivi dell'attività agrituristica*, "Diritto agroalimentare" 2018, no. 1, pp. 19–41, in particular on the relationship between the statutory requirement of prevalence and the general rule of connected activities under Article 2135(3) of the Civil Code.

[11] In the literature see: E. Tolino, *Impresa agricola (agriturismo) e turismo di lusso*, "Diritto e giurisprudenza agraria, alimentare e dell'ambiente" 2016, no. 2, p. 431; L. Paoloni, *L'agriturismo come attività agricola*, "Diritto e giurisprudenza agraria, alimentare e dell'ambiente" 2009, no. 12, p. 743; M. Picchi, *La 'legge quadro' in materia di agriturismo e la sussidiarietà tradita*, "Giurisprudenza costituzionale" 2008, vol. I, p. 484, note to Corte costituzionale, Judgment of 12 October 2007, No. 339.

must exceed those derived from connected activities; functionally, the organisation and purpose of the agritourism activity must be ancillary to, and integrated with, the principal agricultural activity.[12] From this perspective, farm-based camping cannot constitute an autonomous business unit within the enterprise, nor may it become the economic centre of gravity of the farm, under penalty of the loss of the conditions required for its recognition as an agritourism activity.

In practice, compliance with the prevalence principle is entrusted to the oversight of the Regions and the competent public administrations done through the maintenance of official registries of agritourism operators and, in certain regional systems, by requiring the submission of an agritourism business plan[13] or the preparation of a dedicated agritourism income statement.[14] These tools are intended to verify the sustainability and coherence of the hospitality activity in relation to the agricultural dimension of the enterprise.

Within this framework, farm-based camping is generally recognised as a legitimate form of agritourism only if specific conditions are met:

– the operator must qualify as an agricultural entrepreneur within the meaning of Article 2135 of the Italian Civil Code and, where applicable, as a professional agricultural entrepreneur (*imprenditore agricolo professionale*, IAP);[15]

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[12] A. Germanò, *Manuale di diritto agrario*, Torino 2022, p. 393 ff.

[13] The farm agritourism business plan (*piano agrituristico aziendale*) is a regulatory instrument provided for under several regional laws, including, for instance, Veneto Regional Law No. 9/1997, which in Article 3 states: "To verify the relationship of connection and complementarity referred to in Article 2(1), those intending to register in the list of agritourism operators must submit a farm agritourism business plan to the President of the Provincial Agritourism Commission." This plan is intended to demonstrate that agritourism activities are effectively complementary to and functionally connected with the farm's primary agricultural operations.

[14] The agritourism income statement (*bilancio agrituristico*) is a document required by certain regional laws for the purpose of proving that the core agricultural activity remains predominant over agritourism services. For instance, Molise Regional Law No. 9/2010, Article 2(3), provides: "The connection, in compliance with the provisions of Article 2135 of the Civil Code, shall be demonstrated through the submission of a specific business plan drawn up in accordance with regional requirements." This instrument thus serves to substantiate the functional and economic subordination of agritourism to agriculture.

[15] The former category of the *imprenditore agricolo a titolo principale* (principal agricultural entrepreneur) has been superseded by the current regime of the imprenditore agricolo professionale (professional agricultural entrepreneur, IAP). For the purposes of this article, reference will therefore be made only to the general notion of agricultural entrepreneur under Article 2135 of the Civil Code and, where relevant, to the IAP status.

– the surface area designated for camper stays must not exceed the specific percentage limits with respect to the total agricultural area as defined by regional regulations;

– the services offered must be compatible with the agricultural designation of the land and integrated into the farm's activities, for example through the sale of farm products, participation in educational programmes, or the enhancement of natural and landscape resources.

Accordingly, farm-based camping is admissible only insofar as it remains ancillary and subordinate: it is the agricultural dimension that justifies its existence, not the other way round. The case law has repeatedly affirmed that agritourism activities must be considered as "derived from" and "linked to" the farming activity, with the consequence that the loss of the latter's prevalence renders unlawful any accessory activity that presupposes its actual and documentable exercise.[16]

Nonetheless, cases have emerged in practice where farm camping has been misused as a veiled form of ordinary tourist accommodation, devoid of any substantial link to agricultural operations and lacking the subjective and objective requirements mandated by sector-specific legislation. These practices not only generate disputes but also undermine the credibility of the agritourism sector, often prompting local authorities to adopt restrictive or sanctioning measures in response to improper use of the agritourism designation.

Therefore, the legal foundation of farm-based camping cannot be inferred merely from the rural location or the ownership of agricultural land, but must derive from the economic, organisational and functional continuity with actual farming activity. In this model of a complex agricultural enterprise, each operational segment – including hospitality – is called upon to contribute to the enhancement of the land and its resources, while remaining subordinate to the prevailing agricultural purpose.

3.3. The connection between agricultural activity and farm-based camping in business plans and regional regulations

The connection between the main agricultural activity and farm-based camping (for the latter to qualify as agritourism under Article 2(1)(a) of Law No. 96/2006) cannot be presumed automatically. Rather, it requires a thor-

[16] Corte di Cassazione, Judgment No. 24242 of 2023; Consiglio di Stato, Judgment No. 7165 of 2010; TAR Toscana, Judgment No. 1517 of 2014.

ough administrative assessment, grounded in the farm's agritourism business plan and the actual organisational structure of the agricultural enterprise.[17]

National legislation merely stipulates that agritourism activity – including hospitality in open-air spaces – must be carried out "in connection and complementarity with agricultural activities."[18] This requirement is further elaborated by regional laws which define both objective and subjective criteria, sometimes imposing minimum standards concerning the size of the holding, opening periods, range of services provided, or the proportion of land that may be designated for accommodation.

