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## 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
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### 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**.

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### 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**.

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### 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.

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### 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
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## 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.

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## 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.

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## 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**.

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