



Reference No:	ED 25-47
Applicant:	Matthew Dolan
Location:	Corragoly, Fenagh, Co. Leitrim.
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended.
Proposal:	Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of a single storey extension no greater than 40sqm in floorspace to the rear of the building to allow for a kitchen and utility room and small bathroom, constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	18/12/2025
Due Date:	15/01/2026

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether the:

Construction of a single storey extension no greater than 40sqm in floorspace to the rear of the building to allow for a kitchen and utility room and small bathroom, is or is not exempted development at Corragoly, Fenagh, Co. Leitrim.

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 9th of December 2025.

Site Location and Context

The subject site is located in the townland of Corragoly, circa 3.94km northwest of Fenagh. The subject site is accessed via a farm gate by private laneway, linking to a private road. The nearest public road is L-7394, a Local Secondary Road, which is located circa 300 metres northwest of the subject site. The subject site comprises of an old derelict vernacular two storey dwelling. There appears to be a roof and four exterior walls. The building is not in use. There are other agricultural sheds nearby. Pictures of the existing building are overleaf.

Fig. 1: Front elevation (north)



Fig. 2. Front and side elevation



Fig. 3. Side Elevation - west



Fig. 4. Side Elevation - east



Figure 5. Agricultural shed neighbouring property



Fig. 6. Rear elevation (south)



The subject site, including the main dwelling house, is located within a Zone of Notification relating to a Registered Monument (Code Ref: R168729) - Leitrim Sites and Monuments Records (Jan 2025) LE01207 – LE024 29 – Castle Tower House:

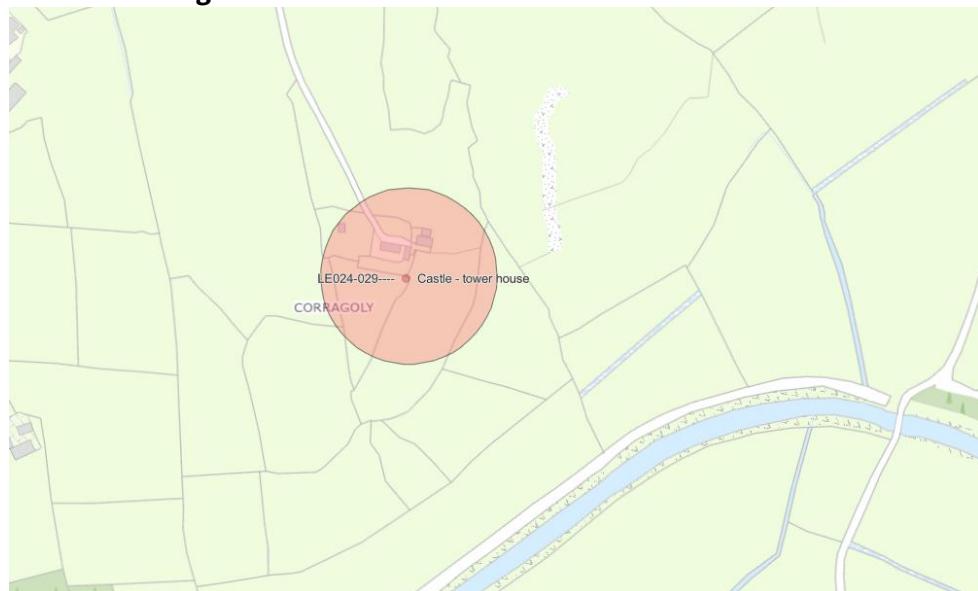
“According to the terrier or commentary of the Down Survey (1656-8) map of Fenagh parish Duffiagh O’ Duiganane owned 163 acres (Nos 71, 71a) at Drumeany (Drumany) but most of this land was in timber. A castle on the property is not mentioned but most of the land in Fenagh parish was owned by members of the O’ Duignan family who were historians and ollamhs (teachers) to the Mac Raghnall of Conmaicne and other Gaelic families in north Connaught and north Leinster during the Middle Ages (MacNamee 1954, 630). Drumany castle is now in Corragoly townland on a slight rise in undulating low lying landscape. A fragment of a low vault of mortared limestone survives (wth 4.5m; L 1.56m; H 1.9m).”