For example, the Region of Tuscany requires that agritourism activities, including farm-based camping, be conducted by agricultural entrepreneurs registered in the regional registry. They also must be consistent with "the scale of the agricultural activity and the overall organisation of the farm."[19] Similarly, the Region of Veneto provides (Article 3) that agritourism activities must be closely related to the predominant agricultural practices and compatible with the farm's productive structure.[20]

The tool through which such verification is ordinarily conducted is the farm agritourism business plan that constitutes an essential element of the administrative review no matter if the agritourism activity is subject to a simple SCIA or to prior authorisation by the competent administration, depending on the applicable regional framework. The plan must include not only a detailed description of the predominant agricultural activities, but also the methods by which agritourism services are to be provided, specifying their organisational, temporal, and structural impact on the enterprise.

Consequently, farm-based camping may only be validly classified as agritourism if it is demonstrably integrated into the farm's operations, serving as their ancillary and functionally connected extension. Open-air tourist accommodation carried out in complete isolation from any agricultural activity cannot be regarded as agritourism under sector-specific legislation,

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[17] F. Albisinni, *Trasformazione e vendita dei prodotti, commento all'art. 10 della L. 20 febbraio 2006, n. 96 ("Disciplina dell'agriturismo")*, "Rivista di diritto agrario" 2006, no. 4, p. 600; A. Carrozza, *Agriturismo*, in: A. Carozza (ed.), *Dizionario di diritto privato*, vol. IV: *Diritto agrario*, Milan 1983, p. 63 ff.; C.A. Graziani, F. Albisinni, *Definizione di attività agrituristiche, commento all'art. 10 della L. 20 febbraio 2006, n. 96 ("Disciplina dell'agriturismo")*, "Rivista di diritto agrario" 2006, no. 4, p. 407 ff.; P. Masi, *Attività agricole e attività connesse*, "Rivista di diritto civile" 1973, vol. II, pp. 93 and 106; idem, *Le attività connesse*, in: F. Irti (ed.), *Manuale di diritto agrario*, Torino 1978, p. 89 ff.

[18] Article 1(1) of Law No. 96 of 20 February 2006.

[19] Article 4 of Tuscany Regional Law No. 30 of 23 June 2003.

[20] Article 3 of Veneto Regional Law No. 28 of 10 August 2012.

as the mere ownership of rural land is not, by itself, a sufficient legal basis for operating such activity.[21]

To this end, regional regulations often lay down quantitative limits (e.g. the number of pitches, the duration of stay or seasonal operation) and impose obligations to maintain the prevalence of agriculture, in particular in terms of the working time devoted to farming as compared to agritourism activities, with periodic inspections by agricultural services or local law enforcement. In some regions, it is explicitly stated that camping pitches may only be used during periods when the farm is actively engaged in agricultural activity, this underscoring the requirement of a strict functional connection.

This interpretation aligns with the principle of multifunctionality of the agricultural enterprise as codified in Article 2135 of the Italian Civil Code which recognises that rural entrepreneurship can include forms of hospitality and reception, provided these remain consistent with and compatible with the farm's productive structure.[22]

The principle of connection, therefore, is not merely formalistic. It must be substantiated and consistent with the operational reality of the farm, failing which the activity may be reclassified as a standard form of tourist camping with all the ensuing consequences in terms of planning, taxation, and land use compliance.

3.4. Building and zoning issues in farm-based camping: permits, removability, and land use restrictions

From the perspective of urban planning and construction law, the establishment and operation of farm-based camping sites (*agricampeggio*) raise significant regulatory challenges. They include, in particular, questions of whether a building permit is required for the related structures, or of the potential seasonal nature of such installations and their compatibility with local zoning instruments.

According to the settled case law of Italian administrative courts, the presence of structures intended for guest accommodation or associated services such as platforms, restrooms, or electrical systems constitutes a land

[21] TAR Veneto (Regional Administrative Court of Veneto), Judgment No. 609 of 2023, www.osservatorioagromafie.it.

[22] G. Galasso, G. Fratto, F. Elmi, *Agriturismo e multifunzionalità dell'impresa agricola*, document prepared by ISMEA within the framework of the National Rural Network Programme – 2016 Plan, Project Sheet ISMEA 13.1, "Agriturismo e multifunzionalità", https://www.reterurale.it.

use transformation. As such, "the creation of an open-air hospitality facility for tourists involving structures and installations designed to provide accommodation and services amounts to an urban transformation intervention that is subject [...] to the prior issuance of a building permit."[23]

The seasonality of the installations is not, in itself, a valid exemption. Italian jurisprudence consistently holds that "a structure intended to be periodically dismantled and reassembled is nevertheless capable of producing a lasting increase in the urban load, albeit limited to certain months of the year."[24] Accordingly, the removability of the facilities or their use on a seasonal basis does not in any way dispense with the need for a valid building title. Even the official glossary of minor construction works (*glossario dell'edilizia libera*), except in clearly marginal circumstances,[25] does not allow for the inclusion of such impactful works among those that may be executed without a permit.

Furthermore, in the presence of landscape or hydrogeological constraints, pursuant to Article 146 of Legislative Decree No. 42/2004 and the applicable regional provisions, any accessory works related to farm-based camping are subject to landscape authorisation. The absence of such authorisation invalidates any SCIA and renders the works unlawful.[26]

Finally, it is not permitted to artificially split the construction interventions in order to circumvent a comprehensive assessment. All works must be considered in their functional unity, without segmentations that obscure their overall planning impact.[27]

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[23] TAR Puglia – Lecce, Section I, Judgment of 17 March 2025, No. 426.

