

Thanks for taking the time to look at our series of **real estate information guides**. Please have a look at the other topics we cover and feel free to contact us if you would like to chat in more depth. PROPERTIES MARBELLA +34 646 278 578

Property Licences in Spain: What to Expect & What to Do Without an LPO

1. The Starting Point: What Licences Should a Property Have?

When assessing a property in Spain, the **key question** is not just *"Is there a licence?"* but **which licence should exist for this type of property**.

In Spain, licensing depends on:

- **When** the property was built
- **Where** it is located (urban or rural)
- **How** it was constructed (with or without permission)

Two authorities are involved:

- **Town Hall (Ayuntamiento):** issues occupation and planning certificates
- **Regional Government:** defines planning law and irregular property status

2. The Ideal Situation: LPO – Licence of First Occupation

What you should expect:

For any **new build or fully legal property**, there should be an **LPO** issued by the **Town Hall**.

An LPO confirms that:

- Planning permission was granted
- The property was built according to approved plans
- The home is legally habitable

When an LPO is expected:

- New developments
- Recently renovated properties
- Urban residential homes
- Properties requiring mortgages or full utility contracts

If an LPO exists:

The property is considered **fully legal**.

3. When There Is NO LPO: What Does It Mean?

Not having an LPO does **not automatically mean the property is illegal**, but it **does mean further checks are essential**.

Common reasons for no LPO:

- Property built without licence
- Built before modern planning rules
- Rural construction
- Licence never applied for or lost
- Construction did not match approved plans

At this point, the next step depends on **why the LPO is missing**.

4. First Step Without an LPO: Certificate of Non-Infraction

What to expect:

A **Certificate of Non-Infraction** from the **Town Hall**.

This confirms:

- No urban planning sanctions exist
- No demolition or enforcement procedures are open

Why this matters:

If there *is* an active infraction, the property may be:

- Unsellable
- Unmortgageable
- At risk of fines or demolition

This certificate is the **minimum safety check** when no LPO exists.

5. Second Step: Technical Review & Certificate of Conformity

What to expect:

A **Certificate of Conformity** or technical report prepared by an **architect or engineer**.

It confirms:

- What was actually built
- Whether the building matches planning records
- Whether regularisation is possible

Why it's important:

This report determines whether:

- An LPO can be applied for retroactively, or
- The property must be classified under a different legal status

6. If the Property Cannot Obtain an LPO: AFO Status

What to expect:

If an LPO is impossible, the next realistic option is **AFO** (*Asimilado Fuera de Ordenación*).

AFO applies when:

- The property was built illegally
- Time limits for sanctions have expired
- The regional authority allows administrative recognition

What AFO allows:

- Legal access to utilities
- Confirmation of no demolition risk
- Sale with full disclosure

What AFO does NOT allow:

- Legalisation of the building
- Extensions or major works
- Rebuilding if destroyed

AFO is **legal tolerance**, not legality.

7. Authority Involvement: Who Does What?

- **Town Hall:**
 - Issues LPO
 - Confirms non-infraction
 - Processes AFO files
- **Regional Government:**
 - Sets planning law
 - Defines AFO conditions
 - Determines land classification

Both levels must align for the property to be accepted as compliant.

8. Practical Summary: What to Expect & What to Do

- New or legal property → expect LPO
 - No LPO → check Non-Infraction
 - Technical review → assess conformity
 - If LPO impossible → apply for AFO
 - Never proceed without understanding the status
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Final Takeaway

In Spain, **no LPO is not the end of the road**, but it is a **decision point**.
The correct response is not assumption, but **verification, certification, and classification**.

While every effort is made to ensure accuracy, property details and regulations may change so please confirm any specific information with the relevant authorities.