1. Generalities

The land use planning (or the local plans) is a legally binding town planning document that stipulates the authorised land use for whole territory of a municipality. Since 1983, it is prepared jointly by State and municipal officials as well as Chambers of Commerce, trade-unions, associations, etc. The main objectives of the land use planning are as follows: to manage urban development, especially to set up and service new buildings; to protect natural space (farming land, landscape, forests); to maintain the character of specific developed sites; to bank landscape required for planned public servicing, new roads or those to be widened; to exactly determine the rights and servitudes in each plot of land.

A mayor may issue building permits only if a Land Use Planning has been approved. Where there is no Land Use Plans, only the areas already urbanised are constructible and the building permits are issued by the Administration.

Officials are directed to undertake work on the land use plans and generally this lasts for one or two years depending upon size of the Commune and the intricacies of the development projects; afterwards the land use plans is "published" and then a public inquiry takes place; alterations may be made, and the land use plans is approved by the town council. A land use plans becomes effective from the very day officials start to work it out because it enables local authorities to use a two year's stay of proceedings before granting a building permit (or an allotment).

But a local plan becomes legally binding and, for instance, enables local authorities to refuse a building permit which would not be in accord with the local plans only after the latter has been published. A published local plan is no longer binding after a three years period if there has been no approval in the meantime.

Once approved, a local plan remains in force indefinitely. It is usually supposed to be completely changed after a lapse of ten years. A local plan can be revised, altered, updated: it may be revised completely or partly ("revision") and the process is just similar to one used to set it. Between the day they start revising a local plan remain in force, though special saving clauses may be applied (stay of proceedings).

It is easier to "alter" a Local Plans ("modification"), provided its general objectives are not affected and listed woodland is not lessened. Then the changes envisaged are subjected to a public inquiry (following the authorities' approval) then studied by the town council for the Prefect's approval. As to updating the local plans regularly, local authorities may adopt new measures that would later the local plan's regulations relating to land use or real estate deals, such a Zone Development Plan (PAZ, plan d'aménagement de zone) for a area within a Comprehensive Development Area (ZAC, zone d'aménagement concerté) or servitudes for public facilities.

We will study the items of a Land Use Plan: the land use plan consists of one or several maps and regulations as well as introductory notes and supplementary documents. In addition to overall clauses, each section deals with one category of zone and is composed of fifteen articles (we will see during the courses).

In addition, each regulation may include a set of recommendation (for instance: architectural style). There in France two main categories of zones: U Zones (Urban Zones) which are divided into several zones and N Zones (Natural Zones) which comprise four types (we will study also during the courses. We will study also the French Master Plan: from 1958 onwards, some Communes and urban conurbations (about 20% of the latter) were allotted Master Plans; these were both planning
documents (meant to determine the future organisation of the town and regulations on land rights). They were elaborated by Central Government officers. In order to separate the two functions (and also to include more fully the advice of local bodies) the Master Plans were replaced in the 1967 “Loi d'Orientazione Foncière” (Town Planning Act), by Structure Plans ("schémas directeurs d'aménagement et d'urbanisme").

2. French planning law

In this paper, we will examine how French planning law works and consider what you need to know before you get started – and what to do if planning permission is refused. French regulations concerning planning permission are complicated – the information provided here is only a summary.

2.1 The Built Permit

You will require built permit or planning permission (“permis de construire”) if you intend to construct a new build (or extension) with a surface area greater than 20 m². You will also need planning permission if you intend to change the use of an existing structure, for example if you renovate a barn or stable (i.e. which was previously used for agriculture purposes) into living accommodation / bedrooms.

If your construction project does not need a built permit, you will probably still be required to make a declaration at the town hall (a Work Declaration or “déclaration de travaux” for smaller projects).

There are two series of regulations that govern the built permit in France:

1) National town planning regulations. These are contained in the French “Code de l'Urbanisme”, and local rules contained in local schemes (you may have heard of the “POS – Le plan d'occupation des sols” previously used and currently used the “PLU – Plan Local d’Urbanisme”). You can consult the local schemes at the town hall.
2) The rules contained in the French Civil Code governing relations between neighbours, for example about rights of way, etc.

2.2 Who grants the built permit?

A request for planning permission has to be submitted to the local town hall. You will be asked to provide a detailed file, containing the plans of your future construction. These plans must be drafted by a registered architect if the surface area is greater than 170 m². In this case, the architect will generally prepare the file for you.

The mayor will check that your request complies with the national and local town planning regulations.

2.3 How will we know if the planning permission has been granted?

In most cases, we will receive written notification that the permission is granted or refused. Planning permission is deemed to have been granted “implicitly” if you hear nothing for two months, except in certain specific cases, e.g. if your project must be approved by another administrative authority. This...
is the case if your project is located within the vicinity of an historical monument, when the mayor must submit the project for approval to the “architecte des bâtiments de France”. In the latter case planning permission can never be granted “implicitly”.

