



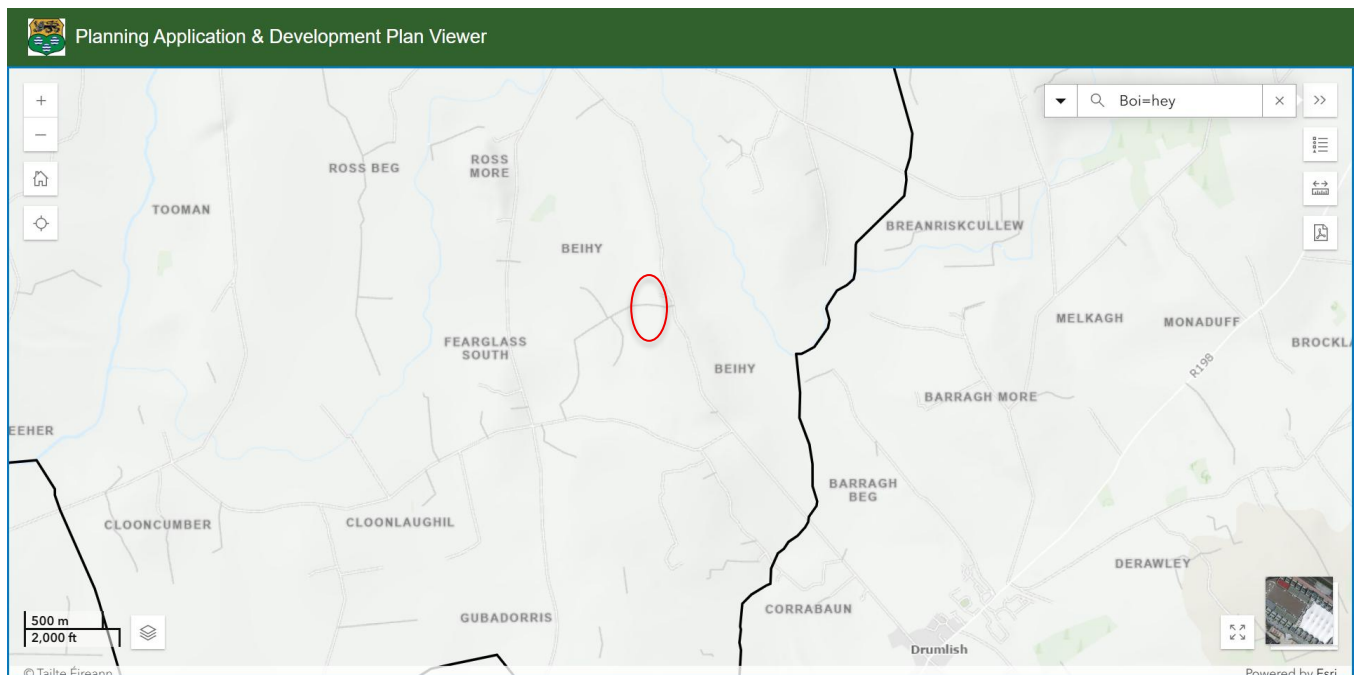
<b>Reference No:</b>	<b>ED 26-16</b>
<b>Applicant:</b>	<b>Eilish Cassells</b>
<b>Location:</b>	<b>(Bohey) Beihy, Drumlish, Co. Leitrim.</b>
<b>Application Type:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended</b>
<b>Proposal:</b>	<b>Proposed new build (disabled bathroom) rear extension at stated area of 3.5 sq.M (less than 40m<sup>2</sup>).</b>
<b>Due Date:</b>	<b>15/04/2026</b>

## Introduction

This subject application was received by the Planning Authority on the 23rd March 2026 and seeks a declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the proposed new build (disabled bathroom) with a stated area of 3.5 sq.m located to the rear of an existing dwelling at Beihy, Drumlish, Co. Leitrim is or is not development and whether it is or is not exempted development.

## Site Location and Context

The subject site is located within the rural townland of Beihy approximately 2.4km northwest of Drumlish and approximately 8km east of Roosky. The site is accessed from a private laneway serving an existing dwelling house within an adjoining farming complex adjacent to the dwelling, set back approximately 150 metres from the L-1055 public road.



**Fig. 1 Site Location**

The subject site currently accommodates an existing 2-storey dwelling house which appears occupied, in good condition and structurally sound. The internal layout was not provided but the dwelling house also provides a more recent front uPVC sunroom porch which would benefit from class 7 (see photo hereunder).



**Fig. 1- Image of front elevation of subject dwelling**



**Fig. 2 - Image of rear of subject dwelling**

The nearest Natura 2000 site is Clooneen Bog SAC Special Area of Conservation (SAC Site Code: 002348) which is located approximately 7km southwest of the subject site.

