



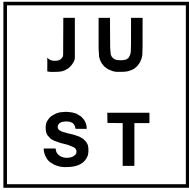
Marbella

Buyers Guide 2025

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FROM THE MANAGING PARTNER

Buying a property in Marbella is more than a transaction – it’s a step toward a lifestyle defined by quality, comfort, and opportunity. With this guide, we set out to offer more than just advice. We’ve built a comprehensive, informed, and transparent resource that reflects the reality of purchasing in a market as nuanced and dynamic as Marbella.

Every section has been carefully researched and compiled using not only our own deep experience in the field, but also insights from trusted legal, planning, and fiscal professionals. Our aim is to demystify the process, highlight the risks, and ensure every buyer is equipped with the clarity and confidence to make well-informed decisions.

At JUST Real Estate, we are not driven by volume, but by value – for our clients, for their investments, and for the community we help shape. Whether you are relocating, investing, or fulfilling a lifelong dream, we hope this guide serves as a reliable compass on your journey to ownership.

Warm regards,



JAMES EVANS





THE ULTIMATE GUIDE TO BUYING PROPERTY IN MARBELLA

Welcome to JUST Real Estate – Marbella's independent property advisory firm. We are here to inform, support, and guide buyers through one of the most prestigious yet nuanced real estate markets in Europe. Whether you're seeking a family home, a lifestyle retreat, or a long-term investment, our role is to advise you based on your unique circumstances – not to sell, but to empower you to make the right decisions.

Understanding the Marbella Market

Marbella stands as one of the most sought-after real estate destinations in Southern Europe. With a Mediterranean climate, world-class amenities, international schools, golf courses, and high-end dining and shopping, it has enduring appeal to a global audience.

The market encompasses a broad spectrum of properties: from hillside fincas and frontline beach villas to off-plan apartments and serviced residences. Prices vary significantly depending on location, build quality, and urban classification – distinctions which are crucial when assessing value and legal compliance.

Ongoing infrastructure improvements and the revised PGOM (urban development framework) are shaping Marbella's future. These documents regulate what can be built where and affect property valuations, especially for land purchases, reform projects, and off-plan developments.

CLARIFYING OBJECTIVES AND PLANNING YOUR PURCHASE

A successful purchase starts with clarity: is this a second home, a buy-to-let investment or a retirement residence. Are you purchasing as an individual, as a couple, or via a Spanish company structure?

Clients acquiring properties through Spanish SLs (limited liability companies) must consider both the purchase process and longer-term implications – including local corporate taxes, annual returns, and property ownership disclosures. In some cases, buying through a Spanish company may offer tax planning advantages, particularly for high-value properties or future rental operations. However, we advise on this only where it aligns with current legal and tax expectations. We do not recommend or facilitate purchases through offshore or non-resident corporate structures, as these are increasingly discouraged by Spanish tax authorities and may complicate future compliance or resale.

If you're purchasing a second home, be aware that transfer tax (ITP) will apply – this is typically 7% for properties under €700,000, increasing to 8% for those between €700,000 and €1,000,000, and up to 10% beyond that threshold. For new builds, VAT at 10% and a 1.2% stamp duty apply instead. The structure of the deal – whether you buy directly or via a Spanish entity – also influences the tax profile.

We do not simply quote rates; we explain them in context, comparing scenarios, and helping you make tax-efficient choices from the outset.



THE STEP-BY-STEP PROCESS: FROM SELECTION TO SIGNING

Every property purchase begins with the most important phase: identifying your ideal property and understanding the full legal and procedural pathway to secure it. At JUST Real Estate, we ensure each stage is approached with precision, professionalism, and transparency.

Step 1: Initial Search and Strategic Briefing

We begin with an in-depth consultation to define your needs – from location preferences and budget range to lifestyle goals and investment criteria. We take time to understand your vision so we can provide you with a curated portfolio of properties that are relevant and realistic, including access to off-market opportunities. We also provide detailed area guides and market reports to give you an objective overview of the local environment, amenities, and future development potential.

