Comhairle Chontae Liatroma | Leitrim County Council	**Leitrim County Council Planning Report**
Reference No:	**ED 26-44**
Applicant:	**Kevin McGovern**
Location:	**Aghoo East, Ballinamore, Co. Leitrim, N41 FV00**
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 extensions to an existing dwelling measuring 21 sqm, constitutes development and, if so, whether such development is or is not exempted development.**
Date of Site Inspection:	**09 July 2026**
Due Date:	**29 July 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 extensions (for extended kitchen and utility room) to the rear of an existing dwelling measuring 22 sqm in total, is or is not exempted development at Aghoo East, Ballinamore, Co. Leitrim, N41 FV00.

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 2nd of July 2026.

Site Location and Context

The subject site is located in the townland of Aghoo East, circa 2.2km southeast of Ballinamore. The subject site is accessed by a private laneway that connects to the R-204, Regional Road. The subject site comprises of an existing two storey dwelling. There are agricultural sheds to the rear of the property. Pictures of the existing building are overleaf.

Fig. 1: Front elevation



Fig. 2. Rear elevation



The nearest Natura 2000 site is Cuilcagh - Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which is located approximately 10.4 km northwest of the subject site. The nearest proposed Natural Heritage Area (pNHA) is Corduff Lough (pHNA Site Code: 001407) which is located circa 4.89km northeast of the subject site.

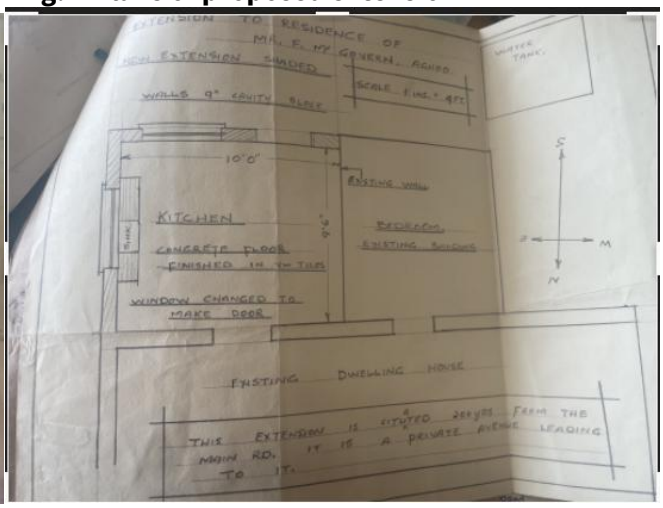
Planning History

P.200: In December 1985, Mr. F McGovern was granted planning permission to erect a back kitchen to his house at Agoo, Lawderdale. This extension measured 6 sqm.

Fig. 3 Site Location Map



Fig. 4 Plans of proposed extension



Please note, these plans are not clear.

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;*
- *(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;*
- *(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 the refurbishment of an existing dwelling and construction of extensions no greater than 22sqm in floorspace to the rear of same at Aghoo East, Ballinamore, Co. Leitrim, N41 FV00 constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development
In relation to whether the subject 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"*.

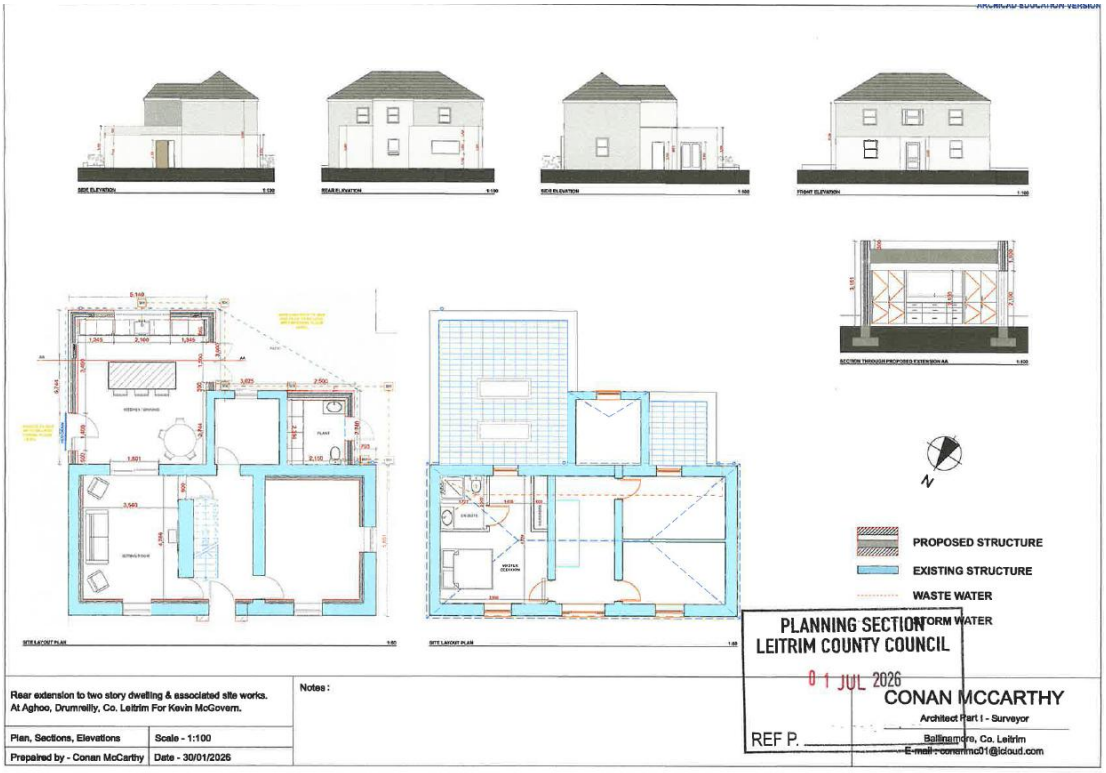
Section 2(1) of the Act provides an interpretation of 'works' as *"the carrying out of any works on, in over, or under land"* including *"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*.

