



Leitrim County Council Planning Report

Reference No:	ED 26-29
Applicant:	Thomas Joseph & Patricia Earley
Location:	Annaghfinn, Annaghbradican, Carrick on Shannon, Co. Leitrim N41 X8X0
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	To construct a storage shed for storage of Hay/Straw.
Date originally received:	27/04/2026
Date FI response received:	04/06/2026

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended. This referral case concerns the question as to whether the construction of a storage shed for the storage of Hay/Straw is development or is not development and whether it is or is not exempted development at Annaghbradican, Carrick on Shannon N41 X8X0, Co. Leitrim.

Further information was sought from the applicant on the 20th May 2026 with a response received by the Planning Authority on the 04th June 2026.

Site Location and Context

The subject site is located within the rural townland of Annaghbradican approximately 6km southeast of Leitrim village and 8km northeast of Carrick on Shannon. The subject site directly adjoins the applicants' dwelling house where a large existing storage shed is already sited between the existing dwelling house and the location of the proposed new shed. Access to the existing and proposed shed is from a separate access to that which serves the dwelling house with direct access onto the L-7422 County Road. The existing large storage shed is set back approximately 55 metres from the public road with the proposed new large storage shed set further back at approximately 80 metres from the entrance and public road. Inside and around the existing shed was evidence of building & construction materials including used windows frames, scaffolding planks etc. (See photos below)

Natural Heritage

The nearest Natura 2000 site is Cuilcagh - Anierin Uplands SAC (Site Code: 000584) which is located 12 km directly north from the subject site.

The subject site is not located within any visually sensitive designated sites in the Leitrim County Development Plan 2023-2029.

Archaeological and Architectural Heritage

There are no protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) located within the application site. Similarly, there are no Recorded Monuments or Zones of Archaeological

Notification coinciding with the application site with the nearest being LE028-055 which lies over 200 metres away.

Planning History

P02/69 (Granted) Permission to construct conservatory to dwelling at Annaghbradican Td., Kilclare, Carrick on Shannon, Co. Leitrim.

P. 8266 (Granted) Permission to erect a dwelling house and provide septic tank (07th March 1985).

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 (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 9 of Part 3, 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:

Agricultural Structures:

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Assessment

File History

I refer to the earlier planning report dated the 18th of May 2026 and the following request for Further Information as issued to the applicants on the 20th of May 2026. The referrers' response, received on the 04th of June 2026, is detailed hereunder.

Item 1

Insufficient information has been submitted with this application to allow the Planning Authority to make a determination on this submitted matter. You are requested to submit details relating to the applicants Agricultural or Forestry credentials which shows the Bonafide and Agricultural needs of the applicant that may include Stock numbers, Herd No., Green Cert etc.

You are also required to comment on the need for a large new storage adjacent to an existing shed that exhibits building and construction materials as evidenced in and around the large existing shed adjacent.

Advice Note

The Planning Authority would advise that Class 9 of Schedule 2, Part 1 of Exempted Development of the Planning and Development Regulations, 2001 (as amended) provides for the following:

- a) No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.

This is qualified by adhering to the conditions and limitations whereby the purpose of the structure is for agriculture or forestry usage.

Response: *The applicants have responded and state that they began farming 3 years ago and that they keep 6 cattle each year and that they buy these cattle in April and sell again in December. A Herd number of L1652793 has been provided. The need for a large storage shed is for storage space for hay or silage during winter months. The response also states that they have land leased them beside them and intend to purchase this if the owner agrees to sell this.*

Assessment of Response: *The Planning Authority is satisfied with the submitted Further Information received including the herd number which confirms the farming bonafides of the applicants.*

Item 2

The Planning Authority notes that there is already a large existing storage shed with a stated 9 metres distance separating these two structures. You are required to submit details on the current use together with the full dimensions of this existing shed together with details on the need for both this existing and the additional shed structure. Please address.

Response: *The applicants have responded and state that the existing shed was erected over 22 years ago and that the advice given by the agent at this time was that a shed of this nature and at this location was exempt. The existing shed is a 4 bay and used for the storage of fire, wood and coal, a fishing boat, car and tractor and other such general household stuff.*

Assessment of Response: *The response is noted.*

Item 3

From a planning history search conducted, no record appears on file for this 1st existing shed. You are required to provide evidence on the planning history of the 1st shed structure or state how this is exempted permission. Please address.

Response: *The applicants have responded and state that the existing shed was erected over 22 years ago and that the advice given by the agent at this time was that a shed of this nature and at this location was exempt. The existing shed is a 4 bay and used for the storage of fire, wood and coal, a fishing boat, car and tractor and other such general household materials.*

Assessment of Response: *The response is noted. Having regard to the documented use of this existing shed, as disclosed from the further information response, it would appear to be used for domestic purposes ancillary to the adjacent dwelling. However, it is noted from a visual inspection of the existing shed that construction related materials (e.g. scaffold boards and poles and other construction-related materials) are stored within this existing shed structure also. Notwithstanding, the scale of this existing shed structure is well in excess of that available for any domestic shed structure (25m²) in order to be considered exempted development. Accordingly, it is considered that this existing shed structure is unauthorised and the applicants should be advised of this and to seek to regularise this issue by way of an application for retention permission for the subject structure.*

Notwithstanding this unauthorised structure, the provisions of Article 9(1)(a)(viii), where any exemptions can be disappplied where the proposal consists of or comprises of the extension, alteration, repair or renewal of an

unauthorised structure, or a structure used for an unauthorised use, are not relevant in the context of the proposed agricultural storage shed, which is a separate structure.