Step 2: Viewings and Market Evaluation

Once a shortlist is agreed upon, we coordinate a schedule of viewings at your convenience, offering private access to homes across Marbella's most desirable zones. During these visits, we provide professional insight into pricing, comparative sales, and property-specific planning or maintenance considerations. If you are buying remotely, we offer virtual tours and in-person representation.

Step 3: Submitting an Offer and Reservation Agreement

If you decide to move forward with a property, we assist in submitting a formal offer and negotiating terms. Upon acceptance, a Reservation Contract is signed – typically alongside a deposit of €6,000 to €20,000, depending on the price and type of property. This agreement takes the property off the market for a fixed period, allowing due diligence to begin.

Step 4: Legal Due Diligence

Your appointed lawyer will review the property title, confirm planning compliance, check for debts, licenses, and encumbrances, and ensure the seller is authorised to complete the transaction. They will also examine the building's community rules, pending charges, and land registry files. JUST Real Estate remains actively involved in liaising with your legal team and the seller's representatives to facilitate this step efficiently.

Step 5: Private Purchase Contract (Contrato de Arras)

Once due diligence is completed and all legal conditions are confirmed, the next phase is the Contrato de Arras – the Private Purchase Agreement. This formal contract details the full terms of the transaction, including purchase price, payment structure, and anticipated completion date. At this point, a 10% deposit of the purchase price is usually paid.

If the buyer withdraws without just cause, this deposit is forfeited. If the seller withdraws, they are required to return double the deposit – a legal safeguard to protect both parties.

Step 6: Completion at the Notary

The final stage takes place at a notary office, where the Escritura Pública (Public Deed of Sale) is signed. You or your legal representative (via power of attorney) will attend this meeting alongside the seller, notary, and any mortgage representatives. The remaining balance is paid – usually via certified bank cheque – and ownership is transferred upon signing.

Immediately after, the notary sends notification to the Land Registry, and the property is formally registered in your name.



LEGAL AND ADMINISTRATIVE REQUIREMENTS

Navigating the Spanish legal and administrative system is a vital component of any real estate transaction. Our role is to make the process clear, compliant, and efficient – especially for international buyers unfamiliar with local procedures.

The first and most important step is obtaining your NIE (Número de Identidad de Extranjero). This is a personal tax identification number issued by the Spanish authorities to all foreigners with fiscal responsibilities in Spain. You will need an NIE to purchase property, open a bank account, pay taxes, and register utilities. If you're not present in Spain, we can coordinate this via a power of attorney with one of our trusted legal partners.

In parallel, you'll need to open a Spanish bank account, as most transactions – including the final purchase payment at the notary – must be executed through a Spanish

financial institution. This account will also be used for setting up direct debits for utilities, taxes, and community fees. We assist with introductions to banks that are accustomed to working with foreign buyers and can provide English-speaking support.

Another key requirement is hiring a qualified lawyer who specialises in real estate and urban planning law. This professional will carry out full due diligence, prepare contracts, and represent you at signing if needed. We can refer you to reputable, multilingual lawyers with whom we work regularly.

If you are not a resident of Spain, you are also required to appoint a fiscal representative. This person (often your lawyer or accountant) will receive tax-related notifications on your behalf and ensure compliance with ongoing obligations such as non-resident income tax, annual declarations, or Wealth Tax filings.

If you intend to apply for Spain's Golden Visa, you must ensure the property meets the required investment threshold (currently €500,000 minimum, free of liens). Additional documentation – including clean criminal records, private healthcare, and proof of financial means – must also be submitted. We guide eligible clients through the full process alongside specialist immigration lawyers.

We also help with:

- Registering the property with the Land Registry (Registro de la Propiedad) post-completion.
- Ensuring registration with the Cadastre (Catastro) – the administrative register used for IBI tax calculations.
- Setting up property insurance and ensuring the policy meets mortgage or residency requirements.
- Liaising with local service providers for utility name changes and digital billing.