The nearest nationally designated site is River Rinn Natural Heritage Area (NHA Site Code: 000691) which is located approximately 2.95km west of the subject site.

The subject site is located approx. 4km southeast of Area of High Visual Amenity: B12 as set out in the Leitrim County Development Plan 2023-2029.

## Planning History

The following History is attached to the subject site:

P. 2460 Planning permission was sought by Thomas Cassells for a septic tank and to reconstruct dwelling. (Granted 20<sup>th</sup> June 1973).

## 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...'. An "alteration" includes '...the replacement of a door, window or roof... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures...'*

#### **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—

(h) 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.

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.

#### **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.

Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, 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*

*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**

It is considered that the proposed works constitute development as defined in Section 3 of the Planning and Development Act, 2000 (as amended).

I have considered all relevant exemptions available under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

The development and location of the proposed extension is located to the rear of the existing dwelling house. It is noted from the details submitted that the proposed extension at 3sq.m is less than 40 square metres and will form an integral part of the house and will be physically annexed to same. Having regard to the setback

distance, to the orientation of the dwelling house in relation to the public road and to the proposed siting of this rear extension, this proposal is considered as exempt under Class 1 of Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended).

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.

**The proposed extension is less than 40 square metres and as such is under the 40sqm threshold as identified under 1(a) above.**

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.

**The existing small porch annex appears to be a more recent addition but in situ for a considerable time and furthermore appears to comply with CLASS 7 including the conditions and limitations.**

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

**NOT APPLICABLE**

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.

**NOT APPLICABLE**

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.

**A map was included with this application. From the details submitted and my site inspection, the rear garden space is substantial and exceeds the minimum 25sqm requirement.**

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.

**NOT APPLICABLE**

## 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 limited 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 or 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 proposed rear extension with a stated area of 3.5 sq.m to the rear of an existing dwelling at Beihy, Drumlish, 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 Eilish Cassells on the 23<sup>rd</sup> March 2026;

**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,
- (d) Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended and
- (e) the documentation submitted as part of the referral;

**AND WHEREAS** Leitrim County Council has concluded that:

- (a) the proposed rear extension with a stated area of 3.5 sq.m to the rear of an existing dwelling at Beihy, Drumlish, Co. Leitrim constitutes development which is 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 2000 Act, as amended, hereby declares that:

The proposed works comprising of the proposed rear extension with a stated area of 3.5 sq.m to the rear of an existing dwelling at Beihy, Drumlish, Co. Leitrim to the rear of an existing dwelling is development that is exempted development.



---

**Joe Duffy**  
**Assistant Planner**  
**Date: 08<sup>th</sup> April 2026**



---

**Liam Flynn**  
**Senior Executive Planner**  
**Date: 09/04/2026**



## Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-16
(b) Brief description of the project or plan:	As per planning report
(c) Brief description of site characteristics:	As per planning report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

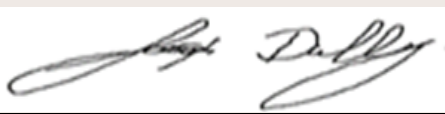
### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Clooneen Bog SAC (002348)	<a href="https://www.npws.ie/protected-sites/sac/002348">https://www.npws.ie/protected-sites/sac/002348</a>	7 km	None	No

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration.</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	No significant potential impacts.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment.</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	No significant potential impacts.

<b>In-combination/Other</b>	No significant potential impacts.	
<b>(b) Describe any likely changes to the European site:</b>		
<ul style="list-style-type: none"> <li>• Examples of the type of changes to give consideration to include:</li> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No significant potential impacts.	
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</b>		
<b>Step 4. Screening Determination Statement</b>		
<p><b>The assessment of significance of effects:</b></p> <p>Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> effects on European site(s) in view of its conservation objectives.</p>		
<p>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.</p>		
<b>Conclusion:</b>		
	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature of Recommending Planner:</b>		<b>Date:</b> 07/04/2026



## Environmental Impact Assessment (EIA) Pre-Screening

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

<b>File Reference No:</b>	ED26-16
<b>Development Summary:</b>	As per Planning Report
<b>Was a Screening Determination carried out under Section 176A-C?:</b>	<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:	<b>EIA is mandatory</b> No screening required
<input checked="" type="checkbox"/> No	<b>Proceed to Part B</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	<b>No screening required</b>
<input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):	<b>EIA is mandatory</b> No screening required
<input type="checkbox"/> Yes, the project is of a type listed <b>but</b> is <i>sub-threshold</i> :	<b>Proceed to Part C</b>

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

### 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:
<b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>  <i>Will the development result in the</i>		

<p><i>production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p><b>Size of the development:</b> 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>		
<p><b>Location:</b> <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>		

**Preliminary Examination Conclusion:**

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

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

**Signature of Recommending Planner:**



**Date:** 07/04/2026