

Faculty of Law



PUBL3502 Town planning law

[60h]

Teacher(s): Pierre Nihoul, Grégoire-Etienne Orban de Xivry, Bernard Pâques, David Renders
Language: French
Level: Third cycle

Aims

This course is part of the DES (Diploma of Specialised Studies) in environmental law and public real estate law. It is therefore basically intended for professional people or applicants. The general concepts of this subject should have been acquired during the law degree course.

With regard to administrative authorisations in town planning, the course aims to teach precise, in-depth and detailed knowledge of legislative and ruling texts applicable to this subject in order to give students the ability to solve practical and topical problems in their intended professional field, but also to help them understand the logic and argument in these legal matters and thus be in a position to suggest improvements in this discipline. It should be emphasised that the course is also aimed at comparing the special laws applying in Wallonia, Brussels and Flanders.

Main themes

This course is 15 hours in length. It consists of lectures of three consecutive hours and is based on applicable legislative and ruling texts on this subject. Students are required to read and interpret these texts as compared with decisions reached by the courts and doctrinal comments.

Content and teaching methods

The first part of the course examines the scope of administrative authorisations in town planning, i.e. projects that require special and preliminary planning permission for a single building or for subdividing a site into smaller lots or parcels, and those that are exempt from requiring such permission in the three regions of Belgium.

The second part of the course reviews, in chronological order, the application procedure and examination of a planning application. The administrative appeals that can be made on a decision taken after such an application are also discussed.

The third part concerns the content of an application for planning permission for a single building or for subdividing a site into smaller lots or parcels: the compulsory references; formal and material reasons for the application; the conditions; the town-planning offices; the derogations).

Finally, the last part of the course concerns the consequences of administrative authorisations in town planning, in space (established rights) and in time (tutelage, administrative appeals, cancellation, suspension by other legislations, alteration, peremption, renunciation and jurisdictional assessments).

Certification in urban planning is a particular focus of attention.

Programmes in which this activity is taught

PUBL3DS Diplôme d'études spécialisées en droit de l'environnement et en droit public immobilier