

Guide to planning in France



French planning & architectural services



www.frenchplans.com

established in 2002

PLANNING CONSENT REQUIREMENTS

This brochure aims to cover the most common planning questions in our 30 years' experience of working in France. Before we start however, let us quickly introduce you to one of the most-used phrases in the business, which is "it depends". This is a precursor to all that follows, which is intended as a useful guide, but local idiosyncrasies mean that you shouldn't assume your project necessarily falls within the norm when it comes to planning rules.

Welcome to France!



THE REGULATORY FRAMEWORK:

All French communes have the option to adopt either 'national' planning regulations or to create a local plan, and before continuing with your project it is important to know which rules apply to your property or 'parcelle cadastrale'. French Plans offers a free, no-obligation verification service to check the regulations in place at the time of purchase, or when undertaking a project which requires planning consent. This ensures you are fully aware of any restrictions or conditions which may be relevant to your property or project at the earliest opportunity.

NATIONAL REGULATIONS:

These apply anywhere not covered by a local regulatory framework. National regulations are known as "RNU" in France (Règlement National d'Urbanisme), and are used to control what can be achieved in terms of building works or modifications to properties in any given area or commune. Planning decisions resulting from applications where RNU applies will be based on issues such as existing land use in the immediate vicinity, size of development, noise, public health & safety, architectural style, etc

LOCAL REGULATIONS:

There are several different models in use for local regulations, with each version existing to control planning matters within the commune. The more usual ones are the "PLU" (Plan local d'urbanisme) and the "CC" (Carte Communale). The PLU is the most detailed version and will place every plot of land in a commune into one or more planning zones, ranging from agricultural to industrial, and from parkland to residential and commercial. Each zone will have its own set of rules defining what construction and development can or cannot be undertaken.

WHEN PLANNING PERMISSION IS REQUIRED

Planning consent in France is required for (but not limited to!):

CHANGE OF USE:

- Converting any kind of building from one use to another – for example, the conversion of a building not currently considered "habitable" such as a commercial premises or barn, or other agricultural building, will require a permit.
- Changing the use of land also requires planning consent – for example, developing a camping business on land currently used for agriculture, or creating a residential development

EXTERNAL CHANGES:

- Essentially, any change to the external appearance of a property requires a permit of one kind or another, even for minor changes like external paint colours. However, repairing or replacing an existing element on a "like for like" basis (eg replacing old roof slates with new ones of the same size and colour) is unlikely to require any official paperwork, though there are some cases where specific materials have to be maintained for heritage or architectural reasons. Take care on this point, because replacing existing wooden windows with PVC, even if the style and appearance is the same, may not be considered a like for like replacement, especially when the property is in a "protected" planning zone.

EXTENSIONS:

- In theory at least, extensions of less than 5m² require no permit. However, it goes without saying that any extension, irrespective of size, results in a change to the external appearance, meaning a permit almost certainly will be required...
- Extensions of more than 5 m² will always require a permit, and in many communes, there is no automatic right to extend, so don't assume it is possible without checking. There is no permitted development in France. Some communes may limit the size of an extension to a percentage of the existing living area/footprint, or to a maximum size expressed in square metres (30 m² for example), and this most often applies in rural areas or outside of the immediate urban area of the town or village.
- Raising the roof of a building to create additional head-height in an upper floor - a loft or attic or example, is considered an extension as it increases the habitable space within the building, so consent is required.

NEW BUILD:

- Planning applications for any dwelling or building over 150 m² (either footprint or habitable space whichever is the greater), must be prepared and

submitted by a French-registered architect. Where you have a set of blueprints already, we can base the planning dossier on these, but we will still need to create a new set which conform to French planning requirements (many people choose blueprints from online sites or timber-frame manufacturers which are unsuitable)

