



Building in Spain

Published by

Search and Survey SL

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Building or Buying second-hand Property in Spain

Spain has much to offer the weather weary residents of its northern European neighbours. It's little wonder over the past 20 years or more, increasing numbers of people have been selling up and moving to a land free of smog, to a land where black ice and fog and days of endless rain are unheard of. Thousands each year are relocating to this truly cosmopolitan part of the world where one never feels like a foreigner and the sun shines 320 days a year.

The land register website is owned and maintained by Search and Survey SL and operates mainly in the Northern sector of the Costa Blanca, inland and along the Coast from Benidorm in the South to Gandia in the North.

If you are planning to build a new property then you will find hundreds of building plots for sale listed at www.thelandregister.com . However, if you are planning to buy an existing second-hand property then you may like to read the articles on Buying property in Spain, or visit www.thespanishpropertyregister.com .

Building in Spain

It is not the intention to go into great detail on the subject of building rules and regulations. However, as a general guide you will find outlined below a summary of the main factors to consider when selecting a building plot. Be aware that many regulations are unique to certain Town Halls, and many Town Halls interpret the rules in differing ways.

Building land tends to fall into two distinct categories namely urban land and rustic land. Generally speaking urban land is found in the areas surrounding the town. Whilst rustic land is found in the countryside, usually some distance away from the town.

Never, under any circumstances, sign a contract or document without first taking professional advice!
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Rules regarding Urban Land

Designated approved building/development land and described as such on the government approved General Plan of the area. This plan, which is revised periodically, is a public document and can be viewed freely by anyone who cares to enquire at the appropriate department in the local Town Hall. Because this type of land has been already approved for building, outline planning permission is not necessary. The building project process can begin almost immediately.

Plot Sizes

building plots range in size from 600m² to 2,000m² depending on the conditions applied to the urbanization plan (Plan Parcial). Usually urbanizations comprising individual houses are made up of plots of 800-1000m².

Area occupancy

The maximum size of the property to be built is governed by another set of rules, again this varies from Town Hall to Town Hall.

As a general rule, the building may not occupy more than 20% to 30% of the area of the building plot.

EG. A building plot of 1,000m² with an area occupancy restriction of 25% would allow a building to have a ground floor of 250m².

Total construction

Another regulation to be considered is the total construction factor, this governs the maximum number of square metres in total allowed to be built on the plot.

This factor again usually ranges from around 20% to 30% per m².

Therefore if we take the example above, given an:

Area Occupancy restriction of 25%

and a Total Construction factor of 0.3 and a plot size of 1,000 m².

The Maximum ground floor occupancy is $1000 \times 0.25 = 250\text{m}^2$

The Maximum overall construction is $1000 \times 0.3 = 300\text{m}^2$.

This would allow a house with a large ground floor area of 250m² plus a small upstairs of 50m² (Total constructed area 300m².)

Or alternatively and possibly a more practical arrangement might be two floors of 150m² each. (Total constructed area 300m².)

It should be noted that these are the maximum areas of occupancy and construction however they exclude a cellar, (which may be the same area as the ground floor,) terracing, porches and a swimming pool.

There are other rules governing the maximum height of the building, usually between 6 and 7 metres, and the distance from the boundary usually between 3 and 7 metres. Rules also restrict the height of sold boundary walls typically 1 to 1.80 metres.

Sometimes the ascetic appearance of the building is restricted, but generally speaking unless an outrageous design is planned this usually does not present a planning problem.

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Rustic Land Regulations in Spain (Suello no urbanizable)

Land falling into this category is also outlined on the General Plan, as already mentioned rustic land is largely found in the countryside, usually some distance from the local town in whose area it belongs.

Unlike urban land, where the rules are laid down by the local town hall, it is the regional government who makes the rules regarding the minimum size of the building plot in rustic areas. In this case the authority comes from Valencia and the law requires a minimum area of 10,000 m².

However, rustic land may be sub categorised into three distinct types namely Protected, Restricted or building land. It does not always follow therefore, that because the plot is 10,000m² or greater that it will be possible to build. These categories are shown on the General Plan available in the local town hall and should be checked before any agreement to purchase is made.

Rustic land tends to be much cheaper per m² than Urban land, the problem is you need to buy many more square metres in order to have a plot large enough to build.