This recorded monument is located southeast of the dwelling house and is assumed to be the circular crop mark shown in Figures 7 and 8 below. The proposed extension to the dwelling house, is to be located to the rear (south) of the building and would be circa 10-20 metres from this recorded monument.

Figure 7: Google Earth Screenshot of the subject site showing circular maps in the agricultural field. Dated 31 March 2023.



Figure 8: Internal GIS showing location of the recorded monument – LE024-029: Castle tower house.



On the private laneway that provides access to the subject site, there is an abandoned quarry (Quarry Review Number 234). This abandoned quarry is not on the Section 261 Register.

The nearest Natura 2000 site is Cuilcagh - Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which is located approximately 7.08 km northwest of the subject site. The nearest proposed Natural Heritage Area (pNHA) is Carrickaport Lough (pNHA Site Code: 001920) which is located circa 5.6km west of the subject site.

Planning History

There is no documented planning history on file for the subject site.

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:*

- (a) *development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied with land so used;*
- (b) *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;*
- (j) *development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;*

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.*

S.3 (a) A reference in this Act to exempted development shall be construed as a reference to development which is
(a) any of the development specified in subsection (1), or
(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

S.4 The Minister may, in connection with the Council Directive, prescribe development or classes of development which, notwithstanding subsection (1)(a), shall not be exempted development.

S.5 Before making regulations under this section, the Minister shall consult with any other State authority where he or she or that other State authority considers that any such regulation relates to the functions of that State authority.

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.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or local area plan or the draft development plan or draft local area plan,

(viiA) consist of or compromise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the national Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under 26 of the National Monuments Act 1930 (No.2 of 1930) as amended.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Class 1 of Schedule 2 Part 1 of Exempted Development – General allows for the following exemption subject to conditions and limitations as set out in column 2;

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

Referral Question

Having carried out a site inspection and reviewed all of the documents relating to this referral, I consider the question to be based simply on whether:

- a) The renovation of an existing dwelling, and
- b) To construct a single storey extension no greater than 40sqm in floorspace to the rear of the dwelling to allow for a kitchen, utility room and small bathroom

constitutes development and, if so, whether such development is or is not exempted development.

I inserted part a, as the existing dwelling on site is in need of refurbishment works/repairs to adequately function as a habitable dwelling.

Is or is not development

The building is currently uninhabited. It is proposed to renovate the existing dwelling and to add an extension for residential use. Figures 8, 9, 10 and 11 shows the proposed extension to the house.