The issue of whether or not the subject 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

The building appears to be currently uninhabited. It is proposed to add extensions for residential use. Figure 5 shows the proposed extensions to the house.

Fig. 5: Applicant's submitted proposal



As detailed above, Class 1 Part 1 of Schedule 2 of the Planning and Development Regulations (2001) allow exemptions for the development of extensions subject to a number of conditions and limitations, including confirmation:

- That the cumulative extensions floorspace, current and proposed, is below the 40 sqm floorspace that is permitted under these exemptions. This dwelling was previously granted planning permission for the development of a 6 sqm extension to the rear of the dwelling. The current proposal is for additional extensions measuring 22 sqm.
- that the height of the wall of the proposed extension will not exceed the height of the side walls of the house nor exceed the height of the highest part of the roof of the dwelling. This is shown in the submitted drawings.
- that any window proposed at ground level in this extension is more than 1 metre from the boundary it faces. This is shown in the submitted drawings and location maps.

It is unclear with the submitted drawings and maps, if the construction or erection of any such extensions to the rear of the house will reduce the area of private space, reserved exclusively for the use of the occupants of the house, to less than 25 sqm as this dwelling is part of an existing farming complex. However, this subject site has extensive grounds for private amenity space which in itself would measure more than the minimum requisite of 25 sqm.

With reference to whether the proposed extensions to the rear of the property under 22 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 extensions can be accommodated and would be acceptable.

In relation to the proposed refurbishment works to the same dwelling, regard is had to the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended, which states:

> *(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;*

Aside from the proposed extension elements, the submitted plans and particulars do not detail any significant changes to the appearance of the structure, aside from the removal of 2 no. chimney stacks from the roof of the structure. In this regard, it is considered that the proposal works will not materially alter the external appearance of the dwelling structure to the extent that it is inconsistent with the appearance and character of the original dwelling and can therefore be considered exempted development also.

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 refurbishment of an existing dwelling and construction of extensions no greater than 22sqm in floorspace to the rear of same at Aghoo East, Ballinamore, Co. Leitrim, N41 FV00 constitutes 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 Kevin McGovern on the 1st of July 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) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

(a) the construction of single storey extensions no greater than 22sqm in floorspace to the rear of the dwelling 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; and

(b) the refurbishment of the same dwelling constitutes development which is exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as these works will 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.

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 refurbishment of an existing dwelling and construction of extensions no greater than 22sqm in floorspace to the rear of same at Aghoo East, Ballinamore, Co. Leitrim, N41 FV00 constitutes development that is exempted development.

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

It is noted that the subject site is located on a wider farm complex that comprises of several sheds and outbuildings, which may include underground structures. There is no record of planning history on this site for these overground/ underground structures. For this reason, you must satisfy yourself that there is no breach of planning requirements at this location. In the event that no such planning record exists or the existing underground/ overground structures do not meet the conditions and limitations to be considered exempted development, you are requested to submit a retention application for these structures.



_____
Claire Lynch
Executive Planner
Date: 16/07/2026



_____
Liam Flynn
Senior Executive Planner
Date: 17/07/2026

Comhairle Chontae Liatroma | Leitrim County Council	**Appropriate Assessment Screening and Determination**

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	ED 26-44
(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 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	10.39 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:

	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

Signature of Recommending Planner:		**Date:**	16/07/2026

Comhairle Chontae Liatroma | Leitrim County Council	**Environmental Impact Assessment (EIA) Pre-Screening**

Establishing if the proposal is a *'sub-threshold development'*	
File Reference No:	**ED 26-44**
Development Summary:	As per Section 5 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 *sub-threshold*:	**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: *Is the nature of the proposed development exceptional in the context of the existing environment?*		No
Will the development result in the		No

production of any significant waste, or result in significant emissions or pollutants?		
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?		No
Location: Is *the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?* *Does the proposed development have the potential to affect other significant environmental sensitivities in the area?*		No No

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:**	16/07/2026