BUYING IN MARBELLA, BENAHAVÍS AND ESTEPONA · 2026 EDITION

The Buyers Guide

How a purchase actually works on this coast, from the first conversation to the day the deed is registered in your name, with the taxes, the checks and the costs as they stand in 2026.

WELCOME

Buying here is not difficult. It is unfamiliar, and unfamiliar is where good decisions go wrong.

Buyers arrive with the same three questions. What will it really cost. What could go wrong. Who is actually on my side. This guide answers all three in the order a purchase happens, from the first conversation to the day the deed is registered in your name.

Two changes since our last edition touch every buyer. Spain ended the Golden Visa on 3 April 2025, so a purchase no longer carries residency with it, and on the same day a reform of the law governing communities of owners gave your neighbours a decisive say over tourist letting. A third change is coming: Marbella's new general plan, the PGOM, cleared provisional approval in July 2026 but is not yet the plan in force.

JUST Real Estate was founded in Marbella in 2015. Our managing partner has worked this market for 25 years. We are not lawyers and this guide is not legal or tax advice. It is what we tell clients across a table, written down, so that you can read it before the first viewing rather than after the first surprise.

Marbella, Benahavís and Estepona

These are three municipalities, not three price brackets, and each has pockets that behave nothing like the rest of it. What follows is how they differ in kind. Which one suits you is a conversation about how you will spend a Tuesday, not about averages.

How the three differ

CHARACTER, NOT LEAGUE TABLE

MARBELLA

The deepest market of the three, running from Guadalmina to Cabopino and taking in the Golden Mile, Sierra Blanca, Nagüeles, Nueva Andalucía and the Golf Valley. The widest choice at every level and the most liquid resale market when you come to sell.

BENAHAVÍS

Inland and upland, and the most private of the three. Larger plots, longer approaches and more house for the money, at the cost of a drive down to the beach. Home to La Zagaleta and to a run of gated estates along the Ronda road.

ESTEPONA

The fastest changing of the three. A restored old town, a remodelled seafront and the largest new-build pipeline on this stretch of coast, with the Sierra Bermeja behind it. The most accessible entry point of the three.

What actually drives value

ACCESS, AMENITY, AND THE PLAN

Three things move value on this coast and the view is not one of them. The first is access: Málaga airport carries direct flights from most of Europe year round, and the drive west takes between forty and seventy minutes depending where you stop. The second is amenity that people use every week rather than once a summer: international schools, private hospitals, marinas and golf. The third, and the one buyers consistently underestimate, is planning.

Marbella has operated under its 1986 general plan since the Supreme Court annulled the 2010 plan in 2015. Its replacement, the PGOM, was drafted under the Andalusian territorial law known as LISTA, received a favourable regional report in 2026 and was given provisional approval by the town council in July 2026. It is not yet in force. That requires definitive approval by the Junta de Andalucía and publication in the regional bulletin, the BOJA. Until then the 1986 framework governs what may be built, extended and legalised, and it is the framework your lawyer checks against.

A VILLA IN NAGÜELES, ABOVE THE GOLDEN MILE

Decide what you are buying before you look at it

The clearest purchases begin with a decision that has nothing to do with property. Is this a second home, a letting business, a retirement move or a place the family will grow into? The answer sets the area, the type and the tax.

Who buys. Most clients buy as individuals or jointly, and for a home used personally that is almost always right: a simpler notarial process, no annual corporate filings, and reliefs available only to individuals. A Spanish Sociedad Limitada earns its keep in narrower cases, where the property genuinely operates as a letting business, where investors pool funds, or where succession is better handled through shares than deeds. It must exist before the purchase and carries filing and accounting costs every year.

What we will not do. We do not recommend or facilitate purchases through offshore or non-resident corporate structures. They attract scrutiny, can raise the tax due on the way in, and make resale and inheritance harder than the saving is worth.