Fig. 8: Applicant's submitted proposal - elevation

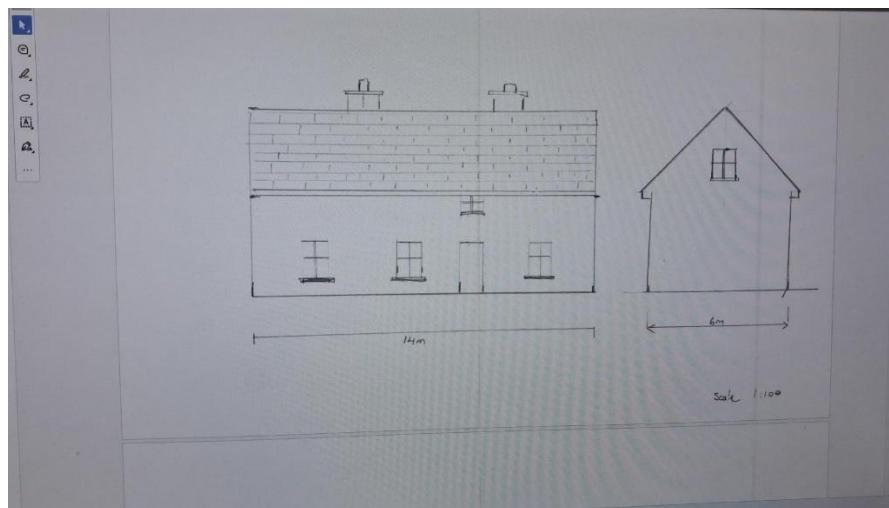


Fig. 9: Applicant's submitted proposal - elevation

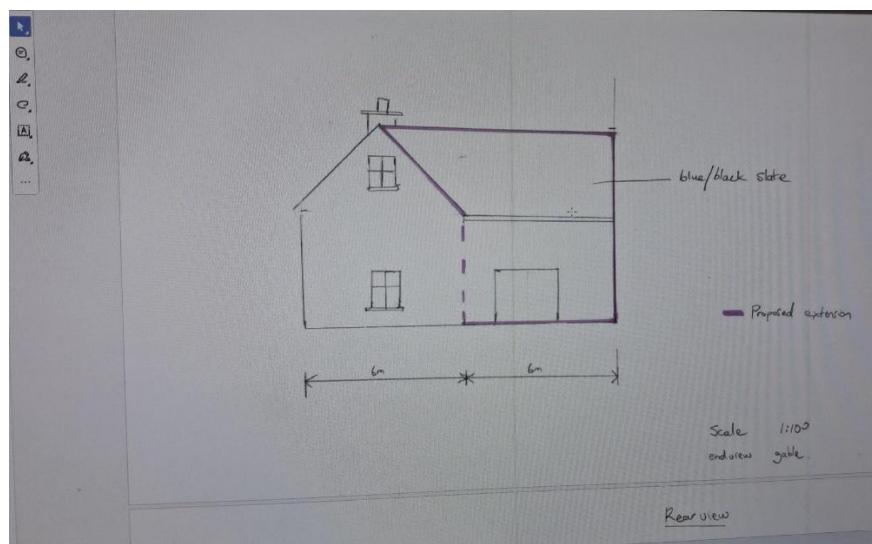


Fig. 10: Applicant's submitted proposal - floorplan

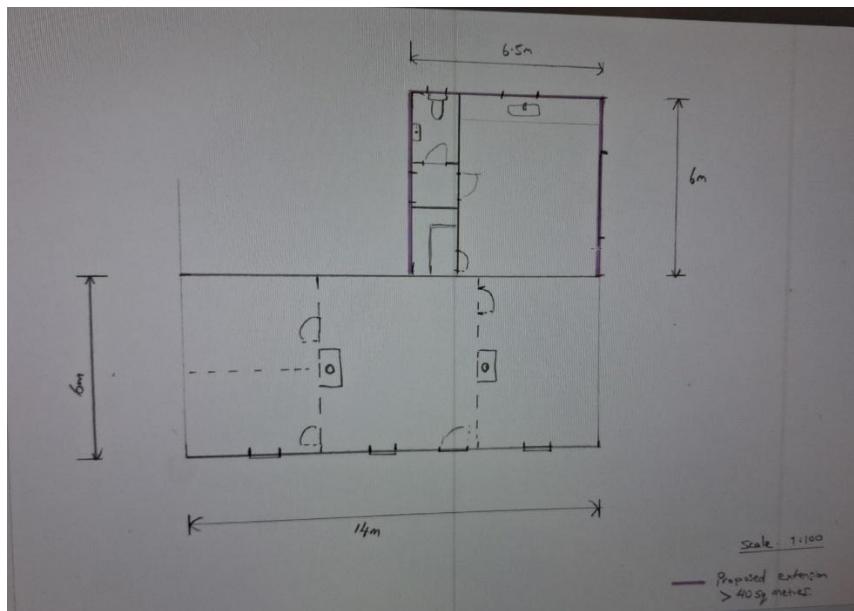
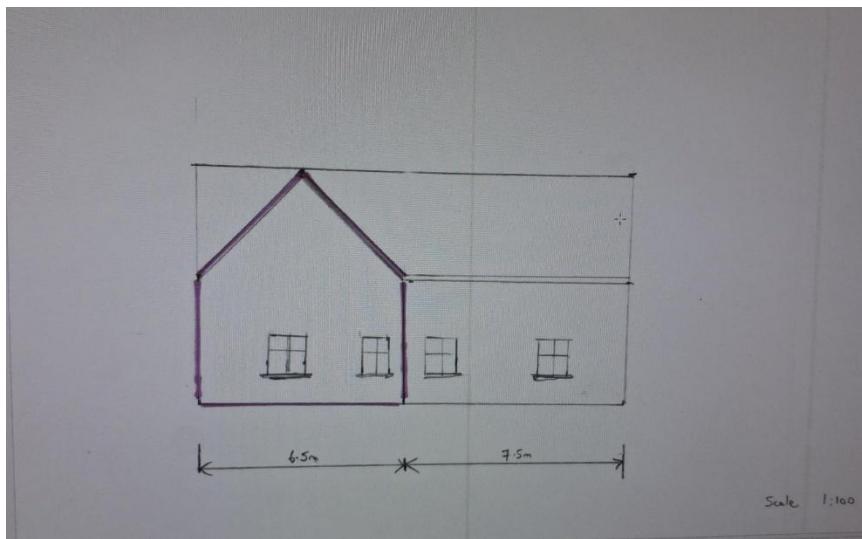


