



Leitrim County Council Planning Report

Reference No:	ED25-43
Applicant:	Lauren McGrory
Location:	Tomloskan, Ballinamore, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Refurbish derelict dwelling and construct a two-storey extension with a floor area not exceeding 40m ² to the rear of the existing dwelling
Date of Site Inspection:	29/10/2025
Due Date:	20/11/2025

Introduction

This subject request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, was received by the Planning Authority on the 24 October 2025 and relates to whether the proposed 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 whether it is exempted development.

Site Location and Context

The subject site is located on the R208 within the townland of Tomloskan, approximately 3km west of Ballinamore.

The land is located within Landscape Character Type 9 Drumlin Farmland which is described in the County Leitrim Landscape Character Assessment of the Leitrim County Development Plan 2023-2029 (Appendix VII) as follows:

‘The Drumlin Farmland occupies a large part of the southern part of the county and features a distinctive drumlin hill topography. The consistent orientation of the hills gives the landscape a uniform grain and has its origins from the direction of ice flows during glaciation. The pattern or grain can be difficult to appreciate, being masked largely by the abundant mature hedgerows which race up and down the hillsides forming a patchwork pattern usually of small-scale. The drumlins have steep sides with broad rounded tops although their size and shape vary considerably throughout. Land cover is generally pasture with marshy areas within the inter drumlin hollows. Patches of commercial coniferous forestry are dispersed throughout this landscape, some areas being fairly extensive in size. The plantation coniferous forest is a frequent feature and has become influential in the local landscape character.’

The subject land contains a two-storey derelict dwelling and outbuilding with vehicular access from the R208.

The nearest Natura 2000 site are the Cuilcagh-Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which are located approximately 7km northwest of the subject site.

The nearest nationally designated site is Cromlin Bridge Wood proposed Natural Heritage Area (pNHA Site Code: 001409) which is located approximately 4km southeast of the subject site.

The subject site is located within an Area of High Visual Amenity associated with Lough Scur, St. John's Lough and Environs, as a landscape designated for amenity value in the Leitrim County Development Plan 2023-2029.



Fig. 1 – Subject derelict dwelling

Planning History

P.01/162 – on 29 August 2001 permission was granted to Thomas E. McGovern to extend and improve existing dwelling, provide new septic tank and percolation area at the subject site. This extension was not constructed.

P.13563 – on 02 December 1997 Thomas E. McGovern applied for outline permission to erect a dwelling and provide a septic tank on the subject site. This application was invalidated on 16 January 1998.

P.9028 – on 22 May 1987 permission was granted to Thomas Edward McGovern to demolish an existing dwellinghouse and erect a replacement dwelling and provide septic tank.

Relevant Legislation

Planning and Development Act 2000, as amended

Section 2 Interpretation

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

Section 3 Development

Section 3(1) In this Act 'development' means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4 Exempted Development

Section 4(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

S.4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Planning and Development Regulations 2001, as amended

Article 6(1) of the Planning and Development Regulations 2001, as amended, states that:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions. Of relevance in this case would be the following:

- (a) if the carrying out of such development would –*
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*
 - (iii) endanger public safety by reason of traffic hazard or obstruction or road users*
 - (vi), interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

Class 1 of Schedule 2 Part 1 of the Exempted Development –General allows for the following exemption:
Description of Development:

Development within the curtilage of a house

CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
(b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
(b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*
(c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*
3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
4. (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
(b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*
(c) *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.*
5. *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.*
6. (a) *Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*
(b) *Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*
(c) *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.*
7. *The roof of any extension shall not be used as a balcony or roof garden.*

Assessment

The proposed dwelling extension will be located to the rear of the existing dwelling and comprises of a two-storey addition with a floor area not exceeding 40m². The applicant advises that the ground floor extension will comprise a kitchen, dining room and utility and the first floor will comprise a reconfiguration of the existing layout to a total of 3 No. bedrooms and a bathroom. The existing roof will be replaced.

The property is within an Area of High Visual Amenity associated with Lough Scur, St. John's Lough and Environs. No changes are proposed to the front elevation, and the overall scale and form will be maintained.

The development will not have an adverse impact on the landscape and is in keeping with the character and form of the area.

Referral Question

Having all of the documents relating to this referral, it is considered that referral question is based simply on 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 the dwelling at Tomloskan, Ballinamore Co. Leitrim is or is not development and whether it is or is not exempted development.

Is or is not development

In relation to whether the proposed works are development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines 'development' as comprising of two possible components: *"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"*.

Section 2(1) of the Act provides an interpretation of 'works' as *"the carrying out of any works on, in over, or under land"* including *"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*.

The proposed 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 is considered 'works' in this regard and therefore development.

Is or is not exempted development

The dwelling has not been extended previously. The applicant has advised that the proposed two storey extension will have a floor area not exceeding 40m² and will be located wholly to the rear of the dwelling.

I consider the proposed development to be within the conditions and limitations of Class 1 of Schedule 2 Part 1 of the *Exempted Development –General*. Similarly, the proposed refurbishment works relating to the proposed replacement of the roof and windows are considered works which do not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures, in accordance with the provisions contained within Section 4(1)(h) of the Planning and Development Act 2000, as amended.

Therefore, the refurbishment of the 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 development that is exempted development.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposed development has been screened for Appropriate Assessment (AA), and it has been determined that an AA is not required. See Appropriate Assessment (AA) screening report attached.

Environmental Impact Assessment

Having regard to the limited nature and scale of the proposed development and the fact that the development proposed is not of a development type or class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended. It is therefore concluded that EIA is not required.

Recommendation

Having regard to the foregoing, I recommend that the Planning Authority issue the following Declaration under Section 5 of the Planning and Development Act 2000, as amended:

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.

As a separate addendum to the above declaration, I recommend that the referrer be 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.



Deirdre Lardner
Executive Planner
Date: 14/11/2025



Liam Flynn
Senior Executive Planner
Date: 14/11/2025



Appropriate Assessment Screening and Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	ED25-43Error! Reference source not found.Error! Reference source not found.
(b) Brief description of the project or plan:	As per planning report
(c) Brief description of site characteristics:	As per planning report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Cuillcagh-Anierin Uplands SAC (000584)	https://www.npws.ie/protected-sites/sac/000584	7km	None	No
Please Select				

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests	No significant potential impacts.
Operational phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration	No significant potential impacts.

• Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents													
In-combination/Other	No significant potential impacts.												
(b) Describe any likely changes to the European site:													
• Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	No significant potential impacts.												
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? ☐ Yes ☒ No													
Step 4. Screening Determination Statement													
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.													
Having regard to the information on file, the nature and scale of the proposed development, its distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, either alone or in-combination with other developments, is not likely to have any significant effects on any European site in view of its conservation objectives.													
Conclusion:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td>☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td>☐</td> <td> ☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td>☐</td> <td> ☐ Request NIS ☐ Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a European site.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission	(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
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**Signature of Recommending
Planner:**

A handwritten signature in black ink, appearing to be 'OJ', is written on a white rectangular background.

Date: 14/11/2025



Environmental Impact Assessment (EIA) Pre-Screening

Establishing if the proposal is a 'sub-threshold development'

File Reference No:	ED25-43Error! Reference source not found.Error! Reference source not found.
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required ☒ No – Proceed to Part A

Part A - Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

☐ Yes – specify class:	EIA is mandatory No screening required
☒ No	Proceed to Part B

Part B - Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)

☒ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ Yes, the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No screening required
☐ Yes, the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C

Part C – If yes, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

EIA Preliminary Examination:

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

	Comment:	Yes/No/Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>		

<i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☒ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:		Date: 14/11/2025