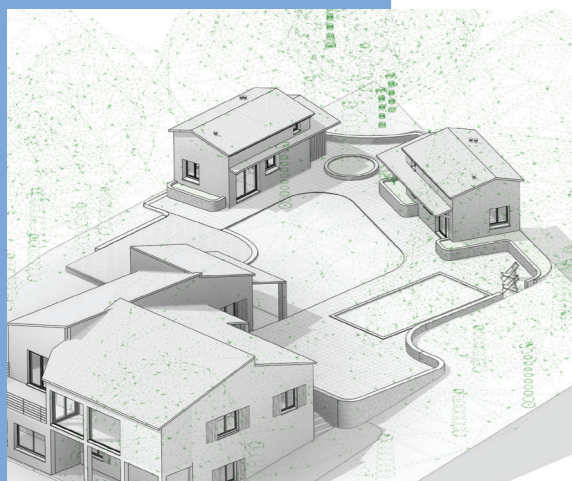
- Whilst planning applications for dwellings smaller than 150 m² can theoretically be submitted by an individual (with the exception of commercial properties), if the dossier is not in accordance with norms, or if anything is missing, the application will be rejected, so the use of an expert planning consultant/architect is always to be recommended. There are many peculiarities which need to be considered, and unless you are familiar with these, your application is likely to fail.

SWIMMING POOLS:

- Pools can be either in-ground or above ground. There is little or no distinction under French planning law between the two and planning consent is required for either unless your pool is above ground and is being installed for no more than 3 months of the year, i.e. it is temporary, or, it does not exceed 10 m² in surface area.
- If the pool is below 100m² then a works declaration will be required, but if it is above 100m² then it will require a full planning permit.
- If there are other structures being built alongside the pool such as an arbor, a pool house or an outdoor kitchen, these will need to be included in the planning submission.
- As is the case in many situations regarding planning permission in France, the location of your property could be a factor - if your property is in a heritage or conservation area for example.
- It is also important when considering the construction of a swimming pool that France has just suffered one of the driest summers on record (2022). We have experience of applications which have been granted, but have a condition attached that the pool could not be filled from the municipal water supply. Nearly all areas of France imposed some kind of water usage restrictions in the summer of 2022 and one of the first of these was the filling of swimming pools. It is therefore important before embarking on a swimming pool project to check if any restrictions on water usage are in place.

ANNEXES: GARAGES, CARPORTS, GARDEN SHEDS, POLYTUNNELS, PERGOLAS, ETC:

- Any construction of this type requires consent of one form or another – even open pergolas where they exceed 5 m² footprint. Some communes in France forbid the creation/construction of annexes, or limit them to one per property.



The French government is not unusual in its drive to improve the energy performance of buildings, it has, in recent years, introduced more extensive environmental policies that affect the energy performance of new buildings and also extensions and conversions. It's important to factor these regulations into any decision you have relating to development.



some 30 different types of establishments, each being given a letter by way of reference. For example, shops are denoted by the letter 'M'; bars and restaurants by the letter 'N'; hotels and B & B's by the letter 'O'; and so on. There are special categories for things like "floating buildings", open air structures, covered car parks, etc. A building's capacity places it into one of five categories, as follows:

- More than 1500 people: **Category 1**
- 701 – 1500 people: **Category 2**
- 301 – 700 people: **Category 3**
- Less than 300 people: **Category 4** (unless the building falls into category 5)
- Buildings with a capacity lower than certain levels (dependent on the type of activity offered): **Category 5.**

The definition of capacity (number of people) for categories 1 – 4 includes all staff or personnel in addition to members of the public, but for category 5, only the number of members of the public are taken account of.

With many British buyers now considering opening (or taking over) a bar, restaurant, hotel, B & B, Gîte complex, etc., it is important to understand the implications of current regulations as they can have a significant effect on the costs of renovations, or indeed the use of a building, as it may be incapable of conforming, due perhaps to structural limitations. For now, let us consider those buildings that are most likely to be of relevance to those looking to build or alter the use of a property in France.

HOTELS, B&B's, GÎTES AND OTHER BUILDINGS OFFERING ACCOMMODATION

As a rule, individual buildings with a capacity of less than 15, fall outside of the ERP regulatory framework. However, it is important to remember the framework is complex and this number should only be taken as a guide as to whether ERP considerations may come into play for individual properties or projects. For example, some sub-categories of building may not be subject to ERP regulations but may still require minimum levels of disabled access.

Establishments with a greater capacity than 15 will be subject to the rules, meaning that a separate dossier must be prepared as part of a planning application (see below).