Fig. 11: Applicants submitted proposal



Upon site inspection, it is clear that this dwelling house is in need of significant refurbishment/repair works to parts of its external fabric, with more comprehensive works required to its interior. The first element of this proposal is relates to whether such refurbishment/repair works can be undertaken without the need for planning permission. The dwelling still has four walls and a roof. Whilst extensive refurbishment works would be required to the structure, such works would not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the dwelling and as such the works can be considered pursuant to Section 4 (1)(h) of the Planning & Development Act, 2000 (as amended) and are therefore exempt.

With reference to whether the proposed extension to the rear of the property under 40 sqm would constitute development, regard is had to Class 1 of Schedule 2 Part 1 of Exempted Development – General and its associated conditions and limitations under which the proposed single storey extension can be accommodated and would be acceptable.

As referenced previously, this site is located within the Zone of Notification relating to a registered monument (Code Ref: R168729). A fragment of a low vault of mortared limestone survives (width 4.5m; length 1.56m; height 1.9m) and is recorded on this site. There is no evidence of the 'castle' at ground level, and in consideration of

the scale of the new build proposed, which comprises of a small-scale single storey extension of floorspace no greater than 40 sqm to the rear of the property, it is considered unlikely that the development will impact on the recorded site. Nevertheless, I consider it important to advise the applicant to be mindful of the presence of the Recorded Monument and that in the event that archaeological material is shown to be present during the course of the works, works shall cease pending consultation with the National Monuments Service. Avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any archaeological mitigation requirements specified by the National Monuments Service, shall be complied with by the developer. All resulting and associated archaeological costs shall be borne by the developer.

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 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 and is sub-threshold of applicable development type/class set out in 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 renovation of an existing dwelling and the construction of a single storey extension to the rear of the dwelling no greater than 40 sqm at Corragoly, Fenagh, 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 Matthew Dolan on the 9th of December 2025:

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) Schedule 2 - Part 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) whilst extensive refurbishment works would be required to the structure, such works would not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the dwelling and as such the works can be considered pursuant to Section 4 (1)(h) of the Planning and Development Act, 2000 (as amended) and are therefore exempt; and
- (b) the proposed extension of no greater than 40 sqm to the rear of the property to include a kitchen, bathroom and utility, would bring modest improvements to the property, with such works considered to be exempted development under the provisions of Section 4(1) of the Planning and Development Act 2000, as amended and Schedule 2 - Part 1 of the Planning and Development Regulations 2001 (as amended); and

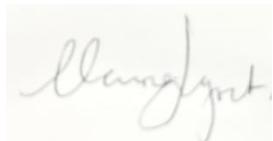
NOW THEREFORE Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000 Act, as amended, hereby declares that:

The proposed renovation of an existing dwelling and construction of a single storey extension to the rear of the dwelling no greater than 40 sqm in floorspace

at Corragoly, Fenagh, Co. Leitrim, is development that is exempted development.