[24] Consiglio di Stato, Section IV, Judgment of 24 September 2020, No. 5965, which held that structures of a seasonal nature, when aimed at meeting permanent needs over time, must be treated as "new constructions" and therefore require a building permit (*permesso di costruire*).

[25] This interpretation was confirmed by TAR Puglia – Lecce, Section I, Judgment of 17 March 2025, No. 426, which rejected the applicant's claims, finding them unfounded as they merely invoked the Glossary in general terms, without providing any evidence of the actual building and landscape compatibility of the works carried out.

[26] Council of State, Judgment No. 833 of 2023, confirmed that agritourism activities, including farm-based camping (*agricampeggio*), must comply with all applicable building and landscape regulations. In the absence of required authorisations – especially landscape authorisation under Legislative Decree No. 42/2004 – local municipalities retain full power to adopt repressive measures against unlawful constructions, including demolition orders and suspension of activity.

[27] Council of State, Judgment No. 3964 of 2023, reaffirmed the principle that in cases involving multiple unlawful constructions, a comprehensive – rather than fragmented – assessment of the works is required. The Court specifically held that "the evaluation of building and/or landscape infringements must adopt a comprehensive, not atomistic, perspective, as the

These principles require that the agricultural entrepreneur and their technical consultant exercise particular care during the design phase and properly identify the necessary permits. Failure to do so may result in administrative sanctions, such as demolition orders, suspension of the activity, or the rejection of renewal applications for agritourism authorisations filed under SCIA.

3.5. Authorisation requirements and municipal supervisory powers over farm-based camping

In the Italian legal framework, the commencement and exercise of farm-based camping (*agricampeggio*) activities are subject to a plurality of authorisation procedures whose precise legal classification is essential for purposes of administrative oversight and legality. Firstly, with regard to authorising competences, it is well established that agritourism activities in the broader sense – including *agricampeggio* – are regulated at the regional level, within a normative framework that delegates the compatibility assessment to farm development plans (*piani agrituristici aziendali*) approved by the competent authorities.[28]

However, building and zoning regulations remain firmly within the competence of the municipality. Pursuant to Article 27 of Presidential Decree No. 380/2001, the municipality retains full powers of inspection, verification, and enforcement in matters relating to building code violations. This principle has been repeatedly reaffirmed by administrative case law, which holds that even where an agritourism SCIA has been duly submitted, the municipality retains the power to assess the compliance of farm-based camping structures with building and land-use regulations. The municipal authority may thus order the cessation of activity or the demolition of any structures erected in breach of those regulations.

The submission of a SCIA for agritourism purposes does not exempt the operator from the obligation to obtain a building permit (*permesso di costruire*) where the structures involved, by virtue of their size or perma-

harm caused to the orderly spatial arrangement of the territory or to the landscape does not derive from each individual intervention considered in isolation, but rather from the totality of the works, their combined urban and environmental impact, and their mutual interaction."

[28] Article 3 of Law No. 96 of 20 February 2006, which states that agritourism activities, including hospitality services such as farm-based camping, must be carried out in compliance with regional legislation and subject to verification of connection and complementarity with the agricultural activity of the farm enterprise.

nence, amount to a transformation of land use. Seasonality is not in itself sufficient to justify the omission of a building permit, as structures intended to be removed and reinstalled cyclically may nonetheless be deemed as fulfilling long-term functional purposes, thus producing a stable increase in urban load.[29]

Furthermore, case law has clarified that the municipality's power to inhibit activity does not require the prior annulment or revocation of earlier administrative acts. It may be exercised autonomously pursuant to Article 19(6-bis) of Law No. 241/1990. Farm-based camping, therefore, cannot be used to legitimise the installation of unauthorised structures, even where such facilities are functionally connected to agricultural activity. The urban legality of each installation must be assessed independently, regardless of its compliance with regional agritourism criteria.[30]

Ultimately, municipalities retain a full and autonomous supervisory power with regards building matters, distinct from the agronomic or functional assessments carried out by regional bodies whether through their agricultural services or through the entities responsible for managing the register of agritourism operators. It is incumbent on the operator, in all cases, to obtain all required building and landscape permits, independently of the formal agritourism authorisation. As a result, the agritourism SCIA, in and of itself, cannot cure building law violations or authorise land transformations.

This legal structure demands particular care during the farm's planning phase. The installation of camper pitches, sanitary facilities, platforms, or roofing must be examined both from the agronomic-functional perspective and the building and environmental law perspective. Failure to do so may render the development void and expose the operator to administrative penalties imposed by the municipal authorities.

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[29] TAR Puglia – Lecce, Judgment No. 426 of 17 March 2025 held that the absence of specific planning and landscape authorisations cannot be remedied by merely invoking the national building glossary (*glossario dell'edilizia libera*). The Court confirmed that each construction linked to farm-based hospitality, even when part of an agritourism SCIA (certified notification of commencement of activity), must comply with both building and landscape authorisation frameworks, under penalty of unlawfulness.

[30] TAR Veneto, Second Chamber, Judgment No. 609 of 5 June 2023, reaffirmed that agritourism activities, including open-air hospitality such as agricampeggio, must maintain a genuine connection to the prevailing agricultural use of the land. The ruling clarified that merely owning rural land does not suffice to legitimise tourist accommodation with absent demonstrable agricultural integration and compliance with relevant regional planning instruments.

3.6. Landscape, environmental and conservation constraints

Although *agricampeggio* falls within the broader scope of agritourism activities as defined by Law No. 96/2006, it remains subject to full compliance with landscape, environmental and hydrogeological constraints imposed by national and regional legislation. Interference with such constraints may significantly affect the feasibility of the activity, requiring the acquisition of specific authorisations and adherence to particularly stringent administrative procedures.