SHOPS, BARS AND RESTAURANTS:

It is unlikely that any shop, bar or restaurant could be successful with a capacity of less than 15, so for our purposes, all of these are likely to require ERP conformity. Any changes of use to commercial premises also requires the submission of an ERP dossier usually along with a planning permit.

EVENT CENTRES:

Buildings such as chateaux that are purchased with the view of converting into reception and conference centres need to conform to ERP regulations.

THE MAIN ERP REQUIREMENTS:

FIRE SAFETY:

ERP regulations have several core objectives as regards the fire hazard at a building which is open to the public, notably: limiting the risk of a fire; alerting the public in the event of a fire; evacuating people without panic; alerting the fire brigade and facilitating their intervention. There is an obligation on the part of all owners and operators of such establishments to follow the guidelines, not only at the time of construction or renovation, but on an ongoing basis.

DISABLED ACCESS:

In addition to fire regulations, there are also specific objectives and a general obligation to allow all staff and members of the public equal access to work in or enter ERP establishments, and where required, the use of facilities adapted to serve any special needs to ensure the health and safety of all.

This includes those with physical disabilities - wheelchair users and those with other reduced mobility, impaired sight or hearing, etc., as well as those with learning disabilities.

BUILDINGS OPEN TO THE PUBLIC:

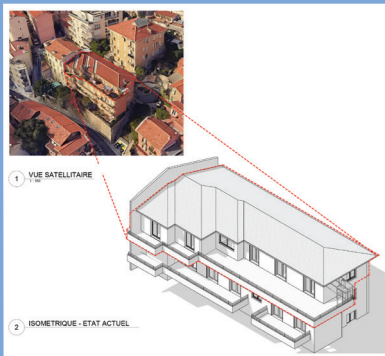
As a rule, any building that is open to the public needs to conform to specific regulations relating to disabled access and fire prevention. In France, such buildings are referred to as "Etablissements Recevant du Public" (usually abbreviated to "ERP"). The list of buildings affected includes shops, shopping centres, theatres, cinemas, hospitals, schools & universities, hotels, restaurants, bars, etc. Interestingly, temporary structures like marquees are also included in the regulations. In essence, any area that is open to a member of the public must be open to all, including for example, car parking areas, lifts, etc. The underlying aim is that everyone is treated equally, and that no one feels excluded from public buildings, or indeed from areas of society that are open to others.

Any planning application involving an ERP is subject to special consideration. Individual projects will be dealt with by the relevant local authority, notably the departmental commission for safety and accessibility.

In the first instance, all applications must be delivered to the Mairie of the commune in which the property is located, which will then be passed to the various commissions for consideration and approval or modification. Applications of this type are complex, and not for the faint-hearted, so consideration should be given to obtaining expert advice such as ours.

"ERP CATEGORIES"

Buildings open to the public are categorised according to two principles - their purpose (activity) and their capacity (number of people). The purpose of a building will fall within a list of



French Plans have undertaken many successful applications for campsites over the years and have a wealth of knowledge when it comes to the different regulatory frameworks that are in place. It's important before jumping into an application for a campsite that you are fully aware of the policies that cover the land and also how policies relating to public access and use are relevant

CAMPING & GLAMPING:

Planning is required where any land is to be used for such activities, and contrary to popular belief, the process is not straight-forward, and a successful outcome is certainly not guaranteed.

If you're thinking of buying a property with land to set up a camping or glamping business, there are some planning-related matters to consider, rules to follow and questions to ask yourself before you proceed with the purchase:

