

Construction in France

This is a general guide to help people in the initial stages of preparation prior to starting building work in France.

- **Inquiries to make before purchasing a property or land with a view to constructing**
- **Establishing which building permits are required**
- **Budget planning**
- **The construction stage**

Inquiries to make before purchasing a property or land with a view to constructing

It is advisable to employ an architect or surveyor to carry out an independent survey of the land/property prior to purchase. The following is not intended to replace any advice given to you by them or the estate agent, nor a comprehensive list of the inquiries which should be made prior to any purchase of property.

Inquiries to be made at the local town hall (*mairie*)

Ask for the *plan cadastrale* and the *plan local d'urbanisme – plan d'occupation des sols*. These will demonstrate the regulations applicable to the land in terms of:

- The size of construction permitted in relation to the land area (*COH*)
- The height of construction permitted
- The minimum distance required to be kept free of building from the boundary/neighbouring properties

Also make inquiries regarding the following

- Is the land within a special zone eg of special historical or wildlife conservation?
- How far are the nearest service connections eg water, drainage, electricity & telephone?
- Is ADSL readily available?
- Is there an intention to change the local plan in the future?
- Are the relevant insurance policies in place for any construction work carried out within the last ten years? (*décennale* for builders & *dommages ouvrages* for owner)

Establishing which building permits are required

Following a renewal of construction law and permits in 2007 there are now ten principal forms to fill in regarding construction work. Brief information on the main ones are listed below. It is sometimes possible to agree a land/property purchase subject to specific approval being granted.

Demolition permission (*permis de démolir*)

Approval must be sought prior to any building being demolished.

Unlike the UK, it is not usually possible to demolish an old, ruined or unwanted building and build something new in its place. Once a building has been demolished the site is regarded as 'virgin' land, and it is generally harder to gain permission for a new building than for a scheme which incorporates the existing structure. If the land lies in a *zone non-constructible* planning permission will not be granted.

Outline planning permission (*certificat d'urbanisme*)

There are two types of form. Form A is simply a request to establish the planning status of a particular building, Form B is a request to carry out works.

Minor works permission (*déclaration préalable*)

This form is for use for small projects such as the following:

- Constructions or extensions which generate between 2 – 20m² of gross floor area (SHOB)
- Walls over 2m in height
- Swimming pools (only applies in some cases), car parks and camp sites
- Work to the exterior of a building which does not require planning permission (*permis de construire*)

It is not always clear cut whether a project requires merely a *déclaration préalable* or the more detailed *permis de construire*. It is important to seek confirmation from the local *mairie* if there is any possible doubt.

Planning permission (*permis de construire*)

A *permis de construire* is required for the following projects:

- All commercial developments
- All new individual dwellings
- Constructions that create an extra net floor area (SHON) over 20m²
- Certain alterations which result in the change of use of all, or part of a building
- Swimming pools less than 1.8m in depth with a surface area of 100m² or more
- All swimming pools more than 1.8m in depth

It is a legal requirement for an architect registered with *L'Ordre des Architectes* to prepare and submit all *permis de construire* applications. Should an application merely be 'signed off' by an architect the consequences can be serious: permission refused, the architect suspended for three months and the person making the application fined. [person making the application is clearer than 'author' if that is indeed the case – however it may be more precise to say something akin to author if it is the actual drawer up of the application who is liable to sanctions]

There is one exception to the above. A person making an application for their own property for works which result in a total net floor area (*SHON*) of no more than 170m² is not legally bound to use an architect, as long as the property is not commercial, or an individual dwelling.

Development permission (*permis d'aménager*)

This form is for use for projects such as the following:

- New roads or communal spaces
- Certain extensions to camping sites, holiday chalets or mobile home parks
- Modifications to sport circuits such as go-karting
- Amusement parks over 2 hectares
- Golf courses greater than 25 hectares [it's good you mention that because there's about to be a huge increase in folk wanting to build golf courses bigger than 25 hectares]
- Public car parks with more than 50 places

Budget planning

(After property/land purchase)

Cost of the construction work

In order to estimate a rough budget figure for the cost of a project, whether it be a new building or refurbishment, multiply the gross floor area by between 900 – 1400 € depending on the type and style of work.

