

Construction permits in France

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The French regulatory system with respect to building authorizations has been the subject of a recent reform to be applied as of October 1, 2007

Building authorizations, in particular building permits, were governed by the Law of July 15, 1943.

The building permit is an administrative decision authorizing real property projects, once it is ascertained by the authorities that they comply with certain rules, such as those regarding town planning.

The increasing complexity of the regulations rendered necessary:

« the clarification of the law of town-planning,

by reducing the number of authorizations and by specifying their scope,
by simplifying the procedures,
by improving legal stability for the local authorities and citizens,
by promoting quality of town-planning and architecture »

As stated in the report submitted to the President of France.

As of now, building authorizations are regulated
by:

- Act of December 8, 2005,
- Order of January 5, 2007,

codified in the Town-planning Code.

The procedures relating to remedies at law are governed by :

- primarily the Law of July 13, 2006,
- and the Order of January 5, 2007

The Act of December 8, 2005 defines 4 authorizations :

- 3 types of permits :
 - the building permit,
 - the landscaping permit,
 - the demolition (removal) permit.
- 1 notification

This is a preventive system : the administration, notified by the project owner, can oppose the realization of the project before it starts, when it is against the rules of town planning or when it falls within the scope of building permits.

Thus, this is also an authorization that differs from building permits only in terms of procedure.

The competent authority to deliver building authorizations is :

- the Mayor :
- on his authority, the Public Establishment of Intercommunal Cooperation (EPCI)
- exceptionnally, the Prefect, i.e. the representative of the State, for :

- projects carried out on behalf of the State, foreign States,
- transportation production and distribution of storage of energy,
- nuclear installations,
- construction subject to the authorization of the Ministry of Defense,
- etc...

The building permit :

Any new construction is subject to a building permit except :

- projects exempted of any formality such as :

- constructions which do not create built areas of more than 2 m²,
- swimming pools up to 10 m²,
- walls up to a height of 2m.

Any new construction must be subject to a building permit except :

- Projects subject to a prior notification such as :

- constructions creating a built area of more than 2 m² and up to 20 m²,
- swimming pools with a surface area of more than 10 m² and up to 100 m²,
- walls over 2m in height.

Any work on an existing construction is exempt from formalities except :

- work subject to a building permit such as :

- construction creating a built area of more than 20 m²,
- modification of volume or creation of an opening (windows),
- construction modifying the structure of the building and of its purpose.