- Would I buy the property if permission for the intended use is not possible? If it would be a "deal-breaker" to not have planning permission, then it is imperative to include a condition in the purchase contract that you will only proceed if permission is granted prior to completion.
- How many pitches do you want/need to make the project viable financially. Many buyers would be happy to have a small site, for which planning regulations are generally more favourable, but if you're looking to set up a site with more than 6 pitches or units, things change, and the regulations are more complex.
- What drainage facilities exist – mains, or will the project need a septic tank system of some kind? Planning applications require proof that an adequate waste-treatment system will be installed, and the cost of the system needs to form part of your financial considerations.
- What facilities will you offer – eg shower & wc block (whether using an existing building or creating a new block). Restaurant, shop, etc? Will you supply electricity points to the pitches? If so, it is important to be sure an adequate supply exists, not only for the campsite, but for any owner's accommodation or other requirements. Where an inadequate supply exists, planners may refuse the application, or demand the applicant pays for any utility service extensions to the property.
- What constitutes "Camping à la ferme": This is a generic term where land is to be used for no more than 6 pitches, and a maximum number of 19 visitors at any one time. This kind of site still requires planning permission, albeit a slightly streamlined application process with different regulatory requirements from larger sites. An important thing to note is that recent changes to regulations can make the planning application in many cases subject to an impact study (or an attestation from the relevant authority that one is not required).
- Access: it is imperative that adequate vehicular access and parking is available, together with sufficient turning space to enter and leave the site.
- "ERP" (établissements recevant du public) regulations: Where a building (eg wc/shower block, games room, TV room, shop, café, etc) is available to visitors, it must adhere to fire and disabled access regulations. A separate dossier is required as part of the planning application for the campsite, and these add time and cost to the process.
- Buying an existing site: it is important to check all permissions are in place, including ERP approvals. Where you intend to increase the number of pitches, you may need to undertake an impact study which may not have been necessary previously when the site was originally opened.
- For those deciding to create a glamping site with fixed units and individual facilities – pods, shepherd's huts, yurts, etc., where there will be wc/shower facilities in each unit, then the rules are slightly different. Each unit must meet fire safety criteria, and a proportion will also need to be disabled-friendly (the number will depend on the total number of pitches /units). Disabled parking will also need to be provided.
- "HLL" (habitations légère de loisirs). An HLL is a fixed unit – mobile home, glamping units, etc., where the habitable floor area is below 35 m². These can usually all be considered as "camping" use, though it can depend on several other factors. Anything over 35 m² is considered a dwelling, and consent may be much more difficult to obtain.



AGRICULTURAL BUILDINGS FOR REGISTERED FARMERS

Whilst it is generally not too difficult for a farmer to obtain planning consent for an agricultural building through a frequently sympathetic local council, there is less certainty when it comes to consideration of a new dwelling alongside any such building. Often the application will be considered on the issue of 'necessity', which can only be determined on a case-by-case basis. Thus, a council will be required to consider whether a permanent presence on-site is necessary, such as might be the case in the protection of livestock. In addition, where applicable, there would normally be a requirement for any new dwelling to be sited in proximity to any existing dwelling.

There are similar constraints relating to the conversion of former agricultural buildings for residential use, which will often be considered based on the condition of the existing building, the services available, and changes that may be envisaged to the volume of the building. Applications by anyone not registered as an "agriculteur" (farmer) for new dwellings in agricultural zones are highly unlikely to succeed. There is a general move in France towards minimising all non-essential development of rural areas.

LISTED BUILDINGS IN CONSERVATION AREAS

If the property is listed or is situated within a protected area (site classé) then particular procedures apply, requiring the approval of the Architecte des Bâtiments de France. These procedures are too detailed and varied to distil down for this document, other than to say that we regularly handle these types of applications and are confident in dealing with them.

STATUTORY REQUIREMENTS FOR PLANNING APPLICATIONS

Alongside the planning legislation, there are also other legislative requirements that need to be considered when preparing to submit a planning application. These include (but are not limited to):

ENVIRONMENTAL REGULATIONS

Following the introduction of thermal insulation regulations in 2012 and the subsequent updates in 2023, all planning applications involving the creation of any additional living space (including the conversion of existing buildings) require a thermal attestation, and for projects where you are increasing the living space by more than 50m² a report will also be required. The attestation confirms the building will be constructed conforming to current environmental regulations and the report contains detailed information about the materials permitted for the build. Upon completion of the project, a final inspection and certification may be required before the authorities sign off the project, and without it, the completion notice (DAACT) will not be validated.