With our coordinated support and the help of our legal and fiscal collaborators, you can expect a compliant, well-managed transaction with no surprises.

SGRS, PLANNING, AND LAND CLASSIFICATION

Marbella's urban planning framework is complex and has undergone multiple revisions over the past two decades. As a result, not all properties and land plots are equal in terms of legality, buildability, or long-term planning potential. Understanding these classifications – and the implications for buyers – is a critical part of the advisory process we offer.

One key element is the presence of SGRs (Sistemas Generales de Reserva), or Special Regulated Areas. These are zones where land is subject to specific restrictions, either because of environmental protection, infrastructure planning, or pending legalisation under updated urban plans. Properties located in or adjacent to SGRs may be fully or partially regularised, or may still carry legal uncertainty. Due diligence must confirm whether the property has full legal status and is covered under the current General Urban Plan (PGOM) or prior ordinances. Simply having a first occupation license does not necessarily indicate compliance.

We work closely with architects and urban law specialists to verify the planning history of any property under consideration, identifying whether it falls within:

- Urban land (suelo urbano) – which can be developed immediately and generally includes properties with established infrastructure.
- Developable land (suelo urbanizable) – land designated for future development, but subject to urbanisation agreements and infrastructure delivery.
- Rustic or protected land (suelo no urbanizable) – which is largely off-limits for residential construction and may be subject to environmental or agricultural restrictions.

In certain parts of Marbella – particularly the outskirts and hillside areas – there are properties that were built legally at the time of construction but now fall into zones of suspended planning or awaiting re-approval. Others were constructed outside of municipal licensing during periods of relaxed oversight and may not be fully legalised under the current PGOM.

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We ensure that all land acquisitions or reform projects undergo rigorous investigation, including:

- Analysis of the planning file and zoning status.
- Consultation with the Marbella Urbanismo office.
- Review of past and pending appeals or enforcement actions.
- Confirming buildability ratios, height limits, occupancy thresholds, and permitted usage.

For clients seeking to build from scratch or develop a project, we coordinate preliminary viability studies to evaluate both short- and long-term development potential. This includes assessing road access, sewage networks, power supply, and water rights – all of which can impact license approval.

Planning in Marbella is evolving, and the town hall continues to implement new frameworks for sustainable growth. With this in mind, our role is to give clients total transparency about what is – and is not – possible on any given plot.



CASE STUDY: RUSTIC LAND WITH PARTIAL LEGALISATION

In 2023, a client approached us to acquire a countryside finca in Marbella’s interior. Though marketed as a legal home, our planning review identified the property as partially outside the urban zone and flagged inconsistencies with local buildability laws. We arranged a detailed viability assessment, discovered an SGR overlap, and ultimately negotiated a price reduction – advising the buyer to retain legal counsel and a technical architect to initiate retrospective licensing. The result: a secure purchase and full clarity on the future development scope.

CASE STUDY: URBANISABLE LAND FOR BOUTIQUE DEVELOPMENT

A buyer interested in creating a small gated villa community on urbanizable land in East Marbella relied on our coordination between their architect and the town hall. We identified conditions for infrastructure delivery, assessed zoning density limits, and confirmed future PGOM compatibility. The client now holds a fully compliant plot with clear planning parameters and a green light for license application.

These examples illustrate how critical the classification and planning history of land is in Marbella. Every case is different – and that's why our advice is grounded in local experience and professional review.



COMPANY VS PERSONAL OWNERSHIP

One of the most important considerations when buying property in Spain is the legal structure under which the purchase is made. Most buyers choose to purchase as private individuals. However, in certain situations – particularly with high-value acquisitions, multi-owner investment properties, or intended rental businesses – a purchase through a Spanish company (Sociedad Limitada or SL) may be appropriate.