Budget the cost, not the price. A resale carries transfer tax at 7% in Andalucía. A new build carries VAT at 10% plus stamp duty at 1.2% instead. With notary, registry and legal fees, budget roughly 8 to 10% above the price on a resale and 11 to 13% on a new build. Page 9 works both through in full.

The buying process, step by step

Four to twelve weeks from accepted offer to keys is normal, and the paperwork rather than the decision is what sets the pace. A cash purchase with clean title can complete faster; a mortgage, an inheritance in the chain or a licence to regularise will take longer.

01 **Brief and shortlist**

We start with how the property will be used, by whom, and for how many weeks a year, then work outwards to area, type and budget. Buyers who skip this view a great deal and buy the wrong thing. The shortlist covers the open market through the shared listing network, our own mandates, and off-market properties that never reach a portal.

02 **Viewings and evaluation**

Most buyers see everything in one focused trip, sequenced so the day works geographically. We give you our reading of each property against comparable sales, condition and orientation, including the ones we think you should not buy. If nothing fits, that is a useful trip, not a wasted one.

03 **Offer and reservation**

We negotiate on your behalf against evidence rather than against the asking price. On acceptance a reservation contract is signed with a holding deposit, typically €6,000 to €20,000, which takes the property off the market for a fixed period while due diligence runs.

04 **Lawyer, NIE and bank account**

You appoint an independent Spanish lawyer who acts for you alone, never the seller's or the developer's. In parallel you obtain your NIE and open a Spanish bank account, both of which your lawyer can arrange under a power of attorney if you are not in Spain.

05 **Due diligence**

Title, charges, licences, planning status, cadastral agreement, community documents and paid-up accounts, and for a new build the developer's licences and the bank guarantee on every stage payment. Page 7 sets out what is checked and why. Nothing should reach contract until this is clear.

06 **Private purchase contract**

The contrato de arras fixes price, completion date and consequences, and the buyer normally pays 10% of the price at this point. A buyer who withdraws without cause forfeits the deposit; a seller who withdraws returns double it. Mortgage approval, if you need one, belongs here.

07 **Completion, then registration**

The escritura pública is signed before a notary, the balance is paid, and the keys change hands. The notary notifies the Land Registry the same day. Your lawyer then pays the transfer taxes within 30 days and lodges the deed for registration, which is what finally makes the title yours.

PROCEDURES AND RATES AS AT 2026-08-16. TRANSFER TAX, VAT AND STAMP DUTY RATES ARE THOSE APPLYING IN ANDALUCÍA FOR 2026.

Legal and administrative requirements

The NIE. The Número de Identidad de Extranjero is the tax number issued to any foreigner with fiscal business in Spain, and nothing happens without it. You need one to buy, to open a bank account, to pay taxes and to put utilities in your name. It can be obtained at a Spanish consulate, in Spain by appointment, or by your lawyer acting under a power of attorney.

A Spanish bank account. Completion funds are normally paid by banker's cheque or transfer drawn on a Spanish account, which then carries the direct debits for IBI, utilities and community fees. Expect full source-of-funds checks; assembling that evidence early is the single easiest way to protect a completion date.

An independent lawyer. Not the seller's, not the developer's, not the one the agent shares an office with. Yours is the only party in the transaction whose sole duty is to you: they run due diligence, draft and review the contracts, calculate and pay the taxes and lodge the deed. Fees usually run around 1 to 1.5% of the price plus VAT, and it is the best value in the transaction. Choose them before you choose the house.

Power of attorney. A poder signed before a notary, at home with an apostille or in Spain, lets your lawyer sign on your behalf. Most of our international clients complete without flying in. Arrange it at the reservation stage rather than the week before completion.

A fiscal representative. Non-resident owners appoint a representative, usually the lawyer or a tax adviser, to receive tax notifications and file the annual non-resident returns. It is inexpensive and it stops small filing failures becoming penalties.

After the deed. Registration at the Registro de la Propiedad, agreement of the cadastral record at Catastro, buildings insurance, and utility contracts transferred into your name. We coordinate this with your lawyer so nothing is left half done.

