



## Leitrim County Council Planning Report

<b>Reference No:</b>	<b>ED 26-03</b>
<b>Applicant:</b>	<b>Ciaran McCabe and Grainne Sharpley</b>
<b>Location:</b>	<b>'Delahoide' Main Street, Ballinamore, Co. Leitrim, N41 PD73</b>
<b>Application Type:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended.</b>
<b>Proposal:</b>	<b>Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the renovation of a derelict building for use as a residential dwelling constitutes development and, if so, whether such development is or is not exempted development.</b>
<b>Date of Site Inspection:</b>	<b>23 January 2026</b>
<b>Due Date:</b>	<b>12/02/2026</b>

### 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 demolishing of existing 2-storey extension (measuring 8 m<sup>2</sup>) to the rear of a vacant commercial building to erect a 3-storey extension (measuring 21.4 m<sup>2</sup>) constitutes development and, if so, whether such development is or is not exempted development at 'Delahoide', Main Street, Ballinamore, Co. Leitrim, N41 PD73.

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 16<sup>h</sup> of January 2026.

### Site Location and Context

The subject site is located in the town of Ballinamore, with direct access to the R202 – Regional Road which is located to the north of the site. There is an existing 3-storey terraced building on site that appears to be vacant but was formerly used as commercial premises. In the submission for Article 10(6) Exempted Development on 11<sup>th</sup> August 2025, it is stated by the applicants that this building was previously used as a bank and a hotel. It was further clarified that the building was vacant for more than 2 years. To the rear of the property appears to be a 2-storey extension.

The proposed development consists of work to the exterior of a structure which is located within Ballinamore Architectural Conservation Area (ACA).

**Fig. 1. Subject site**



**Fig. 2. Rear of subject site**



The nearest Natura 2000 site is Cuilcagh - Anierin Uplands Special Area of Conservation (SAC Site Code: 000584) which is located approximately 9.24km northwest of the subject site. The nearest proposed Natural Heritage Area is Corduff Lough (pHNA Site Code: 001407) which is circa 4km northeast of the proposed site.

## Planning History

Relevant planning history relating to the land is:

**C.R. 25/04:** In August 2025, Mr. Ciaran McCabe and Ms. Grainne Sharpley, were granted change of use under Article 10(6) Exempted Development – Delahoidé High Street, Ballinamore, Co. Leitrim, N41 PD73 subject to the completion of 3 no. residential units complying with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Building Regulations and the Building Control Regulations and Fire Safety Certificate and Disability Access Certificate, prior to any works commencing on development.

**P.8825:** In September 1986, The Educational Building Society were granted planning permission to retain illuminated fascia and projecting signs at High Street, Ballinamore.

## 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.*

*(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 (Exempted Development General), Part 2 (Advertisements), Part 3 (Exempted Development – Rural) and Part 4 (Exempted Development – Change of Use) allows for some exemption subject to conditions and limitations as set out in column 2.

## **Assessment**

### Referral Question

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

- a) The demolishing of a 2-storey extension and development of a 3-storey extension to the rear of the vacant commercial building

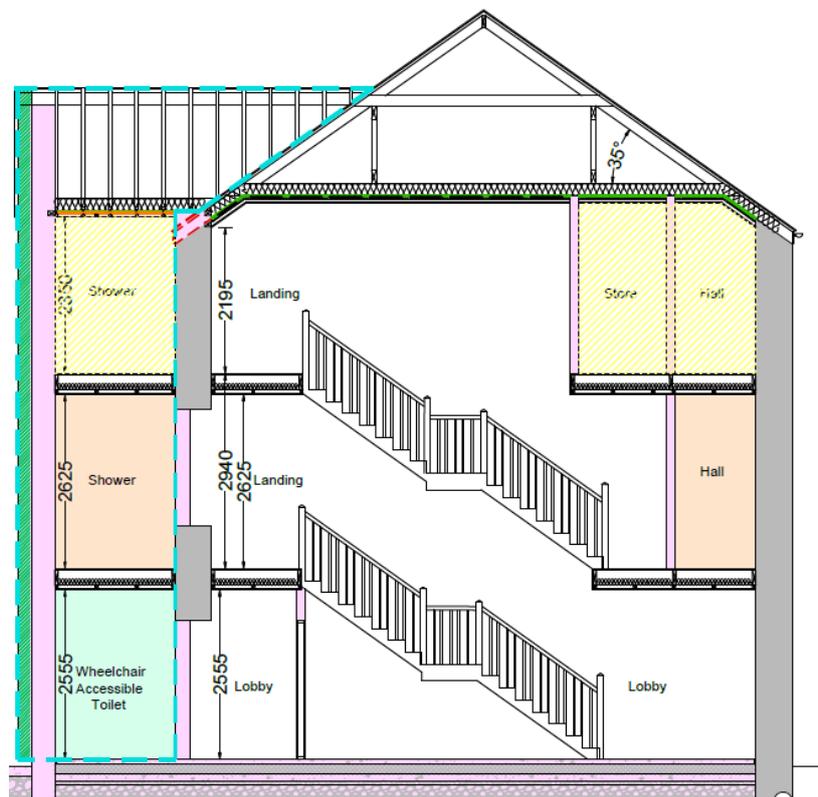
constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development

