



Bufete Frau

Houses on rural land, what do I need to know for the purchase/sale?

A good question! Many things should be taken into account in order to answer this question, but the team of lawyers in Bufete Frau have sat down to present this articles in which we will show you what you need to know and how to obtain it.

1. REGULATION

In the first place, we will always have to keep in mind the numerous different regulation in force. In this regulation the most important rules are:

Law 12/2017, 29th December, Planning Law in the Balearic Islands

Law 6/1997, 8th July, rural land in the Balearic Islands

Law 1/1991m 30th January, natural areas and development system in the areas of special protection in the Balearic Islands

Law 8/99, 12th April, concerning power of responsibility to the Island Boards of Menorca, Eivissa and Formentara in matters of Agriculture, Livestock, Fishing and Craftmanship

Law 16/1985, 25th June, Spanish Historical Patrimony

Law 12/2014, 9th July, agrarian of the Balearic Islands

Decree 17/2017, 21st April, exoneration of agricultural activity

Decree Law 1/2016, 12th January, urgent measures in planning matters

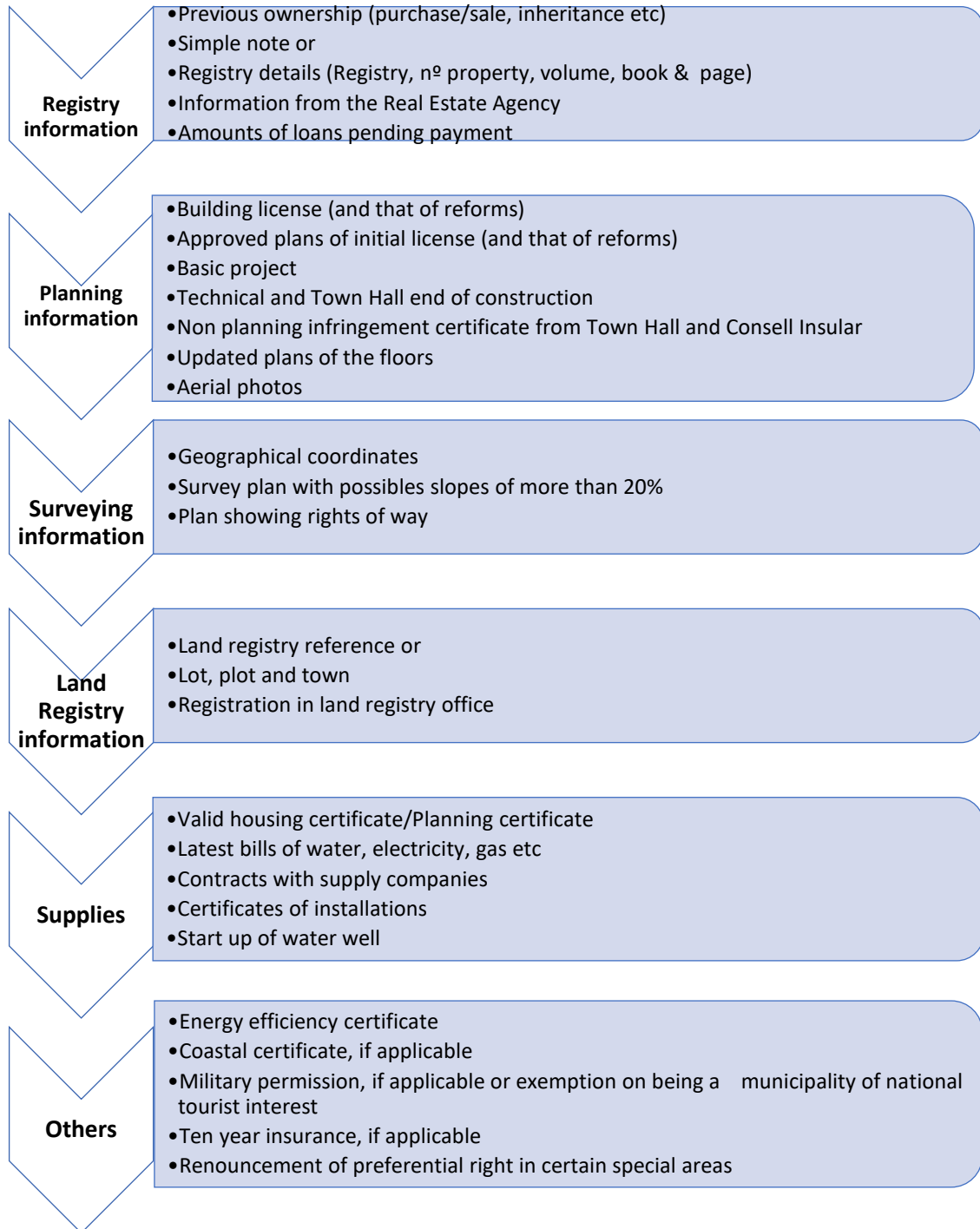
Territorial Plan of Mallorca and Island Territorial Plan of Ibiza