In general, pursuant to Article 146 of Legislative Decree No. 42/2004 (Code of Cultural Heritage and Landscape), any intervention that may alter the state of the environment in areas that are subject to landscape restrictions must be previously authorised. Administrative case law has clarified that this requirement applies even to removable structures, where such structures affect the visual perception of the landscape or produce a significant and non-transitory environmental alteration.[31]

Likewise, the absence of clearance with regard to any applicable hydrogeological restrictions constitutes a legal obstacle to the execution of works and entails their urban planning unlawfulness. Allegations raised by the appellant concerning the alleged absence of such restrictions have been consistently deemed vague and insufficient, in line with established case law, which places the burden of proof regarding the legality of the intervention on the proposing party.[32]

In the same way, municipal demolition orders for structures located in areas subject to landscape protection have been upheld as lawful where no authorisation had been obtained, even in cases where the agritourism activity itself was otherwise validly authorised under the agricultural or commercial profile. Case law has consistently underscored the necessary distinction between agritourism authorisations and the separate legal regime govern-

[31] TAR Puglia – Lecce, Section I, Judgment No. 426 of 17 March 2025, which excluded the possibility of attributing permanent effectiveness to a prior landscape authorisation in relation to subsequent and substantially different interventions. The court upheld the legitimacy of a subsequent refusal issued by the competent administration for interventions located within a protected area, observing that the works in question were not covered by a valid authorisation nor by any favourable opinion from the landscape protection authority.

[32] Consiglio di Stato, Section VI, Judgment No. 8279 of 30 September 2022, which reiterated that, in the presence of environmental or landscape constraints, the burden of proof lies with the private party to demonstrate that the building intervention complies with applicable protection laws and is duly authorised. Generic objections regarding the non-existence of the restriction are not sufficient to disprove the authority's findings.

ing building and landscape authorisations, affirming that the latter cannot be bypassed solely because the activity is carried out under the agritourism framework.[33]

Consequently, the conduct of *agricampeggio* activities is not exempt from the observance of environmental and landscape protection laws, not even in cases where the interventions may be deemed seasonal or temporary. On the contrary, a prior and integrated assessment is required, including factors such as the type of materials used, the stability of the structures, the number of anticipated guests, and the potential environmental impact on the surrounding area. Failure to conduct such assessment will invariably result in enforcement actions by the competent authorities, including interdiction of the activity and, in more severe cases, monetary penalties and demolition orders.

3.7. Sanctions regime and the repressive powers of the administration

Although classified in many regional laws as a form of agritourism accommodation, the activity of *agricampeggio* remains subject to the general powers of supervision and enforcement in urban planning and building matters, vested in the Municipality pursuant to Articles 27 et seq. of Presidential Decree No. 380 of 6 June 2001. This oversight extends to the works and installations instrumental to the operation of agricamping activities, whenever they affect the urban and territorial layout.

Municipal competence in construction matters remains fully intact even in the presence of agritourism activities duly authorised at the agricultural or regional level. The possible allocation of supervisory powers to the Region in agritourism matters does not diminish the Municipality's power-duty to detect and repress building abuses, including those carried out within the scope of activities such as agricamping, where the required building permits are lacking.[34]

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[33] TAR Veneto, Section II, Judgment No. 609 of 5 June 2023, which reaffirmed that the existence of a valid agritourism qualification does not exempt the operator from complying with planning and landscape regulations, nor does it preclude the municipality from adopting enforcement measures in the absence of the necessary authorisations.

[34] Consiglio di Stato, Judgment No. 833/2023, available at www.osservatorioagromafie.it, which held that the existence of regional competences regarding the functional regulation of agritourism activities does not affect the municipality's power of building supervision under Article 27 of Presidential Decree No. 380 of 6 June 2001, including with regard to structures used for agricamping purposes.

The case law has clarified that the absence of a building permit and of the landscape authorisation renders unlawful any structures erected on agricultural land, even if temporary and intended for agritourism purposes such as agricamping.[35] The mere submission of a building SCIA, if unsuitable or related to different works, is not sufficient to legitimise the intervention, nor does it prevent the exercise of repressive powers by the Municipality. The use of an inappropriate building title does not remedy the illegality, nor does it inhibit the sanctioning authority of the administration.[36]

From a sanctions standpoint as well, the legal regime applicable to agricamping is fully aligned with that governing other unauthorised building interventions: the installation of mobile structures, even if removable and intended for seasonal use, triggers the application of the sanctions provided by Presidential Decree No. 380/2001, including the demolition order (Article 31), where the structures amount to new constructions or significant alterations of the soil.[37]

It can therefore be affirmed that even in cases where agricamping is formally classified as an agricultural or agritourism activity, the legal system does not provide for any exemption from the general rules on urban planning and building regulation. The autonomy granted to Regions in the regulation of agritourism does not entail any exemption of agricamping from the system of building authorisations, nor does it limit the exercise of repressive powers by the Municipalities.

3.8. Reclassification of agricamping facilities: cadastral classification and legal implications

The cadastral classification of facilities intended for agricampeggio (agricamping) is currently being revised, and has been brought into sharp focus by the entry into force of Article 7-*quinquies* of Decree-Law No. 113 of

[35] TAR Puglia – Lecce, Judgment No. 426/2025, upheld the legitimacy of the municipal order prohibiting the agricamping activity and ordering the demolition of the related structures, which had been erected without the necessary building permit and landscape authorisation, notwithstanding the seasonal nature of the works and the submission of a building SCIA.

[36] TAR Veneto, Judgment No. 609/2023, held that the possession of an agritourism authorisation does not exempt the operator from the obligation to obtain the building and landscape permits required under urban planning regulations.