Area Occupancy

This is always fixed at 2% of the plot size

EG on a plot of 10,000m² it is possible to build the ground floor to a maximum of 200m²

Total Construction

This is always fixed at 4% of the plot size.

On a plot of 10,000m² it is possible to build two floors each of 200m² making a total constructed area of 400m².

It should be noted that these are the maximum areas of occupancy and construction however they exclude a cellar, (which may be the same area as the ground floor,) terracing, porches/ pergolas and a swimming pool.

There are other rules governing the maximum height of the building. Rustic houses are restricted to two floors. Rules vary as to the height of sold boundary walls typically 1 to 1.80 metres.

Ascetic appearance

As you might expect, in order to maintain a traditional country house effect, properties built in rustic land should be designed to fit in with the country style. Such houses are commonly known as Finca's. and are often clad in natural stone.

Rules regarding aesthetics are laid down by the Town Hall and therefore vary from area to area. Benissa Town Hall for example has particularly stringent rules concerning the direction of the roof-line, types of windows, number and dimensions of arches, etc etc. Other towns have less rigid restrictions.

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Building & Restoration Regulations in Spain

- Restoration of old buildings in Spain
- Existing buildings in Rustic areas

Very important changes to the rules as from October 2002

It is quite common practice these days for people invest in an old run-down finca, barn or even a total ruin with a view to restoring it to a habitable dwelling.

Until very recently, it was possible to restore and extend a ruin in a rustic zone to occupy an area equivalent to 2% of the plot size, without having a minimum 10,000m² plot. Sometimes an insignificant heap of stones on a small plot was interpreted as being an existing building by some town halls in order to get around the rules. However, this loop hole has now been closed by the regional authorities and planning applications to extend the building beyond its original size with less than 10,000 m² of land will be rejected.

The General rules are:

The ascetic appearance must always be maintained; for example if the existing building is built of stone then the restoration must be the same. Large PVC patio doors and other modern fittings visible from the exterior are not allowed. Permission would almost certainly be refused for the addition of such features as circular towers or turrets.

Extension to or expansion of the existing building is limited to a maximum total constructed area of 2% on each floor. Therefore an existing ruin with a constructed area of 120m² on a plot of 10,000 m² could be extended to 400m² in total with a maximum ground floor area of 200m². A plot of less than 10,000m² would only permit the building to be restored or repaired but not extended beyond its original size.

EG plot size 10,000m² x .2 = 200m² per floor.
Maximum two floors = 400m² (Total constructed area.)

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Land Register Services

Building a house can be a stimulating and exciting project, if you get it right it could prove to be the most satisfying achievement of your life. Unfortunately getting it right is where many people fail. Common sense says when you embark on a course involving investment of substantial sums of money; a certain amount of serious thought must go into it. It is surprising how many people leave their common sense at home when they come to Spain.

If in doubt take professional advice!

Below we have prepared a summary of the points that need to be considered before embarking on a building project. If you have the time, the courage, the patience and fully understand the meaning of the Mañana syndrome then there is no reason why you cannot be a successful DIY builder. As stated earlier, building yourself can be very rewarding but it can also be fraught with problems.

If, however, you want to relieve yourself of most of the strain and have a relaxing, stress free build instead, then our Project Admin and Management Dept. will organise and supervise everything for you without removing any of the rewarding exhilaration from the project. In fact our aim is to be as flexible as possible to allow you to be involved to a level which suits you best, be it full time, part time, or not at all.

There is a lot at stake so don't jump in with both feet, its worth taking some time to consider all the angles. Think about it long and hard.

Doing it Yourself - Principle considerations

All building projects begin with a basic idea, your idea or someone else's idea it doesn't matter. How it should look from outside, how many bedrooms, bathrooms, how many floors, etc. etc. The ultimate aim of course is to produce a villa, a finca, a chalet, or a house or whatever you prefer to call your property with all the features you desire.

The achievability of this aim depends on a number of factors including the following principle considerations.

- **The Budget**
- **The Building Plot**
- **The Town Hall**

The budget of course is very important; you need to know exactly what your commitment is and what you can afford to spend. You may need a mortgage, interest rates are currently low and the local Banks are competing for business. Make sure you have sufficient funds available to complete the job, and allow a bit more for unforeseen extras.

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Land prices vary considerably as can be seen when browsing the land registry. It is important therefore you choose an affordable plot.