General Plans of City Planning (PGOU) of each Town Hall

•As well as the adaptation as well as its subsidiary rules

2. OUTLINE OF STUDY OF THE DOCUMENTS

Of course each case is different, as each purchase/sale is also different and requires certain documents or others, but more or less we can point out the following:



3. STUDY

Once all this is clear and we have sufficient information, we can start with the study at all levels for the country home of our dreams, let's start!

3.1. Basic study or pre-scan.

In this section, we will revise the following basic aspects:

Initial study of the simple note, of the land registry information, as well as an initial planning study

Study of the aerial photos (IDEIB, ESTOP, SITYBSA)

- Constructions before 1956: Are legal as they do not require a building license
- Later constructions: The building license is compulsory, the study will have to be continued

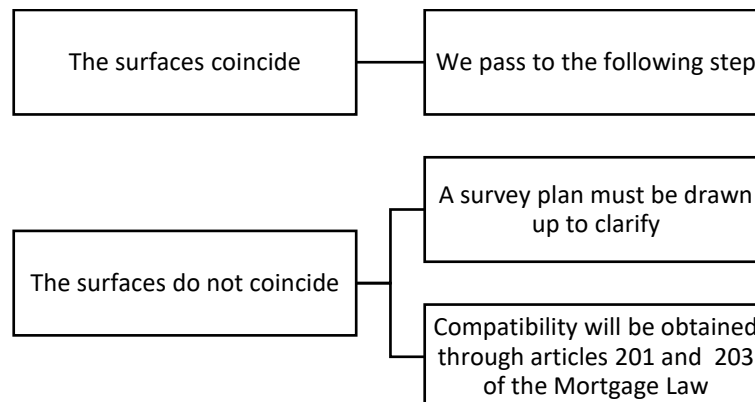
What type of land is it?

- ANEI or ARIP? If construction has taken place after 10th March 1991 legalization is not possible
- SRG or others: Continuation of the study must take place

3.2. Study of the capacity of the land and its minimum surface

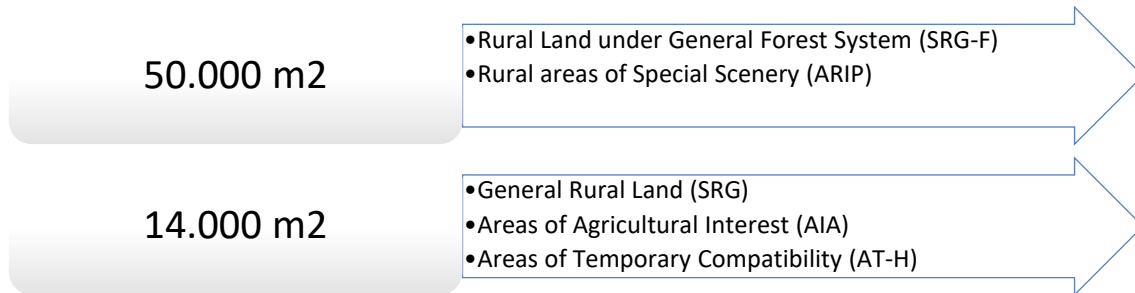
- What does my Plot measure?

The surfaces will have to be compared of that appearing in the **Property Registry office** and in the **Land Registry office** plus the information from the **survey plan**.



- Can I build a house?