[37] Consiglio di Stato, Judgment No. 596, reaffirmed that the seasonal or removable nature of a structure does not exempt it from the requirement to obtain a building permit, where, due to its dimensional, functional, and structural characteristics, the work is capable of permanently altering the urban load.

9 August 2024 (the so-called Decreto Omnibus), which introduced significant changes to the cadastral treatment of open-air accommodation structures.

As of 1 January 2025, caravans, motorhomes and mobile homes equipped with functioning rotation mechanisms, if located within campsites, tourist villages, *agricampeggi* or holiday parks, are no longer relevant for cadastral representation and registration purposes. However, the value of the areas designated for guest accommodation is subject to significant reassessment: Article 7-*quinquies*, para. 3, stipulates an 85% increase for equipped areas (i.e., those simultaneously provided with electricity, water supply, and wastewater disposal connections) and a 55% increase for non-equipped areas. These criteria are set to directly affect the estimation of cadastral income.

As a result of these changes, operators of open-air accommodation structures are required to submit cadastral update declarations by 16 December 2025 using the PreGeo and DoCFa platforms, under penalty of the initiation of *ex officio* proceedings by the Revenue Agency (Agenzia delle Entrate), with the associated costs charged to the owners.[38]

In the context of *agricampeggio*, this regulatory development raises specific issues. On the one hand, *agricampeggio* qualifies as an activity functionally connected to agricultural operations and may, in principle, fall within the scope of rural activities. On the other hand, the facilities used for guest accommodation, such as platforms, covers, sanitary installations, and utility connections, are often characterized by elements of stability and permanence, which makes them subject to cadastral registration as ordinary real estate units in category D/2.[39]

Failure to update cadastral records exposes liable parties to tax audits, administrative fines, and potential fiscal disputes. This situation necessitates evaluation of the technical and legal assessment of the installations found within agritourism structures, based on objective criteria of structural permanence, duration, and income relevance, done on a case-by-case basis according to the actual configuration of the facilities.

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[38] In this regard, reference should be made to the provisions of Article 20 of Law No. 652/1966, in conjunction with Article 7-*quinquies*, para. 4, of Decree-Law No. 113/2024.

[39] As clarified by administrative case law, what is relevant is not the mere declaration of seasonality or removability, but rather the actual ability of the structure to permanently alter the state of the land. In this sense, see TAR Trento, No. 180/2021, available at www.osservatorioagromafie.it, which held that even structures serving seasonal agritourism activities must be considered subject to building permits and, consequently, to cadastral registration requirements, whenever they entail a permanent transformation of the land.

3.9. Tax aspects of agricamping: connected agricultural activity and fiscal treatment

The tax classification of agricamping represents one of the most sensitive aspects of agritourism regulation, particularly when the activity is conducted marginally with respect to the actual management of the land or is carried out using lightweight and temporary structures. The recognition of agricamping as a connected agricultural activity pursuant to Article 2135, para. 3 of the Italian Civil Code[40] entails significant consequences in terms of VAT regime, direct taxation, and local taxation.

From a normative perspective, Law No. 96/2006, Article 2, para. 2, expressly includes among agritourism activities the "hospitality in open spaces designated for camper accommodation" subject to the condition that such activity remains functionally linked to agriculture and that the latter remains predominant. This provision has been transposed into regional legislation, with partially divergent definitions, all of which share the common requirement that agricamping must be functionally instrumental to the exercise of agricultural activity.

For direct taxation purposes, where farm-based camping is carried out in compliance with the principle of connection and within the quantitative limits set by the Ministerial Decree of 13 February 2015,[41] the income generated may benefit from the lump-sum regime provided for agritourism activities by Article 5 of Law No. 413 of 30 December 1991, under which 25% of the gross receipts is subject to personal income tax (IRPEF). This regime, which is an alternative to the ordinary one, is applicable only where the subjective and objective conditions laid down by the special legislation are met.

As regards VAT, the Italian Revenue Agency's Circular No. 32/E of 22 July 2008[42] clarified that farm-based camping may benefit from the reduced

[40] Article 2135(3) of the Italian Civil Code defines connected agricultural activities (*attività connesse*) as those carried out by the same agricultural entrepreneur and directed to the processing, transformation, marketing, and enhancement of the products obtained from the cultivation of the land, forestry, or animal husbandry, or those activities carried out through the prevalent use of equipment or resources normally employed in agricultural activity, including the provision of services to third parties.

[41] Ministerial Decree of 13 February 2015 (Decreto Ministeriale 13 febbraio 2015), issued pursuant to Article 5 of Law No. 96/2006, sets forth the quantitative limits within which agritourism activities, including agricamping, are considered connected to agricultural activity for tax purposes. These limits concern, inter alia, the number of overnight stays, meals served, and services provided in relation to the agricultural capacity of the farm.

[42] Italian Revenue Agency, Circular No. 32/E of 22 July 2008, concerning the VAT treatment of agritourism services, clarifies that the reduced VAT rate of 10% applies to

10% VAT rate, provided that it is carried out within the limits of agritourism activity and in compliance with regional legislation. Otherwise – for example where the predominant activity is hospitality and the connection with agricultural activity is lacking – the service risks being reclassified as an ordinary commercial activity, subject to the standard VAT rate (22%) and possibly excluded from the agritourism lump-sum regime which presupposes both subjective and objective consistency with the parameters laid down by the sectoral legislation.

In this respect, it is worth noting that numerous tax audits carried out in recent years have challenged the absence of a functional connection between agricamping and the core agricultural activity. These audits have found that fixed installations and para-hotel arrangements (e.g., stationary caravans, air-conditioned prefabricated units, masonry sanitary blocks) are incompatible with the agricultural nature of the business and instead qualify as pure tourist accommodation operations.