We are under a legal obligation to publicise the planning permission on the site where we will be building (generally speaking the architect or builder will put up a sign giving a summary of information about the project and the date the planning permission was granted).

The mayor will also publish the building permit at the local town hall.

**2.4 In case of the building permit is refused**

There are different ways of appealing against the mayor’s decision. The most common one is to initiate action in the Administrative Courts. If you intend contesting a decision, you only have two months in which to start your action from the date you were informed of the refusal.

The mayor can only refuse planning permission if it is contrary to the national and local town planning regulations.

**2.5 Eventuality: appeal against the building permit**

It exist the possibility where a disgruntled neighbour may appeal against “your” building permit. However, he/she must do so within two months’ of the different publicity measures becoming effective (i.e. the sign put up on your land or the notice at the town hall). The neighbour will not take action against you, but against the mayor, (or, more specifically against the administrative deed (“acte administratif”) granting you planning permission.

Nevertheless, we can continue to build during the appeal procedure – however it is not advisable to do so because if the Courts do cancel the permission, there is a risk (albeit slight) that we will be required to demolish the building.

**2.6 Way for obtaining the building permit**

Obtaining permission to carry out renovation work is a complex subject. It’s therefore essential that before starting (or even planning) any renovation work, we have to check the procedures that apply in the commune concerned.

In all cases, we should go first to the local town hall and ask for the “service d’urbanisme”. In a large or medium-size town, this may be a separate department manned by an architect who's familiar with the buildings in the town. In a small town or village, the mayor himself and his assistant may deal with everything and will act as your liaison with the Direction Départementale de l'Equipment (D.D.E.), which is responsible for approving all planning applications.

Failure to apply for planning permission can result in the demolition of renovation work and even of the whole building (within a short time) and the payment of a penalty, followed by endless, costly and often agonising negotiations with French administration.
2.7 Rules and regulations

Although there's general legislation governing building permit that applies throughout France, detailed rules and regulations vary considerably from region to region, department to department, commune to commune and even village to village, which makes it impossible to list them all here. For example, in Côtes d'Armor in Brittany, you cannot usually obtain a permit to build a house less than 100m from a farmer's field. This may not apply in the heart of France.

Those planning to buy property for renovation in Brittany should note that planning regulations have been considerably tightened in recent years. Many small towns and villages have joined the Commune du Patrimoine Rural de Bretagne, which aims to maintain properties to their original specification, eg: only traditional fittings may be used and even the terrain may not be altered by tree planting without permission.

Therefore we have to know and follow strictly the local regulations. Nevertheless, certain rules apply in most areas, including the following:

* Rainwater from your roof must not run onto a neighbouring property.

* You may not construct a building or plant trees or shrubs within 2m of a neighbouring property.

* If a neighbouring wall is over 6m high, any building or plant must not exceed half the height of the wall.

There are essentially three types of permit (described below), and the first thing that we must ascertain is which of these you will need (if any) and whether you can submit the application yourself or must employ an architect to do so on your behalf.

2.8 Using an architect

For any project to renovate (or construct) a building over 170m2 in France, we will need a professional architect to draw up plans and make the planning application. (We may of course use the services of an architect even if the area of the building is less than 170m2).

Calculating the relevant area, known as the 'surface hors d'oeuvre nette' (SHON), is more complicated than it might seem. All habitable areas must be included (eg: the first floor or roof if you're planning to turn this into bedrooms, as well as the ground floor) and measurements must include the thickness of the walls, which must therefore be measured to the outside face. However, the calculation normally excludes garages, basements, open areas at ground level (eg: a porch or terrace), balconies and any habitable area where the headroom is less than 1.8m, eg: in rooms under the eaves.

The cost of using an architect varies according to the size and complexity of the project, but normally starts at around 1,750 Euros.

2.9 Demolition Permit (« Permis de démolir »)
A “demolition permit” (un permis de démolir) has to be required when we wish to demolish a building on our land, and we should check at the town hall before knocking anything down, irrespective of how dilapidated it is. A permit may also be required to lop or cut down trees or to clear ground for building (une demande d'autorisation de coupe ou d'abattage d'arbres or une autorisation de défrichement).

### 2.10 Built Permit specificities

So, a building permit is required for any change to a property that affects its taxable value (valeur cadastrale), which normally includes the following:

* Any extension to a building, including a balcony or car port, of more than 20m²
* Changing the use of a building, eg: by converting a shed to a workshop
* Creation of additional accommodation, eg: by converting a loft or outbuilding
* Removing internal walls
* Construction of any outbuilding (eg: stables, kennels or garage) exceeding 20m²
* Enlarging existing doorways or windows or changing their style or inserting new windows (including most types of double-glazing)
* Changing the type of roof tile
* Erecting fences or walls or replacing a fence or wall with a different type of structure
* Installing a septic tank
* Digging a well
* Installing a swimming pool of over 20m²
* Installing a pond of over 50m²
* Installing a mobile home in the garden.