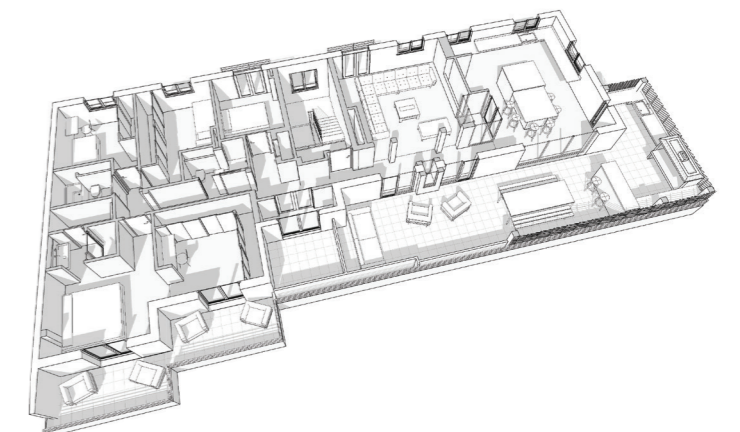
DRAINAGE

If the building or plot is not in an area where mains drains are available, then a private septic tank system will be required. The usual process is to arrange a specialist survey and report taking account of accommodation levels. The report is then sent to the local environment agency for approval. The approval certificate then forms part of the planning application.

Equally, if the property being modified has an existing septic tank system, that system must be capable of dealing with the increased accommodation levels. In these circumstances a specialist survey and certificate of conformity will be required and that will form part of the planning dossier that is submitted for approval. If it is established that the current system is not suitable for the plans being proposed, a new system will be required.

GROUND CONDITIONS

It is also possible that you will require a geotechnical survey to assess ground conditions prior to submission of the planning application (although this can sometimes also be requested after dossier has been submitted).



Until the early 2000's there were a myriad of different planning application types in France. These were simplified down to a collection of 7 application types covering the multitude of applications that are submitted. The team at French plans work extensively to make sure we are on top of regulatory changes and requirements in relation to French planning legislation.



TYPES OF PERMISSION

OUTLINE PERMISSION:

In France, outline permission is called a "CU" (certificat d'urbanisme). Anyone can apply whether they own the property or land in question or not. This type of application allows you to outline the project in reasonable detail, but requires only limited plans/drawings/documents – typically a site plan, service connections, existing and proposed building positions and uses, project description, etc. If approved, the CU is valid for 18 months, during which time a detailed application can be submitted. A CU does not allow any work to be undertaken – it is just outline approval. It is important to note that a CU approval doesn't always indicate every aspect required for a detailed approval is possible. For example, it may conclude that in principle the land can be used for the purpose in question, but the detailed application may fail if, for example, the impact study reveals reasons why it isn't possible, so please proceed with caution and understand that a CU is only a general outline approval, and you may need to make your purchase subject to full permission in some cases.

DECLARATION OF WORKS - DÉCLARATION PRÉALABLE (DP):

This type of application is most often used to deal with more minor modifications to an existing property such as the addition of velux windows, changing wooden windows and doors to PVC, converting a garage to living space (or vice versa), and the construction of a garden shed, polytunnel or greenhouse, all of which require permission. As a general rule, minor works that create less than 20m² of "surface de plancher" (living space), or "emprise au sol" (footprint) can be dealt with by a DP application. This is sometimes extended to 40m² where a property is within a developed area of the town.

A DP application is handled in a slightly different manner to most others in that there is no necessity for the planners to issue a response. Automatic approval, and a right to proceed exists if the authorities do not refuse within a month of receiving the dossier. However, if additional information or documentation is requested within the month, then the clock is reset from when they receive the missing details. The authorities also have the right to extend the normal one-month period under certain circumstances – for example where the property is close to a church or other historic monument, situated in a national park, or otherwise in a "protected" zone.

WORKS PERMIT - "PERMIS DE CONSTRUIRE" (PC)

For most types of projects not covered by a CU or DP, a permis de construire will be needed - for example, most new builds, extensions and conversions above the floor area or footprint limits noted previously. There are different types of PC application depending on the project, and the timescale can vary between 2 months and 6 months. Once more there are set time limits in which the authorities are obliged to respond, and a failure to do so will result in an automatic right to proceed. However, there is still the possibility to overturn the automatic right within a 3-month period of its start date if the application is adjudged to have been illegal at the outset.