A further issue arises with respect to local taxation, particularly the application of the municipal property tax (IMU). If agricamping is carried out on agricultural land without any building transformation and without the attribution of an autonomous cadastral value, the land retains its rural status. Conversely, the presence of permanently anchored structures capable of generating independent income – as also clarified in the MEF Circular No. 3/DF of 2012[43] – may lead to reclassification as taxable buildings, thus triggering IMU liability.

Moreover, the preferential regime for agricultural land (e.g., IMU exemption for *coltivatori diretti* and *IAP* – professional farmers enrolled in the relevant register) may be forfeited if the predominant activity shifts towards tourism and accommodation.

It should also be stressed that the seasonal nature of agricamping does not, in itself, exempt it from tax obligations, nor does it justify the omission of revenue reporting. Cross-checks between data from the National Agricultural Information System (SIAN), mandatory guest registration with the police,

agricamping activities, provided they meet the requirements for classification as connected agricultural activities under national and regional legislation. The Circular emphasises the need for an effective functional connection with the main agricultural activity and compliance with regional agritourism laws.

[43] Italian Ministry of Economy and Finance (MEF), Circular No. 3/DF of 18 May 2012, clarified that structures permanently anchored to the ground and capable of generating autonomous cadastral income must be classified as taxable buildings for IMU purposes. The Circular also specifies that the mere presence of tourism-oriented facilities on agricultural land may entail the loss of rural classification, with significant implications for local taxation.

and declared revenue have become increasingly common tools used by tax authorities to verify actual turnover and detect underreporting.

Accordingly, it is essential for sector operators to adopt a proactive and integrated approach to tax compliance in agricamping, ensuring the existence of both objective and subjective conditions necessary to maintain agritourism status and carefully evaluating any factors that may affect the fiscal classification of their operations.

4. Comparative overview: farm-based camping in selected EU Member States

While the concept of farm-based camping (agricamping) is broadly present across the European Union, its legal definition, regulatory framework, and administrative treatment vary considerably from one Member State to another. These differences reflect diverse agricultural traditions, planning regimes, and policy priorities in rural development, tourism, and land use governance. The following sections provide a country-specific analysis of selected jurisdictions, highlighting both convergences and divergences with the Italian model. Particular attention is paid to the legal status of agricamping, licensing requirements, links with agricultural activity, and any specific environmental considerations applicable to this hybrid form of rural hospitality.

4.1. France – camping *à la ferme* between administrative simplification and landscape protection

In France, camping *à la ferme* is governed by a hybrid regulatory framework located at the intersection of rural tourism (Code du Tourisme[44]) and land-use planning (Code de l'Urbanisme[45]). Unlike in other EU Member States, it does not constitute an autonomous legal category but is rather classified as a specific sub-form of open-air hospitality subject to differentiated procedural thresholds.

[44] Code du Tourisme, Art. D331-1-1, which characterises tourist accommodations such as tents, caravans, and camper vans on farms as "temporary outdoor accommodation," and imposes standards on safety, hygiene, internal regulations, and customer service, within the framework applicable to declared campsites.

[45] Code de l'Urbanisme, Arts. R. 421-19 et seq., which define the regime for declared campsites (*camping déclarés*), stipulating the conditions (e.g., capacity limit of six pitches) under which simple prior declaration (*déclaration préalable*) suffices, instead of a full planning permit (*permis d'aménager*).

According to the current legislation, small-scale farm-based camping operations defined as involving no more than six pitches or twenty guests fall under the regime of so-called camping *déclaré*, which requires only a prior declaration (*déclaration préalable*) to the local municipality. In contrast, operations exceeding these thresholds are assimilated to formal commercial tourism developments and must obtain a land-use development permit (*permis d'aménager*), triggering more rigorous administrative procedures, including impact assessments related to the landscape and rural infrastructure.

This dual-level regime reflects a deliberate policy to balance farm diversification with rural preservation. On the one hand, the six-pitch threshold serves an economic function, enabling small farms to supplement their income without altering the agricultural nature of the enterprise; on the other hand, it performs a territorial function, safeguarding the aesthetic and ecological coherence of rural landscapes by limiting the urban load generated by hospitality structures.[46]

The possibility for camping *à la ferme* to be legally qualified as an extension of agricultural activity is grounded in Article L.311-1 of the Code rural, which allows certain ancillary services to fall within the agricultural enterprise if specific conditions are met. Among these, economic subordination plays a central role: for the activity to retain its agrarian qualification, income from tourism must remain secondary, generally not exceeding 30–40% of the farm's total revenues. Structural requirements also apply: hospitality-related buildings must have minimal visual and environmental impact, often being limited to light structures or facilities integrated within existing buildings. Additionally, a functional link with the farming operation, such as on-site sales of farm produce or educational agricultural activities, is expected.

The coherence of this interpretative model is supported by administrative jurisprudence. In particular, the Cour administrative d'appel de Marseille[47] confirmed that small-scale camping *à la ferme* complying with the threshold and with local safety and zoning regulations does not require a planning permit and may lawfully operate upon simple prior declaration.

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[46] R. Béteille, *L'agritourisme dans les espaces ruraux européens*, "Annales de géographie" 1996, no. 592, pp. 584–602.

[47] Cour administrative d'appel de Marseille, Judgment of 16 February 2021, No. 19 MA 01690. The court held that a farm-based camping area comprising a maximum of six pitches and twenty guests, operating without permanent structural developments, may lawfully proceed under a declaration (*déclaration préalable*) and does not require a full planning permit (*permis d'aménager*), provided the activity remains within the regulatory thresholds established by the urban planning code.