Referral Question

Having reviewed all of the documents relating to this referral, including the Further Information response received on the 04th June 2026, I consider the question to be based on whether the construction of a 184 sq. M agricultural storage shed at Annaghbradican, Carrick On Shannon, Co. Leitrim, constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development.

In relation to whether the proposed works are development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines 'development' as comprising of two possible components: "*the carrying out of any works on, in, over or under land*", or "*the making of any material change in the use of any structures or other land*".

Section 2(1) of the Act provides an interpretation of 'works' as "*the carrying out of any works on, in over, or under land*" including "*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*".

The issue of whether or not the proposed works constitute development is not disputed. Having regard to the definition of "works" as set out in Section 2 of the Planning and Development Act 2000, as amended, it is clear that the works constitute development within the meaning of the Act.

Is or is not exempted development.

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), including the further information received from the applicants on the 04th of June 2026.

The proposed development provides for the construction of a 184 sq. M agricultural storage shed with a pitched roof of a ridge level of 5.7 metres. Class 9 of Schedule 2, Part 3 of Exempted Development applies to this application. Having regard to the proposed floor area and ridge height of the intended shed, the Planning Authority considers that the proposal would fall well under this threshold and also under the threshold of 300 square metres. In terms of distance from this nearest 3rd party house, the Planning Authority observes that the proposed structure is located at a significant but unstated distance from the nearest 3rd party owned house. The Planning Authority determines this proposal remains in accordance with the Conditions and Limitations of column 2 as identified in the Planning and Development Regulations, 2001 (as amended) as set out below.

Class 9

Agricultural Structures

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*

The Planning Authority is satisfied with the submitted Further Information received on the 4th of June 2026 which confirms the farming bonafides of the applicants.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

YES

3. *No such structure shall be situated within 10 metres of any public road.*

YES

4. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*

YES

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*

YES

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

YES

Conclusion

Having carried out a site inspection, examined the submission and reviewed all of the documents relating to this development including the Further Information response received on the 4th of June 2026, along with the relevant legislation, I conclude that the proposed construction of a 184 sq. M agricultural storage shed at Annaghbradican, Carrick on Shannon, Co. Leitrim, is development and is exempted development.

Appropriate Assessment

Given the limited nature and scale of the works, it is considered that the proposed development would not detrimentally affect any Natura 2000 sites. Accordingly, an Appropriate Assessment is not considered required.

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 works comprising of proposed construction of a 184 sq. M agricultural storage shed at Annaghbradican, Carrick on Shannon, Co. Leitrim N41 X8X0, 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 Mr. Thomas Joseph & Patricia Earley on the 27th of April 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) Schedule 2, Part 3, Class 9, of the Planning Development Regulations 2001 (as amended) and
- (d) the documentation submitted as part of the referral including the Further Information response;

AND WHEREAS Leitrim County Council has concluded that:

the proposed works comprising of the proposed construction of a 184 sq. M agricultural storage shed is development that is exempted development at Annaghbradican, Carrick on Shannon, Co. Leitrim N41 X8X0, and is in accordance with the conditions and limitations associated with Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

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

The proposed works comprising of proposed construction of a 184 sq. M agricultural storage shed at Annaghbradican, Carrick on Shannon, Co. Leitrim N41 X8X0, is development that is exempted development.

Advice Note: Having regard to the documented use of the existing shed structure, as disclosed from the further information response, it would appear to be used for domestic purposes ancillary to the adjacent dwelling. However, it is noted from a visual inspection of the existing shed that construction related materials (e.g. scaffold boards and poles and other construction-related materials) are stored within this existing shed structure also. Notwithstanding, the scale of this existing shed structure is well in excess of that available for any domestic shed structure (25m²) in order to be considered exempted development. Accordingly, it is considered that this existing shed structure is unauthorised and you are advised to regularise this issue by way of an application for retention permission for the subject structure.



Joe Duffy
Assistant Planner
Date: 16th June 2026



Liam Flynn
Senior Executive Planner
Date: 16/06/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED26-29
(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
Cuilcagh-Anierin Uplands SAC (000584)	https://www.npws.ie/protected-sites/sac/000584	14 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.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration. - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests	No significant potential impacts.
Operational phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment. - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risks)	No significant potential impacts.

Potential for accidents or incidents													
In-combination/Other	No significant potential impacts.												
(b) Describe any likely changes to the European site:													
- 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:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td style="text-align: center;">☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td style="text-align: center;">☐</td> <td> ☐ Request further information to complete screening. ☐ Request NIS ☐ Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td style="text-align: center;">☐</td> <td> ☐ Request NIS ☐ Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening. ☐ Request NIS ☐ Refuse planning permission	(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
	Tick as Appropriate:	Recommendation:											
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(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission											
Signature of Recommending Planner:	 Date: 16/06/2026												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED26-29
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required. ☒ 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)

☐ Yes – specify class:	EIA is mandatory. No screening required
☒ 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)

☒ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ 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
☐ 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?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

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> <i>Will the development result in the</i>		

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		
Location: <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> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☐ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:		
Date: 16/05/2026		