Building costs on the other hand do not tend to vary quite so much; the price quoted by a builder generally reflects the standard of the finish.

The following table may serve as a general guide:

Basic quality:

875.00 per m2 (No frills, inexpensive wall and floor tiles basic sanitary ware.)

Standard quality:

950.00 per m2 (Wall and floor tiles to max cost of 15.00 m2, regular pine carpentry, basic kitchen.)

Superior quality:

1050.00 per m2 (Central heating, double glazed windows, quality carpentry. Wall and ceramic floor tiles to 20.00 m2, good quality sanitary ware.)

Top quality:

1200.00 per m2 (As for Superior quality but may include natural stone work, marble floors, employing special skills and imported fittings.)

The building Plot

Insist the seller shows you a copy of the escritura (deeds). This Notarised document will describe the land and its boundaries. Be Aware, and this is most important:

Simply because the owner's name is on the escritura does not necessarily mean that he owns the land. Every time a property is bought and sold a new escritura is created. It is very important before entering into any agreement to purchase land, to ensure it is free from liens, charges or other encumbrances.

For a very small fee you can obtain on-line details of any embargo's mortgages etc. listed against the land in question.

Other points worth investigating include:

- Existing rights of way, availability of services, e.g. Water, electricity, telephone, sewerage, etc.
- Are there any outstanding taxes to be paid?
- Is the land suitable to construct the building you have in mind?
- Orientation, North-facing property may prove to have a lack of sunshine. (Particularly important in winter.)
- Is the land flat and suitable for building?
- If the land inclines, e.g. situated on the side of a hill what will be the cost of building additional reinforced supporting walls?
- Are views likely to be blocked by future building?
- Are you allowed to remove trees on the plot?

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The Town Hall

Visit the Technical department, ask to see the general plan and enquire if the land in question is categorised as building land, urban or rustic and is not classified Restricted or Protected?

Discuss your plans and ideas with the technical surveyor. Are you allowed the external features you want and will a project based on your sketch or layout be accepted?

The ability of those directly involved

Choose your architect carefully and ensure he works for you. Often architects are retained by builders, either in house or independently. For your own security it is very important that your architect has your interests and your interests only in mind. The builder should follow the architect's plans and directions to the letter.

The architect is one of the key people to be involved in your project. He should be available to discuss every detail of your plan, several meetings may be necessary before the project is finalised and the plans produced. Language can sometimes prove to be a problem; if your architect can speak your language this is a great advantage.

The Builder

If you can arrange a credit check on the builder it could save you many heartaches in the future. Regrettably a minority of builders have created an unfortunate reputation for the building trade in general, a few have been known to declare bankruptcy half way through a job.

Stage payments should be controlled according to a schedule laid down in the building contract. Under no circumstances should the builder be allowed to be ahead on payment. At various stages in the building, his work will be inspected, if it is up to standard then payment for work completed is authorised. It's worth establishing the total number of men employed by the builder in his business. A one man and his dog operation could take a very long time to finish the job!

Ensure that the building contract is drawn up by someone other than the builder and is as comprehensive as possible. Builders have an irritating habit of adding extras, as the work progresses. Beware an additional wall, a modified window, an extra archway or a new architectural feature will be regarded as an extra and is likely to be expensive!

Time Scales

Generally speaking from the time the site is cleared ready for laying out the foundations an average sized house (250m²-350m²) should be completed within eight to 10 months. Having said that, there may be other bureaucratic factors to frustrate you and delay the project.

Building Licences and Planning permissions can sometimes take an extraordinarily long time to complete. This can be due to a number of factors depending whether you are building on Rustic land (outline planning permission from the government department in Alicante can take six months or more)* Urban land is generally much quicker and can take anything from two to six months, depending on the Town Hall.

Sometimes, if you are lucky your builder or architect will have a colleague or friend in the appropriate department and sometimes this can help speed things up! Remember: If you want a stress free build, then our Project Admin and Management Dept. will organise and supervise everything for you.

*Due to pressure of work in the government department recently Town Halls have been granted the authority to grant outline planning consent in Rural areas which *sometimes* helps speed up the process.