Buying as a private individual is the most straightforward option. It simplifies the notarial process, avoids the need for annual corporate tax filings, and provides the clearest pathway for lifestyle or secondary residence use. Individual ownership also carries certain tax exemptions – for example, allowances on Wealth Tax and primary residence relief, which are not available to company structures.

However, purchasing through a Spanish SL may be beneficial in specific cases. These include:

- Where the property will be rented out regularly and operate as a business.
- Where multiple investors are pooling funds and require a corporate shareholding structure.
- Where a long-term holding structure with succession planning and share transfer flexibility is desired.
-

In such cases, the SL structure allows for different shareholders, easier equity management, and the ability to deduct eligible business-related expenses. It also offers the possibility of lower corporate tax on rental income, which is currently set at 25% on net profit.

However, there are also considerations:

- An SL must be established before purchase.
- It requires a registered address in Spain and a managing director (which may require social security contributions).
- Annual accounts must be filed with the Spanish Companies Registry.
- Additional legal and accounting fees will apply – typically €1,500 to €2,500 per year.

Crucially, offshore or non-resident company structures are no longer considered compliant or advisable by Spanish tax authorities, and we do not recommend or facilitate these purchases. They can trigger close scrutiny, lead to higher transfer taxes, and create challenges during resale or inheritance. At JUST Real Estate, we work alongside your legal and fiscal advisors – or introduce you to our trusted network – to assess whether a personal or SL structure best suits your needs. We consider usage, inheritance goals, tax exposure, and long-term plans to help you make an informed decision that reflects both your lifestyle and financial strategy.

ANNUAL COSTS AND TAX RESPONSIBILITIES

Owning property in Marbella comes with a series of annual financial obligations that buyers should account for from the outset. These costs vary based on property value, location, usage, and the owner's residency status. At JUST Real Estate, we walk you through each category in advance to ensure that ownership is as transparent and manageable as possible.

The primary recurring cost is the Impuesto sobre Bienes Inmuebles (IBI) – the equivalent of local property tax. This is calculated annually by the town hall based on the property's cadastral value (valor catastral), which is typically lower than the market value. Rates in Marbella generally range from 0.4% to 1.1% of the cadastral value. For example, a property with a cadastral value of €200,000 may pay between €800 and €2,200 per year.

Additionally, property owners are subject to a rubbish collection tax (basura), which varies by municipality and is usually in the range of €200 to €300 annually for standard residential properties.





If the property is part of a gated community or residential development, community fees apply. These cover shared services such as security, gardening, pool maintenance, and communal electricity. Community charges can vary significantly – from €100 to €1,000+ per month, depending on amenities, the size of the property, and the number of co-owners.

For non-resident owners, Spain also applies an imputed income tax (IRNR), even if the property is not rented out. This is calculated as 1.1% or 2% of the cadastral value (depending on when it was last revised), taxed at a flat rate of 19% for EU/EEA residents and 24% for others. If the property is rented out, you will be taxed on the net rental income, with deductible expenses permitted. EU residents are taxed at 19% on net income, while non-EU residents are taxed at 24% on gross income.

Depending on the value of your total assets in Spain, you may also be liable for Wealth Tax (Impuesto sobre el Patrimonio). In Andalucía, this tax has been significantly reduced, but can still apply to high-net-worth individuals. Each person has a tax-free allowance of €700,000, plus €300,000 for their main residence. Rates range from 0.2% to 2.5% on a sliding scale.

If your property is held through a Spanish SL (company structure), corporate tax and annual accounting obligations will also apply. We recommend budgeting €1,500 to €2,500 annually for accounting and compliance services. For all these obligations, we connect clients with trusted, bilingual tax advisors who offer ongoing support, annual filings, wealth planning, and representation before Spanish tax authorities.

RENTALS, LICENSES, AND ROI

If you intend to let your property, especially for short-term or holiday rentals, it is essential to understand the evolving legal landscape in Andalucía. In recent years, the Junta de Andalucía has introduced stricter regulations, including new restrictions on holiday rental licenses in high-demand zones, especially those with significant pressure on local housing.

