



Comhairle Chontae Liatroma
Leitrim County Council

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

Leitrim County Council Reference Number: ED- 25-41

WHEREAS a question has arisen as to whether the construction of an extension to the rear of a house at Clooncose, Annaghmore, Co. Leitrim N41 XN90, measuring 40m², constitutes development and whether it is or is not exempted development.

AND WHEREAS the said question was referred to Leitrim County Council by Kevin Byrne on the 26th of September 2025;

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

- (a) Sections 2(1) and 3(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) Schedule 2, Part 1, Class 1 of the 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 construction of an extension to the rear of a house, measuring 40m² is considered to be development and is exempted development as per Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) 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:

- (b) the construction of an extension to the rear of a house at Clooncose, Annaghmore, Co. Leitrim N41 XN90, measuring 40m² is development and **is exempted development.**

Signed:

**Administrative Officer
Planning Department**

Dated this 7th October, 2025

ED-25-41 Advice Note:

It has been noted that works to the existing cottage have been indicated on the plans submitted (in the form of additional windows and a door on the side and rear elevations of the cottage) and that these works were not included in the Section 5 Declaration referral question, hence this advice note.

In light of the extent of the works proposed to the existing cottage, and in particular that to the left elevation, the combined external changes to the existing cottage could not be considered to fall within the remit of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the works materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure. Section 4(1)(h) of the Planning and Development Act states that the following shall be exempted development:

‘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’.

Having regard to the above you are advised that Section 4(1)(h) of the Planning and Development Act 2000 (as amended) cannot be relied on in this instance and the above mentioned works to the existing cottage could not be considered to be exempted development.

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