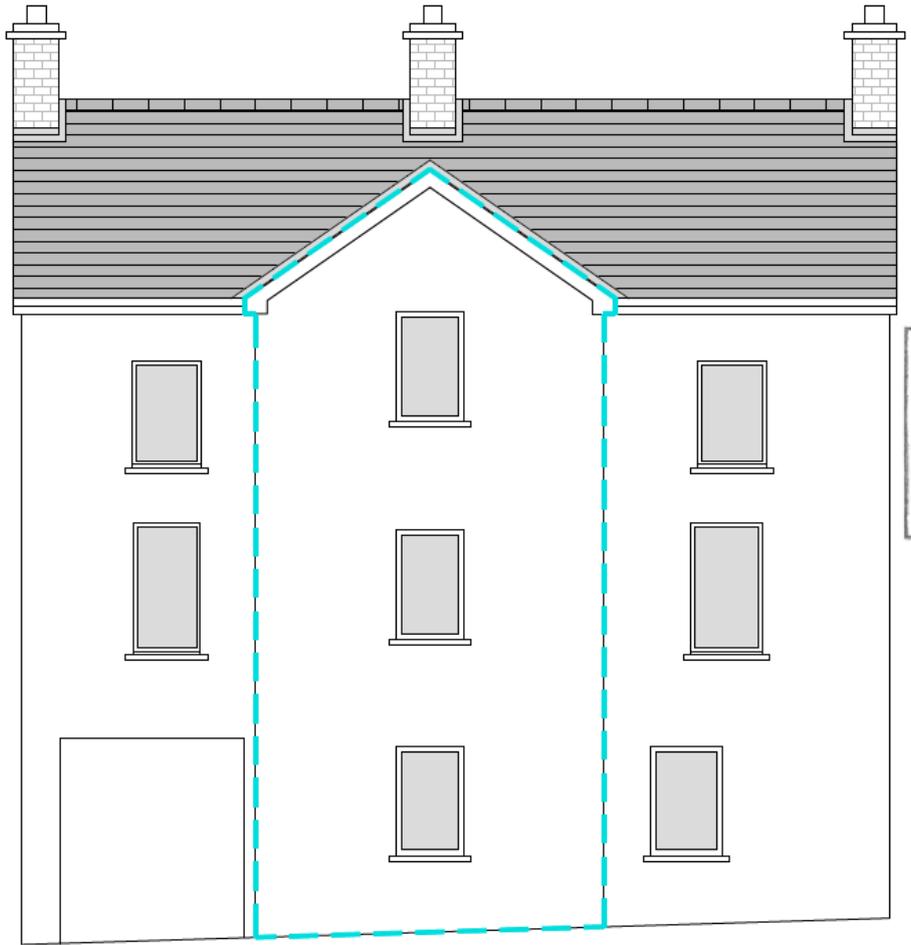
The building is uninhabited. It is proposed to renovate the existing vacant commercial building for residential use. The applicant was granted permission through Article 10(6) to change the existing use of the vacant commercial building into residential use developing three separate residential apartments. However, this Article 10(6) is subject to the development meeting the floorspace requirements of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Building Regulations and the Building Control Regulations and Fire Safety Certificate and Disability Access Certificate, prior to any works commencing. Additionally, full works must be fully completed to avail of this exemption under Article 10(6) Exempted Development.

The applicants' intention, through this exempted development application, is to now demolish the existing 2-storey rear extension and to develop a 3-storey extension to the rear of the property to provide additional floorspace. In accordance with the submitted Elevations and Sections (ref: 45-24-4), the applicants intend to add additional floorspace to each floor to provide new shower facilities and a wheelchair accessible toilet to the ground floor. As per the submitted documents, this proposed extension is 21.4 m<sup>2</sup>. This proposal is illustrated in Figure 3 below and Figure 4 overleaf.