Residency is a separate question. Buying has never required it; an NIE is enough, and non-residents own, let and sell freely. Spain closed the Golden Visa on 3 April 2025, so no purchase of any size now grants residence. The routes to living here full time are the Non-Lucrative and Digital Nomad visas, and our guide to Spanish visas sets both out in full.

FAIRWAYS ABOVE THE COAST

Due diligence, and why each line is there

This is the stage that protects you, and it is run by your lawyer with us supplying what we know about the building, the community and the street. It is also the stage most often compressed when a seller is in a hurry, which is exactly when it should not be.

CHECKED	WHAT IT PROTECTS YOU FROM
Nota simple	The Land Registry extract: who owns it, the registered description and boundaries, and any mortgage, embargo, easement or charge. The registry entry governs, not the particulars and not the seller's account of them.
Licences and planning file	Building licence, first occupation licence, and whether extensions, basements, pool houses and enclosed terraces were ever declared. A licence on the original house says nothing about what was added later.
Cadastral record	Whether Catastro and the Land Registry describe the same building on the same footprint. Divergence is common on this coast and is resolved before completion, not after it.
Community of owners	Statutes, recent minutes, the current fee, arrears attaching to the property, agreed or looming major works, and any rule restricting tourist letting.
Charges and accounts	IBI, rubbish, utilities and community fees paid to date. Unpaid IBI and community debt follow the property into your hands, not the seller's.
Certificates	The energy performance certificate is required to complete. Occupation or habitation documents matter again if you intend to let.
New build and off-plan	The developer's licence, the bank guarantee or insurance policy covering every stage payment as Ley 38/1999 requires, the contractual completion date, and the ten year structural warranty.

> Finding a problem is not usually a reason to walk away. Most are solved by a condition in the private contract, a retention held back at completion, or a price adjustment that reflects the cost of putting it right. The mistake is to sign first and find out afterwards, at which point you own the problem and the leverage has gone.

LAND CLASSIFICATION AND LEGAL STATUS

Planning and land classification

Not every property here sits on the same legal footing. Marbella's planning framework has been rewritten, annulled and rewritten again over two decades, and the hillsides carry the consequences. A house can be beautiful, occupied and openly for sale and still be irregular, and the file decides that, not the finish. Establishing which category a property falls into is a normal part of the advice we give.

The categories. Older plans, Marbella's 1986 plan among them, work with urban land, developable land and rustic or protected land. The Andalusian LISTA law has since reduced this to two classes, urban and rústico, with sectorised land carrying the rural regime plus a delimited transformation action. Whichever vocabulary a file uses, the practical question is the same: can this be built on now, later under conditions, or not at all?

Reserved and restricted land. Some parcels sit within or beside areas held for infrastructure, environmental protection or pending regularisation. Properties there may be fully regularised, partly regularised, or still uncertain. Due diligence has to establish the actual status, and a first occupation licence on its own does not settle it.

What we do about it. We work with architects and urban law specialists to read the planning file for anything with a question over it: zoning status, past and pending appeals or enforcement, buildability ratio, height, occupancy and permitted use, and for land, road access, drainage, power and water rights.

Where a client intends to build or reform, we commission a viability study before an offer rather than after one, so that the price reflects what can actually be done with the property.

A case in point. A client approached us to acquire a countryside finca in Marbella's interior, marketed as a legal home. Our review put part of it outside the urban zone and flagged buildability inconsistencies, and a viability assessment then found an overlap with reserved land. The price was renegotiated, counsel and a technical architect began retrospective licensing, and the purchase completed with the development scope understood rather than assumed.

A PRIVATE ESTATE IN THE HILLS

What a purchase costs

The same house at the same price costs materially more to buy new than second hand, because VAT and stamp duty replace transfer tax rather than sitting alongside it.