Planning permission may also be required for the following:

* Changing the colour of external walls, windows or shutters
* Removing rendering to expose external stone work or covering stone work with rendering
* Creating a roof terrace
* Creating a terrace or patio over 60cm high or covering more than 20m²
* Replacing front doors
* Installing security grilles
* Installing solar panels if they affect the external appearance of a building (ie: are mounted on the roof) - you may not need permission for panels at ground level

* Installing a satellite dish (une antenne parabole) more than 1m in diameter

* Removing trees (see Permis De Démolir above).

2.11 Declaration of Work (“Déclaration de travaux”)

A “declaration of work exempt from a building permit” (“une déclaration de travaux exemptés de permis de construire”, often referred to simply as “une déclaration de travaux”) is a kind of simplified building permit, which may be all that's required for work that doesn't change the use of a building or create new living space, or for minor alterations to a building, including the following:

* The installation of dormer windows or skylights where there's no existing roof aperture (provided these don't overlook a neighbouring property)

* An extension of less than 20m², e.g. a garage, car port, kitchen or conservatory

* Constructing an outbuilding (e.g. garage or workshop) of less than 20m²

* Replacing roof tiles or other features with identical or similar items or materials (“du travail à l'identique”)

* Raising the height or otherwise altering the line or pitch of a roof

* Adding or replacing external doors or windows

* Building a swimming pool of less than 20m².

* Adding internal walls

* A structure of less than 2m² and less than 1.5m high

* A wall less than 2m high

* A patio less than 0.6m high

* Greenhouses up to 2,000m², if less than 4m high

* Temporary structures on a building site

* Statues, monuments and works of art less occupying less than 40m³ and less than 12m high.

3. The Certificate d'urbanisme - a crucial piece of French planning law
In France construction is well controlled and permission has to be obtained for almost all types of development. Many of the planning rules are codified in a document called the “Code de l'Urbanisme”.

### 3.1 The “Certificate d'Urbanisme”

Before acquiring a piece of land, it is advisable to ask for a certificate of town planning or in French language “Certificat d'urbanisme”. This document gives clear and objective information on the rights; planning laws, future development, zoning and taxation attached to the piece of land we are interested in buying. This information can affect our intended plans for the property, as well as its future value.

There are two types of certificat d'urbanisme:

* the “certificat de simple information” or certificate of information which, in the absence of a precise building project, just gives information about existing town planning rules on the property. It does not, however, indicate whether the land can be built on.

* the “certificat opérationnel” or operational certificate, must be requested if a specific building project operation is planned on the property. This document is essential if we are planning to buy land or to build on land. It allows us to know, before buying, if we would be able to realise our construction project.

The certificat d'urbanisme will indicate the following information:

* Town planning arrangements: this includes details about local authority town planning, general town planning regulations, and information about aspects of sea-side coast or mountain laws that might be applicable in the area.

* Administrative limits on rights of ownership such as planning restrictions or the existence of pre-emption rights.

* Information about existing or future public amenities (water, electricity, sewerage, etc.) serving the land.

* Property taxation applied to the property.

* Indication if the land is located within a pre-emption zone.

The certificate d'urbanisme does not give authorisation to build - it does not replace the building permit - but is needed if we plan to make any changes to a property and/or apply for a building permit.

### 3.2 How to request a certificate d'urbanisme?

It is necessary to complete an application form, the “certificat d'urbanisme”, Cerfa n°12107. Information must also be provided regarding details of the intended purpose of the buildings envisaged as well as their probable surface area. A plan indicating the location of the land within the municipality as well as a plan of the property itself must also be included.

Four copies of the request must then be sent to the local town hall. The “Mairie” (Local Town Hall) must deliver the certificate within two months of application. The document is free.
Once we have the “certificate d'urbanisme” we have two months to contest or change any of the details contained in the document. We have to read it carefully when we receive it, to check for errors. After the two months have passed we will be unable to make any changes and if there is a mistake in the document we will need to re-start the process with a new application.

When a certificat opérationnel, has been requested, it must mention whether the land can be used for the operation described in the request. In the event of a refusal the certificate will indicate the reasons why the project cannot be undertaken.

The certificate d'urbanisme is valid for one year. It can be renewed for an additional period of one year (from the date of the officially stamped letter from the local town hall) and provided that town planning laws, administration rights of way or other easements and taxation related to the property have not changed. We must ask for the certificate to be renewed at least two months before the expiry date of the old certificate.

This demand must be done by letter, in duplicate, addressed to the Mayor, accompanied by the original certificate and sent by registered post with a receipt confirming delivery.

The extended and valid certificate continues the exact rights that were initially granted. This means that no new town planning rules or financial taxes (other than those intending to safeguard the security of the population or public health) can be applied to our land.

Within this period we may:

* Present an application for a building permit. This must be presented in strict accordance with the requirements/permissions of the certificate d'urbanisme. The actual building permission has to be applied for within 24 months of the date of issue of the certificate.

* Present an application for a declaration for work that is exempt from needing a built permit.