

Information guide on planning laws in France

Planning laws were reviewed and simplified in a recent legislation which came into force on 1st October 2007.

Anyone thinking of buying a property or piece of land they wish to renovate or extend or build on must be aware of the planning laws as ignorance is no defence.

There are various stages in the planning application process which must be followed and these can be summarised as follows:

STEP 1 - initial research at the local Mairie or at the DDE (Direction Departementale d'Equipement). If you are looking to buy a property or piece of land or already own a property and now wish to make some alterations, it is highly advisable to seek information on the local plan (Plan Local d'Urbanisme) so as to establish if the property falls within a particular area such as housing, agricultural or industrial areas as certain restrictions may apply. Further research into the local risk

prevention plan would also reveal if the property falls within an area susceptible to natural risks such as flooding, avalanche or forest fires.

Although the vendor is under the obligation to disclose a copy of such a plan at the time of the contract, it is advisable to carry out these searches in order to save time, cost and any aggravation if you have to take the vendor to court for failing to have complied with his obligation.

STEP 2 – for certain types of renovation /building works, you may have to apply for planning permission.

As you can only apply for planning permission if you are the owner of the property, if you are not the owner, an initial outline planning permission can be applied for at the contract stage of a purchase for a Certificat d'urbanisme preoperationnel.

This document is similar to a local search and will reveal any restrictions imposed by the local authorities and DEE relating to the proposed works to be carried out to the property. This application needs to make reference to plans of the property with an indication of new windows/ entrances/ extensions and a description of the proposed works but does not need to involve an architect. The local authorities usually take 2 months to return their response and

so the purchase cannot proceed until the certificate is issued. The document may contain specific conditions for the proposed work such as having a septic tank installed which is compliant and of the right capacity, or for the land to be connected to the mains water system at the owner's costs etc.

This document is a useful indication of the issues you will need to address in order to do carry out the proposed works.

Once the Certificate of Urbanisme is issued, it remains valid for 18 months. This means that you have to apply for a planning permission within this time frame otherwise, the certificate will lapse and you will be required to apply for a new one. It is possible to apply for a new certificate of urbanisme but one has to comply with strict deadlines.

STEP 3 - Apply for planning permission

Depending on the type of project you have, there are three different types of planning permissions:

- » Planning permission (permis de Construire) which is relevant for any new constructions; if the proposed building is larger than 170 m². You are required to instruct an architect who will draw up proper plans and usually will apply for the relevant permissions on your behalf. The architect will need to take out adequate insurance and make relevant declarations. The permission is valid for 3 years and so you will need to commence works within this period otherwise, you will have to apply for a new planning permission and run the risk of it not being granted or new restrictions being imposed. The project manager (and this could be you or the architect) will need to make a declaration of commencement of works with the local authority so that it is clear when the works

have started but also for the benefit of the 10 year builder warranty to commence.

- » Planning to develop (permis d'amenager) which is relevant for major extensions or works to existing building;
- » Planning to demolish (permis de demolir) when you have to demolish an existing building in order to build a new one or to reduce health and safety hazards due to a derelict building.

Some works may not need planning permission but a declaration de travaux which is a declaration of intended works. These works would include new building or extension of less than 20 m²; some loft conversions; new windows or doors to be created, new fences or boundary walls, changes to the external structure of the property.

If you are unsure which permission to apply for, the local Mairie is usually very helpful in guiding you through which type of permission is required. Do remember than ignorance is no defence even if you are English!

If you need help with any of the above steps, please do not hesitate to contact me as I will be pleased to carry these preliminary checks for you and complete the relevant applications on your behalf.

Mrs Lauren Annicchiarico – Solicitor – Principal – French Law Matters