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Some may think the obvious initial starting point is to find a suitable building plot on which to realise your dream. This notion, logical though it may be, in itself provokes the question; *but where does one find such a plot?*

The traditional method until quite recently has always been either through an estate agent, a builder or a builder's agent. However there are, if you really think about it, a couple of serious drawbacks to this approach. Firstly, the average estate agent whilst usually having lots of houses and apartments on his books often has only one or two building plots to show. A distinct lack of choice means it's often a case of many tedious and time consuming visits to several different



agents before anything of interest emerges. A builder on the other hand might have a number of plots to offer but is more likely to be selling his own houses on an on-going development or urbanization. It's hard to find one with individual plots on offer and even harder to find one prepared to build to a client's specification. Inevitably the bottom line is that both builder and estate agent can offer only what they have available and unfortunately what they have is not necessarily what you want for that ideal property you have clearly visualized in your minds eye.

At the **Land Register** however, the problem is approached from a different perspective. Like a good cook with the right ingredients and a good recipe it's often possible to create some pleasant surprises.

How does this work?

First of all let me explain, the **LR** is not an estate agent, although they do have an in-house API title (officially registered Spanish Estate Agency) if required, but in fact they are primarily an architectural office of more than 25 years standing. They believe that the first step in building a property should not be to rush out and buy a plot but to consult those who are familiar with the Spanish laws relating to building and real estate developments. They should find a professional organization well informed in planning rules, regulations, and most importantly employing someone who can speak their language, aware of all the pitfalls facing the inexperienced embarking on a new building project.

The typical LR client arrives with lots of ideas. The client's describe in great detail the villa of their dreams to Dr Cabrera the senior architect in charge. He in turn advises them on the feasibility of their scheme, the practicalities and the budget requirements necessary to achieve their aim. He will explain the building rules, the likely time scales and answer relevant questions.

After an initial meeting, new clients, if they wish to proceed and retain the services of the LR project management team are required to pay an on account payment of 500€. This is the land register's minimum fee, charged at the outset in order to demonstrate a serious commitment to the project. Dr Cabrera explained, "It's easy for us to draw plans and show building land, but it takes time. It becomes very frustrating when after considerable amount of time and effort has been expended the client disappears without trace. We need to be sure that the people are serious about the project and not simply dreaming about it".

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Hundreds of Plots

The LR from their list of **several hundred building plots**, are able to select those most suitable for their clients requirements. By eliminating those on the list that are too expensive, in the wrong area, too small or too large, etc, they finally produce a short list of around 8 or so possible plots from which the client can choose. *(A regularly updated list can be seen on the web site: www.thelandregister.com along with a mass of other useful and interesting information.)*

Before the plot is purchased however, it will be checked not only for the existence of any liens or encumbrances, *(a fairly simple and straightforward procedure in Spain)* but also with the regional and local planning authorities for any planning restrictions that may exist.

Designing the project

Several weeks may elapse between the initial specifications for new villa having being established, and the land being purchased. During this period ideas on design and layout are exchanged, by email, fax and phone. Plans are drawn, modified and redrawn until the dream home is completed. On paper that is!

Once the design is finished and all those very special, unique individual details are incorporated into the plan, work begins on the architectural project proper.

Finally the finished plans, complete with full specifications are submitted to the local town hall for the building licence to be issued.

A few more weeks pass, during this time half a dozen or so reputable builders are invited to tender for the job. Eventually the licence is received, the builder is contracted and work on the project begins. Several months later, having continually supervised the builder and his team, controlled the materials he has used and paid him only when the LR team were completely satisfied the standards specified in the project had been carried out to the letter, the dream house is finished. The keys are handed over, the architects certificate or completion is submitted to the authorities and a ten-year guarantee of sound workmanship begins! Clients of The Land Register begin at the very beginning; they are steered carefully through their project following a logical course avoiding unforeseen hazards, with minimal risk or stress.

Fees.

The land register is owned, maintained and operated by Search and Survey SL

The fee for providing this full service is 1.5% of the total value of the project. In other words a £200,000 project would incur a fee of just £3,000, the initial 500€ paid at the beginning of the project is deducted from the final figure. Other services provided by the [Search and Survey](http://www.thelandregister.com) include property surveys and valuations, arranging mortgages, etc.

Please visit www.thelandregister.com for more information

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For more details please visit:

<http://www.searchandsurvey.co.uk/> and see how our professional services can save you time and money

<http://www.freefreefreefree.com/> to learn more about Spain

<http://thespanishpropertyregister.com> to browse a massive database of Spanish real estate.

<http://thelandregister.com> to browse a massive database of land for sale.

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