Should the site require extensive preparation (eg if it is heavily wooded), or steeply sloping, difficult to drain or to access then extra spending should be allowed for.

It's also essential to also allow for any landscaping works: planting, swimming pools, land drainage, septic tanks etc.

Statutory permission

There is no statutory fee for the submission of permit applications, but there is a fee if permission is received. This is usually payable in two stages; the first being 18 months after permission is granted, the remainder two months later.

Professional fees

Possible professional fees include those for an: architect, surveyor (either for a condition survey, or measured surveys), structural or civil engineer. An architect's service may well encompass all these roles. Certain projects may require particular investigations eg into termite infestation of an existing building, or trial holes to check soil properties, or to check the quality and depth of existing foundations.

Insurance

Unlike the UK the building owner is legally required to take out an insurance policy called *dommages ouvrages (DO)*. This law was introduced to enable any necessary works to be carried out promptly in the case of a dispute. Such a policy typically costs between 2-2.5% of the overall construction costs, with a minimum premium of 3,000 Euros, and lasts for ten years. It insures the present and any future owner against major structural damage resulting from poorly designed or executed construction.

“Theoretically, this type of cover is a legal obligation; in practise, there are no sanctions for private individuals who do not insure. You should however be aware that in the event of resale of the property within the ten year period, the notary representing the purchaser will require proof of cover, and will inform you that the purchaser has a right to claim from the vendor for any damage that would normally have been covered by the guarantee. If you are not able to provide proof of cover, this could prevent the sale going through, or at least become a bargaining point for the purchaser.” William Stoker, Assurances Stoker, Nîmes.

DO insurance policies can in fact be quite difficult to set up and insurers have strict criteria such as geological surveys being carried out. It is also mandatory for all trades people involved in the construction to carry *décennale* insurance. NB. if one does not take out a DO insurance policy, it is even more important to ensure that all the trades people carry *décennale* insurance. This policy, as the name suggests, also lasts for ten years.

Services connections

Check with your local *mairie* for approximate costs for any service connections required eg water, drainage, electricity, and with *France Télécom* if you will need a new phone line.

The construction stage

The construction team

In France, building work is generally carried out by individual trades people (organised by the building owner or architect) rather than by a main contractor. Each trades person is responsible for ensuring that their part of the works complies with the regulations or *normes*.

Unlike the UK there is no building regulations application, where the architect is responsible for providing detailed construction drawings and documentation demonstrating regulation compliance prior to construction. Nor are there site inspections by any statutory body to check on the standard of construction.

It is highly recommended that for all building projects (other than very minor alterations) the details of the construction phase are rigorously managed; ie :

- Detailed drawings and documentation are produced
- These are used to provide tender prices from registered and adequately insured trades people
- All details are agreed with all the chosen trades people prior to construction, not least to ensure compliance with the *normes*
- All costs, and programme details are agreed with all trades people prior to construction
- A suitable building contract as recommended by *L'Ordre des Architectes* is employed

It is also crucial to check that each trades person involved carries a current and adequate *décennale* insurance policy.

Statutory permission

It is the landowner's responsibility to ensure that all statutory permission has been received prior to starting work on site.

After a *permis de construire* approval has been granted work cannot commence until a further two-month period for third party objections has been completed (or longer should there be objections which need investigating). Work must begin within two years of this time. There is no time limit for completion.

Approval for any deviations from the approved scheme must be sought by submitting a *permis modificatif*. Any work carried out prior to approval is undertaken at the owners risk.

Notice of start of works (*déclaration d'ouverture de chantier*)

If the works required a *permis de construire* or *permis d'aménager* then a *déclaration d'Ouverture de Chantier* has to be submitted to the local *mairie*, and a board showing the details of the project must be displayed at the site entrance during the construction phase.

Even for works not requiring the above it is advisable to inform the local *mairie* of any construction work, especially if there is a chance of increased deliveries, parking or noise levels at the property.

Notice that work has been completed in accordance with the building permit (*déclaration Attestant l'achèvement et la conformité des travaux*)

This notice must be made within 30 days of completion of the works for projects that required a *permis de construire*, *permis d'aménager* or *déclaration préalable*.

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