



**Declaration regarding Development/Exempted Development
(Section 5 of Planning & Development Act 2000, as amended)**

Leitrim County Council Reference Number: ED- 25-43

WHEREAS a question has arisen as to whether the refurbishment of a derelict dwelling and construction of a two-storey extension with a floor area not exceeding 40m² to the rear of a dwelling at Tomloskan, Ballinamore Co. Leitrim is or is not development and whether it is or is not exempted development;

AND WHEREAS the said question was referred to Leitrim County Council by Lauren McGrory on the 24th October 2025;

AND WHEREAS Leitrim County Council, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Schedule 2 Part 1 of the *Exempted Development –General* Planning and Development Regulations 2001, as amended, and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) the refurbishment of a derelict dwelling and construction of a two-storey extension with a floor area not exceeding 40m² to the rear of the dwelling at Tomloskan, Ballinamore Co. Leitrim is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended; and
- (b) the refurbishment of a derelict dwelling and construction of a two-storey extension with a floor area not exceeding 40m² to the rear of the dwelling at Tomloskan, Ballinamore Co. Leitrim is exempted development as per Class 1 of Schedule 2 Part 1 of the *Exempted Development –General* of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

NOW THEREFORE Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000 Act, as amended, hereby declares that:

The refurbishment of a derelict dwelling and construction of a two-storey extension with a floor area not exceeding 40m² to the rear of the dwelling at Tomloskan, Ballinamore Co. Leitrim is development and **is exempted development**.

Signed:

**Administration Officer
Planning Department**

Dated this

17th November, 2025

Advice Note**You are advised of the following:**

1. The roof tile shall be of natural slate tiles.
2. Planning permission is required for the installation or upgrade of a domestic wastewater treatment system.
3. The following limitations as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) are applicable to the exemption issued in respect of the provision of the extension to the rear of the dwelling:
 - Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
 - The height of the walls of any such extension shall not exceed the height of the rear wall of the house.
 - The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
 - The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
 - Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
 - Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
 - Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
 - The roof of any extension shall not be used as a balcony or roof garden.

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