

RETROSPECTIVE PLANNING APPLICATIONS



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Making an application for changes already made (retrospective approval)

People often do work to their homes without realising that the changes they are making actually require planning permission. These things often only come to light when they come to sell and are asked by the notaire for their planning permission certificate. In this article we will look at what needs to be done in this scenario.

A retrospective request for planning permission in France is known as “regularisation”.

In some cases, the planning authorities may require any work carried out without a permit to be put back into the condition it was in originally, though this is generally only where the work is not possible due to planning restrictions. On occasion people have been known to ignore written instructions not to undertake work without a permit, then to be surprised when they are subsequently told to undo everything.

Please bear in mind before you carry out any work on your property that at some point it is likely to come back and bite you if you haven't obtained appropriate permissions.



The Process

In practice, the process is very similar to a normal planning application, including “existing and proposed” plans and drawings. This can be quite challenging where the owner of a property has carried out significant works without planning approval, and no longer has any record of what the property looked like beforehand. This sometimes leads to some creative interpretation!

A standard planning application needs to be made, with all the usual attachments – plans, drawings, photographs, etc. The dossier needs to show that the work has already been carried out, and that the application is to formally recognise this fact and to seek a planning permit for it.

The same processing period applies to a regularisation as any normal application (usually two months), although some authorities may handle retrospective applications more quickly if pressed.

In the past we have dealt with a case where extensive renovations and conversions had been carried out 7 years previously, which only came to light when the property was sold. The buyer of the house discovered the absence of a planning permit during the purchase process, and agreed to proceed with the contract only if a permit was granted by a certain date. Through some creative work and rapidly arranged meetings with the authorities (which involved a good degree of begging), the permit was granted within a week, and the sale was concluded. Conversely, another case took 18 months to sort out because the planners were so annoyed that unauthorised work had been carried out, that they sat on the dossier for a very long time.

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Key considerations regarding property in France

Many people are under the misapprehension that all manner of things can be done to a property in France without a permit, so here are some of the main points to be aware of:

- Any external change of appearance to a property needs a permit of one kind or another – this includes changing the style or material of doors and windows. It also includes in some cases, changing the colour of shutters, masonry, etc. Always included are the installation of Velux windows or dormers, creating new door or window openings, or indeed changing a door to a window or vice versa.
- Any increase in the habitable or taxable floor area of a property will require permission. This includes converting a lean-to, attic, stable or barn into living space.
- Building a garden shed or polytunnel requires permission, and there will be taxes to pay as well! In some cases, local planning regulations specifically forbid sheds and polytunnels....
- The fact that a change to a property cannot be seen by a neighbour does not alter the requirement for a permit.
- A neighbour may have carried out similar works or modifications to their property, but that does not mean approval is not required for your property. Neither does it mean that undertaking similar alterations will automatically receive approval.

Internal modifications that do not create additional living space may be exempt from the need for a permit. However, caution is required where attic conversions are concerned because special rules can apply.

Contact information

If in doubt, we would recommend that you speak to an expert (such as ourselves) and not leave things to chance. If you want to know more, please don't hesitate to [contact us](#).

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