**Fig. 3: Proposed 3-storey extension from side elevation**



**Fig. 4: Proposed 3-storey extension - rear of building**



Upon site inspection, there is no evidence that construction works were completed or have commenced. To avail of Article 10(6) – Exempted Development, the building works should be completed and for a change of use to have taken effect (i.e. the premises occupied as a residential unit(s)). Therefore, as no such change of use has taken effect, technically, the building is still in commercial use as a bank and hotel. Schedule 2 - Part 1 (Exempted Development General), Part 2 (Advertisements), Part 3 (Exempted Development – Rural) and Part 4 (Exempted Development – Change of Use) allows for some exemption subject to conditions and limitations as set out in column 2. There are no exemptions under Schedule 2 for a 3-storey extension exemption to a commercial building. Even if works were completed under Article 10(6), the units would then be apartments/flats. Notwithstanding, the exemptions available under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, in relation to rear extension development relate to “*development within the curtilage of a house*”. There are no exemptions under this class for extensions to apartments/flats.

### 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 demolishing of existing 2-storey extension (measuring 8 m<sup>2</sup>) to the rear of a vacant commercial building to erect a 3-storey extension (measuring 21.4 m<sup>2</sup>) at ‘Delahoide’, Main Street, Ballinamore, Co. Leitrim, N41 PD73 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. Ciaran McCabe and Ms. Grainne Sharpley on the 16<sup>th</sup> of January 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 1, Part 2, Part 3 and Part 4 of the Planning and Development Regulations 2001 (as amended), and
- (d) the documentation submitted as part of the referral;

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

- (a) In respect of the demolishing of an existing 2-storey extension to develop a 3-storey extension to the rear of a vacant commercial building;
- (b) the proposed works are not considered to be exempted development under the provisions of Section 4(1) of the Planning and Development Act 2000, as amended and Schedule 2 - Part 1, Part 2, Part 3 and Part 4 of the Planning and Development Regulations 2001 (as amended);
- (c) the exemptions available under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, in relation to rear extension development relate to “*development within the curtilage of a house*” and not in relation to any proposed rear extensions associated with apartment/flat -type development;
- (d) the subject structure attains a commercial use as any previously proposed residential use of the structure under the provisions of Article 10(6) of the Planning and Development Regulations 2001, as amended, have not taken effect; and
- (e) accordingly, it is considered that the works which are subject of this application under Section 5 of the Planning and Development Act 2000 and Article 6(1) of the Planning and Development Regulations 2001, is development and is not exempted development.

**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 demolishing of a 2-storey extension to develop a 3-storey extension to the rear of a vacant commercial building at ‘Delahoide’, Main Street, Ballinamore, Co. Leitrim, N41 PD73 is development that is not exempted development.



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**Claire Lynch**  
**Executive Planner**  
**Date: 12/02/2026**



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**Liam Flynn**  
**Senior Executive Planner**  
**Date: 12/02/2026**



## Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 26-03
(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 screening in Y/N
Cuilcagh-Anierin Uplands SAC (000584)	<a href="https://www.npws.ie/protected-sites/sac/000584">https://www.npws.ie/protected-sites/sac/000584</a>	9.24 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.)
<p>Construction phase e.g.</p> <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.
<p>Operational phase e.g.</p> <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> </ul>	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:**

<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.
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**(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 <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> 12/02/2026
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## Environmental Impact Assessment (EIA) Pre-Screening

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

**File Reference No:**

**ED 26-03**

**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 required**      **Determination**

No, Schedule 7A information/screening report has not been submitted by the applicant

**Preliminary required**      **Examination**

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

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

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
<p><b>Size of the development:</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there cumulative considerations having regard to other existing and/or permitted projects?</p>		No
<p><b>Location:</b></p> <p><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>		No

**Preliminary Examination Conclusion:**

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

<input type="checkbox"/> There is <b>no real likelihood</b> of significant effects on the environment.  EIA is not required.	<input type="checkbox"/> There is <b>real likelihood of</b> significant effects on the environment.  An <b>EIAR is required.</b>	<input type="checkbox"/> There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.  Request the applicant to submit <b>the Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.
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<b>Signature of Recommending Planner:</b>		<b>Date:</b> 12/02/2026
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