DEMOLITION PERMIT - "PERMIS DE DÉMOLIR" (PD)

There is no automatic right to demolish all or part of an existing building, even when it is in very poor condition. Sometimes the local Mairie can give authorisation without an official application, but always get it in writing! Other times a full dossier will need to be submitted with appropriate plans and photographs.

DEVELOPMENT PERMIT - "PERMIS D'AMÉNAGER" (PA)

This is generally used for larger developments such as housing estates ("lotissements"), industrial or leisure facilities (theme parks, public gardens...), solar and wind farms, etc. It is also used for campsites and public fishing lakes. Due to the huge range of possible applications we will do no more than mention it here for reference purposes as readers may occasionally come across it or need to use it for a specific project.





POST APPROVAL PLANNING NOTICE

Upon receipt of your planning permission, you must put up a planning notice at the earliest opportunity which must be displayed in a place that can be seen from the public highway. It

must be in place for a minimum of two months, AND for the full duration of works if that lasts longer than 2 months.

This is a legal requirement and without it, your permit may be invalidated, and you could face a fine of 1500 €.

VALIDITY PERIOD

Generally current planning permits have a validity period of 3 years (except a CU which is 18 months). This can usually be extended for a further year provided an application is submitted at least two months before the expiry of the permit.

Once work has commenced, the validity of the permit is only assured provided work is continuous (ie there is no break in work of more than 12 months duration).

When the work starts

For a permis de construire a “déclaration d’ouverture de chantier” (DOC) must be completed and sent to the mairie in triplicate at the start of works. A copy will be sent back to you dated and stamped by the mairie.

When your project is finished

For both a déclaration préalable and a permis de construire a “Déclaration attestant l’achèvement et la conformité des travaux” (DAACT) must be filled in within 90 days of completion of works. This again needs to be sent, in triplicate, to the mairie and a copy will be returned, stamped and dated.

Most regions of France have a particular style of architecture and many individual communes also have an architecturally “protected zone”, which may mean your chosen design is not possible unless it meets the heritage requirements of the commune. It very much depends on the exact location of the building plot, so it is only possible to find out by discussing the project with the planning officer, or your chosen architect in advance of submission.



TAXES

Once planning permission has been granted the local tax office will automatically issue an “H1” tax form. This has to be completed and returned within 90 days of completion of works.

Where the taxable surface area (surface taxable) of the property is increased, this automatically leads to the following two tax changes:

- A one-off tax (taxe d’aménagement) based on the surface area created (any pre-existing surface area is not subject to this tax);
- An increase in your local property taxes (taxe foncière). Depending on your personal circumstances, the taxe d’habitation may also increase.

For reference, the taxable area is deemed as the total surface area of the building (surface de plancher), less those areas where the head height is below 1.80m, and those areas corresponding to the surface lost for a staircase or lift.



Planning legislation in France can seem daunting and complex, appointing the right professionals to assist you in your development project is key to making sure that the design, submission and any negotiation is completed efficiently and without concern. We are always happy to talk about any size project so if you have a development project in mind please get in touch.

THE FRENCH PLANS SERVICE:

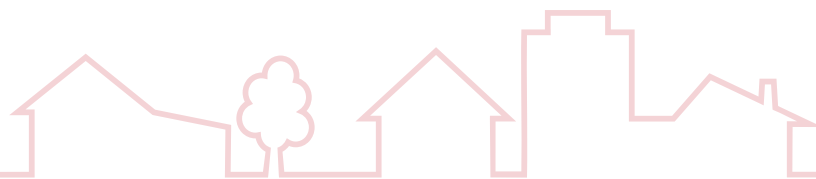
Please feel free to contact us with any general or specific questions about your property. We offer a free, no obligation initial review of planning regulations for your property as a first step, to see whether your project is feasible.



You can contact us by email:
enquiries@frenchplans.com
Or via our online enquiry form at
www.frenchplans.com

SARL French Plans, and its associated business SARL France Architects are fully registered and insured to operate in France. The information contained within this guide is of a general nature and specific advice should be sought for specific situations. We believe the information to be correct as at the time of publication, September 2023. While all possible care has been taken in the preparation of this guide, no responsibility for the loss occasioned by any person acting or refraining from acting as a result of the material contained herein can be accepted by the Company or the authors.

French planning & architectural services



www.frenchplans.com

established in 2002