



Leitrim County Council Planning Report

Reference No:	ED-26-07
Applicant:	Sean Nethercott
Location:	5 Glen Comar, Dromod, Co. Leitrim N41 KC66
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling
Date of Site Inspection:	27/02/2026
Due Date:	16/03/2026

Introduction

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 17 February 2026 and relates to whether the proposed construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is development and whether it is exempted development.

Site Location and Context

The subject site is located in an established residential estate within the development plan boundary for Dromod and is zoned 'Existing Residential' in the Leitrim County Development Plan 2023-2029. The subject land contains a single storey pitched roof detached dwelling with views over the River Shannon.

The nearest Natura 2000 site is Clooneen Bog Special Area of Conservation (SAC Site Code: 002348) which is located approximately 5km south of the subject site.

The nearest nationally designated site is Lough Boderg And Lough Bofin proposed Natural Heritage Area (pNHA Site Code: 001642) which is located approximately 260 metres west of the subject site.

The subject site is located within an Area of High Visual Amenity associated with the River Shannon and Lakes (B11), as a landscape designated for amenity value in the Leitrim County Development Plan 2023-2029.



Fig. 1 – Subject dwelling (front)



Fig. 2 – Proposed location of detaching cabin in rear garden

Planning History

The Glen Comar estate was originally constructed pursuant to Ref P.03/686 – on 18/12/2003 permission was granted to Mr. Raymond Brogan to provide 14 no. dwellinghouses, driveways, complete with connection to all

existing services and all ancillary works subject to 24 conditions. There is no other recent planning history associated with 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

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 3 of Schedule 2 Part 1 of the Exempted Development –General allows for the following exemption:

Description of Development:

Development within the curtilage of a house

CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure

Conditions and Limitations:

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Assessment

The applicant describes the proposed detached building as a 'log cabin', 'timber garden structure' with a floor area of 36m². The structure therefore cannot be considered a dwelling extension but is more accurately described as an outbuilding. The relevant class and appropriate exemption for such structures is Class 3 of Schedule 2 Part 1 of the Exempted Development – General, Planning and Development Regulations 2001 (as amended). Condition 2 of this exemption restricts the total area of such structures within the curtilage of a house to 25m². There are 2 no. small garden sheds located either side of the existing dwelling. The applicant advises that these can be removed, if necessary. Regardless, the proposed structure, with a floor area of 36m², exceeds the 25m² limit and is therefore not exempt.

Referral Question

Having all of the documents relating to this referral, it is considered that the referral question is based simply on whether the construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is or is not development and whether it 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 proposed construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling is considered 'works' in this regard and therefore development.

Is or is not exempted development

The applicant has advised that the proposed detached single storey timber garden structure will have a floor area of 36m² and will be located to the rear of the dwelling.

The proposed development cannot comply with the conditions and limitations of Class 3 of Schedule 2 Part 1 of the *Exempted Development –General* as it exceeds the 25m² floor area threshold.

Therefore, the construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is considered to be development that is not exempted development.

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 construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, 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 Sean Nethercott on the 17 February 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 3 of Schedule 2 Part 1 of the *Exempted Development –General* 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) the construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is considered to be works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended; and
- (b) the construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is not exempted development as it fails to comply with the conditions and limitations of Class 3 of Schedule 2 Part 1 of the *Exempted Development –General* 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)(a) of the 2000 Act, as amended, hereby declares that:

The construction of a detached single storey timber garden structure with an area of 36m² in the rear garden of the existing dwelling at 5 Glen Comar, Dromod, Co. Leitrim is development but is not exempted development.



Deirdre Lardner
Executive Planner
Date: 03/03/2026



Liam Flynn
Senior Executive Planner
Date: 05/03/2026



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED-26-07 Error! Reference source not found. Error! Reference source not found.
(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)	https://www.npws.ie/protected-sites/sac/002348	5km	None	No
Please Select				

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. <ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> 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 	No significant potential impacts.

<ul style="list-style-type: none"> • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: 03/03/2026
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Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED-26-07 Error! Reference source not found. Error! Reference source not found.
Development Summary:	As per Planning 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 Determination required
<input type="checkbox"/> 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>		

<p><i>Will the development result in the 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>		
<p>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></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 style="text-align: center;"><input type="checkbox"/></p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p style="text-align: center;"><input type="checkbox"/></p> <p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p style="text-align: center;"><input type="checkbox"/></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>
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Signature of Recommending Planner:		Date:	03/03/2026
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