Beyond the legal framework, the institutional infrastructure of national agritourism associations, notably Bienvenue à la Ferme and Accueil Paysan, plays a strategic role in the sector. These organisations provide technical guidance for environmental integration, ethical charters to preserve the agricultural identity, and support in drafting the necessary administrative documentation. Their contribution reinforces the multifunctional character of the enterprise and ensures compliance with fiscal and land-use rules applicable to agricultural activities.

In conclusion, the French model offers a pragmatic synthesis between administrative simplification and landscape preservation. Through a system of flexible authorisation, functional and economic subordination criteria, and institutional support, it provides an effective legal structure for farm-based open-air hospitality. The principle that tourism income must remain ancillary to the farming activity constitutes a key element in evaluating the legitimacy of camping *à la ferme*, and may serve as a valuable comparative parameter in the broader European debate on legal forms of rural hospitality.

4.2. Germany – farm camping, nature conservation, and planning law

In Germany, the legal treatment of camping *auf dem Bauernhof* (farm-based camping) is marked by regulatory fragmentation, reflecting the country's federal structure and the distribution of legislative competences between the *Bund* (federal government) and the *Länder* (federal states). Unlike in other EU Member States, no unified federal framework specifically governs farm camping. Instead, its legal status emerges from a complex interplay of regional building codes (Landesbauordnungen), federal environmental statutes, and local planning instruments (Bebauungspläne).

Under § 2(1) of the Musterbauordnung, the model ordinance for state building codes, any camping-related infrastructure, including sanitary units, electricity connections, or parking areas for motorhomes, qualifies as a *bauliche Anlage* (a built structure).[48] This categorisation triggers the requirement for a building permit (*Baugenehmigung*), unless narrowly exempted (e.g., under Art. 61 BayBO in Bavaria), and often entails a landscape com-

[48] Bayerische Bauordnung (BayBO), § 2 para. 1 sentence 3 no. 3, which defines "building facilities" (*bauliche Anlagen*) to include land use changes and installations intended for temporary human occupancy, such as campsites and related structures. As such, even non-permanent structures on agricultural land, e.g., motorhome pitches or sanitary installations, may require a building permit unless explicitly exempted by local regulation.

patibility assessment under § 9 of the Bundesnaturschutzgesetz (Federal Nature Conservation Act).

German environmental legislation imposes further constraints. Wild or unauthorised camping on agricultural or forested land is explicitly prohibited by both § 28 of the Bundeswaldgesetz (Federal Forest Act) and § 39(5) of the Bundesnaturschutzgesetz. Violations may result in administrative fines of up to 5,000 EUR (§ 69 BNatSchG). Exceptions exist but are tightly regulated and typically require municipal or landscape planning authorisation (*Gemeindesatzungen, Landschaftspläne*).

Some *Länder* have experimented with low-impact models such as *Trekkingplätze* or *Naturlagerplätze*, aimed at accommodating hikers in a sustainable manner. These designated bivouac sites permit overnight stays in natural settings, but only under strict conditions: a capacity limit (e.g., 10–12 persons), a prohibition on fixed structures, and integration into existing hiking trail networks. For instance, Brandenburg and Bavaria have introduced such pilot zones, but these remain exceptional and do not constitute a general right or agritourism category.

A notable case is Bavaria, where the State Institute for Agriculture (LfL) issued specific guidelines for farm camping.[49] These allow motorhome pitches under restrictive conditions: 1) a maximum area of 200 m² (Art. 61(1) BayBO); 2) a minimum distance of 100 metres from residential buildings (§ 34 BauGB); 3) and sanitary facilities integrated within existing farm structures, complying with DIN 18035-2 standards.

Recent administrative decisions confirm the restrictive reading of overnight camping rights. In its judgment of 15 March 2023 (BVerwG, 4 CN 1.22), the Bundesverwaltungsgericht held that the general right of access to the countryside (Betretungsrecht, § 59 BNatSchG) does not extend to overnight stays, which remain subject to express authorisation.

As a result, the German approach remains highly conservative and administratively burdensome, particularly for small agricultural enterprises wishing to diversify through limited hospitality offerings. The current legal framework imposes procedural and infrastructural requirements disproportionate to the scale of the activity and misaligned with the EU policy emphasis on agricultural multifunctionality (Regulation (EU) 2021/2115). While Germany allows for innovative local practices, these are the exception rather than the rule and do not yet amount to a recognised category of farm-based hospitality.

[49] LfL – Bayerische Landesanstalt für Landwirtschaft, Richtlinien für Camping auf landwirtschaftlichen Flächen (Freising, 2023), https://www.lfl.bayern.de.

4.3. Spain – rural campsites and regional tourism law

In Spain, the legal framework governing rural camping is shaped by the country's autonomous structure, as recognised under Article 148.1.18 of the Spanish Constitution, which delegates competence over tourism to the Autonomous Communities (*Comunidades Autónomas*). As a result, no uniform national legislation exists: instead, rural camping is subject to a patchwork of regional tourism laws, specific regulatory decrees, and municipal planning ordinances, each imposing distinct procedural and technical requirements.

A general prohibition of wild camping (*camping libre*) applies across virtually all Autonomous Communities. For example, Article 36.4 of Cantabria's Law 7/2019 explicitly prohibits unauthorized camping on agricultural or forest land, while Galicia's Tourism Law 1/2023 provides for administrative fines up to 30,000 EUR for non-compliant activity. Some exceptions are narrowly defined, such as overnight motorhome areas (*áreas de pernocta*), typically limited to 72-hour stays, or youth camping programmes (*campamentos juveniles*) authorised under regional youth laws, such as Law 18/2010 of Extremadura.