All short-term rentals must be registered with the Andalusian Tourism Registry, and the property must comply with specific criteria, such as air conditioning, safety equipment, signage, and insurance. However, some municipalities – including Marbella – are beginning to impose additional controls, such as zoning restrictions and potential moratoriums on new tourist licenses in saturated areas.

As of 2024, updated legislation has proposed further limitations on the number of days a property can be rented out annually without changing its urban classification, as well as additional documentation and approval processes for owners within communities of neighbours.

Community rules (estatutos) and majority owner votes can now play a significant role in determining whether tourist activity is permitted in a given building or urbanisation. We advise all buyers to carefully review these statutes during due diligence.

Our advisory service ensures that any property considered for investment meets all legal requirements, and we help guide clients through the licensing process or, alternatively, help evaluate long-term rental opportunities, which may be more stable and less regulated.

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With the right planning, many properties in Marbella yield excellent returns – and we work to ensure yours is legally compliant and aligned with your broader investment strategy.

LIFE AFTER COMPLETION

Our involvement doesn't end at signing. In fact, many of our clients find the post-completion phase just as important as the purchase process itself. We are here to support you long after the notary appointment, helping ensure that your transition into ownership – whether as a resident or absentee investor – is seamless and stress-free. We begin by assisting you with all essential registrations and connections, including utility transfers (electricity, water, gas), setting up direct debits, and coordinating internet and telecommunications installations. If required, we can also help you secure insurance policies – both for property coverage and contents – and arrange for home security systems or smart-home integrations tailored to your needs.

For those planning renovations, landscaping, or interior design work, we are especially well placed to help. As a company, we renovate our own homes and only recommend contractors, architects, and tradespeople we have worked with personally. Whether you're building an extension, installing a pool, reworking gardens, or furnishing a new build, we guide you through every stage – from design planning and budgeting to execution and completion – ensuring high-quality results.

Many clients also look to us for lifestyle support. For relocations, we help with school selection and enrolment, setting up Spanish healthcare access (both public and private), and registering with the local town hall. We can also assist with vehicle registration, driving license exchanges, and pet importation when necessary. If you intend to leave the property vacant for long periods, we connect you with reputable caretakers and property managers who can handle routine maintenance, cleaning, gardening, and inspections, offering peace of mind while you're away.

Finally, we offer ongoing advisory support for future resale planning, inheritance structuring, or transitioning your home into a profitable rental – keeping your long-term goals and lifestyle at the forefront of our service.

YOUR TRUSTED ADVISORY PARTNER

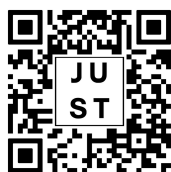
JUST Real Estate is a progressive, independent, and market-leading real estate advisory firm based in Marbella. Our foundation is built on integrity, transparency, and a consultative approach that puts our clients' objectives at the heart of everything we do. With a focus on premium property exposure and strategic positioning, we collaborate with a global network of agency partners to ensure that every home reaches the right buyer – no matter where they are in the world.

To date, we have successfully overseen more than half a billion euros in property transactions. Our expertise spans both the buyer and seller side, advising individuals, families, and investors on tailored strategies to achieve meaningful results. For sellers, that might involve a discreet off-market placement or an international campaign with high-profile visibility. For buyers, it could mean sourcing an unlisted villa or negotiating terms in a complex legal or planning environment.

Our agile and personalised service model enables us to remain ahead of market trends, deploy cutting-edge marketing campaigns, and provide unmatched insight into Marbella's evolving urban and legal landscape. Every client benefits from this proactive, high-touch approach – one that is defined by knowledge, care, and discretion. We don't just help you find, sell or rent a property. We help you make the right decisions at the right time, supported by professionals who understand both the local nuances and the broader international context of real estate ownership.

If you're thinking about buying in Marbella, speak to us first – and experience the difference of having a trusted advisor by your side.

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- Read anytime, anywhere

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