



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

Leitrim County Council Reference Number: ED- 26-01

WHEREAS a question has arisen as to whether (1) the renovation of a derelict building for use as a residential dwelling; (2) the extension of main building by 40sqm by using an outbuilding attached to side of the main derelict building; (3) adding a 2sqm porch to the front of the main derelict building; (4) the installation of a borehole; and (5) the construction of a 25sqm garage on lands behind the front building line at Tullynascreen, Dromahair, 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 Cheryl Povey on the 12th January 2026:

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

- (a) Sections 2(1), 3(1) and 4(1)(h) 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
- (d) Class 3 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended
- (e) Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended
- (f) Class 44 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended
- (g) Schedule 2 - Part 1, Part 2, Part 3 and Part 4 of the Planning and Development Regulations 2001 (as amended) and
- (h) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- a. having regard to the definition of “habitable dwelling” contained within Section 2(1) of the Planning and Development Act 2000 (as amended) and to the current state of dereliction associated with the subject structure as confirmed by visual inspection and, indeed, as stated in Engineering Survey prepared by G. Gray & Associates Ltd., the subject structure can no longer be classed as a “habitable dwelling” and its use as a dwelling has clearly been abandoned by virtue of the extent of its dereliction.
- b. As a result of this uninhabitable condition, the subject property cannot benefit from any of the exemptions that pertain to a habitable dwelling house including those that come under Class 1, Class 3 and Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, in relation to the provision of a rear extension, garage structure or porch elements respectively.
- c. The extent of works required to renovate the original structure to make it habitable, it is considered that such works go beyond mere alteration and repair and do not fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, and not capable of availing of any exemption under this legislative provision.
- d. The shed proposed to be utilised for the extension is agricultural in nature, with any use of this structure for residential purposes requiring a change of use permission.

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 proposed works comprising of: (1) the renovation of a derelict building for use as a residential dwelling; (2) the extension of main building by 40sqm by using an outbuilding attached to side of the main derelict building; (3) adding a 2sqm porch to the front of the main derelict building; (4) the installation of a borehole; and (5) the construction of a 25sqm garage on lands behind the front building line at Tullynascreen, Dromahair, Co. Leitrim, is development that **is not exempted development**.

Signed:



**Administration Officer
Planning Department**

Dated this

3 February, 2026

Advice Note

Section 5 – Cheryl Povey, Tullynascreen, Dromahair, Co Leitrim

Should you wish to lodge a full planning application, it will be necessary to provide for a wastewater treatment system meeting the full provisions of the 'Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent < 10)' (EPA, 2021). Given the layout of the derelict cottage and the length of abandonment it is not believed that there is currently an existing septic tank and therefore cannot rely on the provision of the variances provided for in section 1.3 of the EPA Code of Practice 2021.

Section 1.3 of the EPA Code of Practice 2021 states:

'Existing DWWTSs may not meet the performance as set out in this CoP. If existing DWWTSs are being upgraded, variances to the requirements set out within the CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment.'