The essential requirement is that the surface, in Mallorca¹, is no less than:

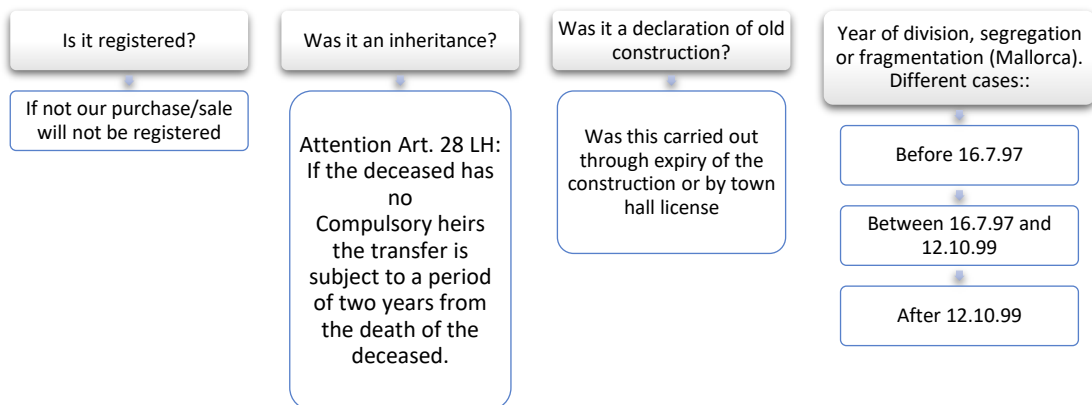


- Preferential right, amongst others:
 - Between neighbours, always exists when the capacity is less than 10.000 square meters (art. 1523 CC)
 - Between co-owners (art. 1522 CC)
 - In the rental contract, in favour of the tenant (art. 25 LAU)
 - In favour of the Govern in areas named as natural parks

In these cases, the **renouncing** of the owners of preferential Rights will be needed.

3.3. Study of previous ownership and simple note

- With respect to the **previous ownership**:



- With regards to the **simple note**

We must place special attention to the charges that there may be. We could find the following:

1. **Mortgages or seizures:** These must be cancelled, at the latest, on the same day as the granting of the public deed. For this will be needed a certificate from the corresponding entity with the balance owed.
2. **Short term loan:** This is a loan that arises when the builder has provided, for example, materials to his cost and which have not yet been paid. In this case, and

¹ But each Town Hall may fix a different minimal Surface for some areas.

as long as they are registered as a charge, these have the same effect as a mortgage.

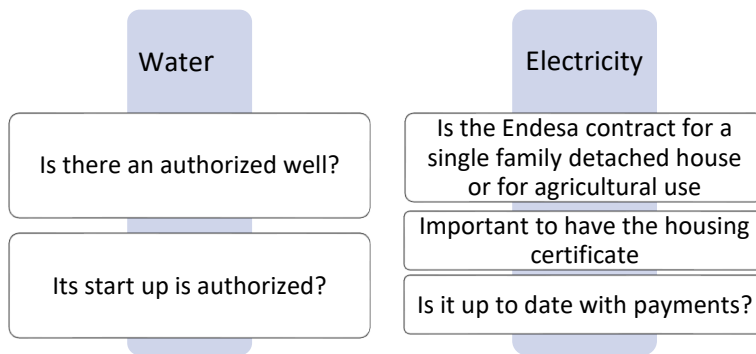
3. **Easements:** When there is a right of way and our property is the serving premises, the ideal thing is to have a map where these Rights of way are indicated.
4. **Out of planning order:** In this link you will find further information
5. **Does there exist any other limitation to the free disposal?** For example, an insolvency procedure, a preventive note of claim, a ban on disposal etc.
6. **Tax charges:** The property is subject during five years from the transfer to a possible revision of value by the Inland Revenue Office. This cannot be cancelled.

3.4. Study of its present state and comparison with authorized plans

Does its present state coincide with the plans that were authorized by the Town Hall? To answer this question, we would need to request that a competent technician assess everything and in particular seek that:

- If the setbacks have been respected or not
- If there exists or not a final building certificate from the Town Hall.
- If there are elements that have been built without a license
- If there are constructions that have been built differently to that initially approved or in a different place.

3.5. En cuanto a los suministros...



What do you think? Our aim, as Experts in Real Estate Law in Mallorca and the remainder of the Balearic Islands, is to provide you with security, confidence and openness. We wish you buy or sell a beautiful country house, but we want you to do this enjoying the process but feeling that you are protected at all times. We will work hard for you, in order that tomorrow you avoid any problems.