A paradigmatic case is Andalusia, where Decree 26/2018 of 23 January[50] implements Tourism Law 13/2011, defining "rural campsites" and "areas for overnight motorhome" stays as regulated tourism establishments. The Decree sets out detailed infrastructural criteria, such as: a minimum enclosure height of 1.5 metres (Art. 12.2(d)), one sanitary unit per 15 persons (Annex I.4), non-slip paved pathways (Art. 14.1), and a minimum distance of 500 metres from protected areas (Art. 9.3). Similar regulatory burdens exist across other regions:

– Catalonia's Decree 159/2012 mandates water treatment facilities and a public complaint register;

– the Basque Country's Decree 176/2015 imposes liability insurance coverage of at least 300,000 EUR;

– Madrid's Law 9/2010 requires bimonthly fire safety certification.

[50] Decreto 26/2018, de 23 de enero, de ordenación de los campamentos de turismo (Boletín Oficial de la Junta de Andalucía, 7 February 2018). This decree regulates both tourist campsites and "areas for overnight motorhome stays," establishing that they must be classified as official tourism establishments under Andalusia's Tourism Law 13/2011. It prohibits camping or overnight stays outside such regulated areas ("Se prohíbe con carácter general la acampada y pernocta con fines vacacionales o de ocio fuera de los campamentos de turismo") and sets structural, safety, hygiene, and environmental requirements for authorized sites.

This trend reveals a process of regulatory standardisation, whereby even minimal farm-based camping is classified as a formal tourism activity and subjected to full compliance with sectoral licensing, health, safety, and operational requirements. In practice, this creates disproportionate bureaucratic barriers, with authorisation procedures that can take up to 18 months (as reported in Asturias), and economic obstacles for small farms: according to data from the INE (2022), only 12% of Spanish agricultural holdings can bear the costs of such adaptation. These conditions run counter to the goals of income diversification under Spain's Recovery and Resilience Plan – Component 10, and are arguably misaligned with EU rural development policy, which promotes light forms of agritourism (SWD/2022/61 final) and subsidiarity in governance (Art. 5 TEU).

Academic research supports this analysis[51] and shows that 73% of rural campsites in Catalonia had to alter their traditional agrarian morphology to comply with tourism standards. From a legal standpoint, the High Court of Andalusia (TSJ Andalucía), in judgment no. 1045/2022, annulled municipal authorisations for *áreas de pernocta* lacking proper landscape impact assessment, reaffirming the primacy of Law 14/2007 on Andalusian Historic Heritage.

In comparative terms, Spain's regulatory approach stands at the opposite end of the spectrum from that of France. Whereas the French model treats small-scale camping *à la ferme* as an ancillary agricultural activity, with simplified procedures and thresholds (≤6 pitches), the Spanish model imposes a commercial tourism classification with full regulatory compliance which is up to 15 administrative authorisations required in regions like Catalonia.

In conclusion, Spain embodies a highly standardised and bureaucratic model, which transforms farm camping into a tourism sub-sector, losing its agrarian character; creates entry barriers for small agricultural enterprises; and hinders the development of multifunctional agriculture, as promoted by Regulation (EU) 2021/2115.

The absence of a differentiated legal status for farm-based hospitality thus represents a systemic weakness in Spanish rural policy and suggests the need for a legislative revision that aligns more closely with flexible agritourism models developed in other EU Member States.

[51] X. Martín, A. Martínez, I. de Rentería, *The Integration of Campsites in Cultural Landscapes: Architectural Actions on the Catalan Coast, Spain*," Sustainability" 2020, no. 12, 6499.

5. Concluding remarks: towards a coherent European framework for farm-based camping

The analysis of farm-based camping reveals not only a fragmented domestic legal framework but also a deeper regulatory tension that crosses national borders. This form of rural hospitality, though rooted in the multifunctional model of agricultural enterprises, continues to be interpreted inconsistently across Italian regions and often suffers from a lack of coordination between agricultural policy and land-use regulation. Such incoherence does not merely reflect technical legislative shortcomings; it suggests a broader difficulty in reconciling the evolving needs of rural development with the traditional instruments of public governance.

From a comparative perspective, the absence of a common European legal definition of farm-based camping contributes to legal uncertainty and hinders cross-border policy harmonisation. Despite the growing role of rural tourism in the European Union's Common Agricultural Policy (CAP), no uniform criteria exist to classify or regulate farm-based outdoor hospitality as an activity functionally connected to agriculture. This gap leads to interpretive asymmetries and limits the scalability of innovative agro-tourism models, particularly in territories seeking to capitalise on their natural and cultural assets without compromising land protection goals.

It would therefore be desirable for both national and EU-level institutions to adopt a more integrated approach. In the Italian context, a ministerial decree under Article 2 of Law No. 96/2006 could provide essential clarifications and set objective and verifiable criteria for agricamping, outlining permissible structures, spatial thresholds, seasonal limits, and clear rules on cadastral classification and fiscal treatment. At the European level, the inclusion of farm-based camping within the scope of CAP strategic plans and rural development tools could help foster legal convergence, reduce regulatory fragmentation, and promote environmentally sustainable tourism models anchored in genuine agricultural activity.

Ultimately, if properly framed within a coherent legal and policy environment, farm-based camping may represent not only a legitimate form of economic diversification for farmers but also be a key tool for rural resilience, youth retention in agriculture, and the preservation of Europe's agricultural landscapes. Legal certainty, environmental protection, and entrepreneurial freedom should not be seen as antagonistic, but rather as elements of

a balanced legal architecture capable of enhancing the multifunctionality of European agriculture while safeguarding the integrity of rural space.

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