



**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- 26-02

WHEREAS a question has arisen as to whether the proposed works comprising the refurbishment of a cottage-type structure and the construction of two pitched roof single storey extension elements to the rear of existing property with a cumulatively GIA of less than 40m² is development, and if so, whether such development is or is not exempted development.

AND WHEREAS the said question was referred to Leitrim County Council by Ian Cullen on the 13th of January 2026 in relation to a property at Loughros, Glenfarne, Co. Leitrim;

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. 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, 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 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, in relation to the provision of the proposed rear extension elements.
- 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.

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 the refurbishment of a cottage-type structure and the construction of two pitched roof single storey extension elements to the rear of existing property with a cumulatively GIA of less than 40m² at Loughros, Glenfarne, Co. Leitrim, is development that is **not exempted development**.

Signed:


**Administrative Officer
Planning Department**

Dated this

3rd February 2026

Advice Note

Section 5 – Ian Cullen, Loughros, Glenfarne, Co Leitrim

Should you wish to lodge a full planning application:

- (1) 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 DWWTs may not meet the performance as set out in this CoP. If existing DWWTs are being upgraded, variances to the requirements set out within the CoP may be considered by the local authority is satisfied that the proposed upgrade will protect human health and the environment.’

- (2) It is also noted that the land to the rear of the dwelling where the extensions are proposed is significantly higher than lands to the front of dwelling and would require significant ground works and potentially the provision of a retaining wall, this would needed to be addressed in any future planning application.