



**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- 25-27

WHEREAS a question has arisen as to whether the construction of a rear extension with a stated additional floor area of 36.25 sq.m at Duncarbry, Tullaghan, Co Leitrim and whether it 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 Cathal & Cauline McGowan on the 18th June 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 Part 1, Schedule 2 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 condition & limitation of 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, is relevant and sets out that 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.” It is unclear from the submitted application documentation and from an inspection of relevant historical mapping if the existing rear extension was constructed before or after the 1st of October 1964.

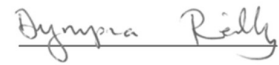
Notwithstanding, taken together both the existing and proposed rear extension will have a stated floor area that exceeds the 40m² threshold and therefore, does not satisfy condition & limitation 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.

- b) The construction of a rear extension with a stated additional floor area of 36.25 sq.m constitutes development which is not exempted development with the provisions of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, applying in this instance.

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

The construction of a rear extension with a stated additional floor area of 36.25 sq.m at Duncarbry, Tullaghan, Co Leitrim is development that is **not exempted development**.

Signed:



**Administrative Officer
Planning Department**

Dated this

10th July, 2025