As a separate addendum to the above declaration, I recommend that the referee be advised of the following:

You are also advised that the National Monuments Service has identified a fragment of a low vault of mortared limestone survives (with 4.5m; length 1.56m; height 1.9m) relating to a former castle in the vicinity of the subject property Leitrim Sites and Monuments Records (Jan 2025) LE01207 – LE024 29 – Castle Tower House. Please be advised that in the event that archaeological material is shown to be present during the course of the development works, works shall cease pending consultation with the National Monuments Service. Avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any archaeological mitigation requirements specified by the National Monuments Service, shall be complied with by the developer. All resulting and associated archaeological costs shall be borne by the developer.



Claire Lynch
Executive Planner
Date: 12/01/2026



Liam Flynn
Senior Executive Planner
Date: 12/01/2026



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

(a) File Reference No:	ED 25-47
(b) Brief description of the project or plan:	As per Section 5 report
(c) Brief description of site characteristics:	As per Section 5 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 proposed development (km)	Connections (Source- Pathway-Receptor)	Considered further in screening Y/N
Cuilcagh-Anierin Uplands SAC (000584)	https://www.npws.ie/protected-sites/sac/000584	7.08 km	None	No

STEP 3. Assessment of Likely Significant Effects

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none">Vegetation clearanceDemolitionSurface water runoff from soil excavation/infill/landscaping (including borrow pits)Dust, noise, vibrationLighting disturbanceImpact on groundwater/dewateringStorage of excavated/construction materialsAccess to sitePests	No significant potential impacts.
Operational phase e.g. <ul style="list-style-type: none">Direct emission to air and waterSurface water runoff containing contaminant or sedimentLighting disturbanceNoise/vibrationChanges to water/groundwater due to drainage or abstractionPresence of people, vehicles and activitiesPhysical presence of structures (e.g. collision risks)	No significant potential impacts.

<ul style="list-style-type: none"> Potential for accidents or incidents 	
In-combination/Other	No significant potential impacts.
(b) Describe any likely changes to the European site:	
<ul style="list-style-type: none"> 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:

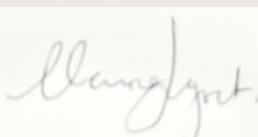
Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

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:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

Signature of Recommending Planner:



Date:

07/01/2026



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

File Reference No:	ED 25-47
Development Summary:	As per Section 5 Report
Was a Screening Determination carried out under Section 176A-C?:	<input type="checkbox"/> Yes – No further action required <input checked="" type="checkbox"/> 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)

<input type="checkbox"/> Yes – specify class:	EIA is mandatory No screening required
<input checked="" type="checkbox"/> 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)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No screening required
<input type="checkbox"/> 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
<input type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening required	Determination
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary required	Examination

EIA Preliminary Examination:

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

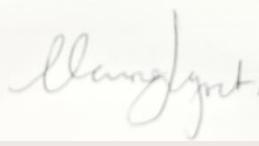
	Comment:	Yes/No/Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>		No
<i>Will the development result in the</i>		No

<p><i>production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p>Size of the development: Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there cumulative considerations having regard to other existing and/or permitted projects?</p>		No
<p>Location: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</p>		No No

Preliminary Examination Conclusion:

**Based on a preliminary examination of the nature, size or location of the development.
(Tick as appropriate)**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p>
		<p>Proceed to Screening Determination.</p>

<p>Signature of Recommending Planner:</p>		<p>Date: 07/01/2026</p>
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