A resale at €1,500,000

ANDALUCÍA, 2026 RATES

Purchase price	€1,500,000
Transfer tax, ITP at 7%	€105,000
Notary fees, official scale	€1,800
Land Registry fees, official scale	€1,100
Legal fees at 1% plus VAT	€18,150
Costs above the price, about 8.4%	€126,050

A new build at €1,500,000

ANDALUCÍA, 2026 RATES

Purchase price	€1,500,000
VAT, IVA at 10%	€150,000
Stamp duty, AJD at 1.2%	€18,000
Notary fees, official scale	€1,800
Land Registry fees, official scale	€1,100
Legal fees at 1% plus VAT	€18,150
Costs above the price, about 12.6%	€189,050

Two things sit outside these tables. A mortgage adds valuation, arrangement and its own notary and registry entries, commonly 1 to 2% of the amount borrowed. And where the seller is non-resident the buyer withholds 3% of the price for the tax office against the seller's capital gains tax, an administrative step rather than a cost to you.

Ongoing costs and tax responsibilities

IBI, the local property tax. Charged annually by the town hall on the cadastral value, which is usually well below market value. The statutory band for urban property is 0.4% to 1.1% and each municipality sets its rate within it. A separate rubbish collection charge is billed alongside, and is modest.

Community fees. Payable wherever the property sits in a development or urbanisation with shared gardens, pools, lifts or security. The range on this coast is very wide, from a small monthly figure in a simple block to four figures a month in a large gated estate with 24 hour security. Ask for the current budget and the last three sets of minutes before you commit, not after.

Non-resident income tax. Non-resident owners pay Spanish tax on the property whether or not it is let. If it is not let, an imputed income of 1.1% or 2% of the cadastral value, depending when that value was last revised, is taxed at 19% for residents of the EU, Norway and Iceland and 24% for everyone else. If it is let, EU and EEA residents are taxed at 19% on net rent after deductible expenses, and other non-residents at 24% on the gross.

Wealth tax, and the tax above it. Andalucía applies a 100% relief on the regional wealth tax, so the regional charge is effectively neutralised.

The national Impuesto Temporal de Solidaridad de las Grandes Fortunas still reaches large estates: after the €700,000 allowance, which applies to residents and non-residents alike, it bites on net wealth above €3 million, at rates from 1.7% to 3.5%. Spanish residents also have a further allowance of up to €300,000 against a main home. Andalucía's relief is structured so that a taxpayer caught by the national tax pays broadly the same amount either way rather than twice.

And if you hold through a company. Corporate tax on net rental profit, annual accounts filed at the Companies Registry, and accounting and compliance fees every year. Budget for them from the outset.

NUEVA ANDALUCÍA

Letting your property, and the rules that now govern it

Holiday letting here is legal, common and more regulated every year. Three layers apply and all three have to line up.

Andalucía. Tourist homes, viviendas de uso turístico, are governed by Decreto 31/2024, which requires a declared operating period and a declaration of urbanistic compatibility. Registration in the Registro de Turismo de Andalucía is mandatory, and the registration code must appear in every advertisement, on any platform. Decreto-ley 1/2025 then required the municipal licence or change-of-use declaration to be in place first and allowed town halls to suspend new registrations for up to three years in pressured areas.

Your neighbours. Since the horizontal property law was reformed with effect from 3 April 2025, a new tourist let in a community of owners needs the community's express prior approval, carried by three fifths of owners representing three fifths of the quotas. It is not retroactive: lets already running continue. Read the statutes and minutes during due diligence.

The national register. From 1 July 2025 a national registration number was required to advertise a short let on a platform. The Supreme Court annulled that procedure in May 2026, leaving the Andalusian registration as the number that matters.

Long-term letting sits outside all of this: less yield, far less administration.

A BAY WINDOW OVER THE GARDEN, MARBELLA

THE PART THAT LASTS LONGER THAN THE PURCHASE

Life after completion

The transaction takes weeks. Ownership takes years, and most of what determines whether a client enjoys the house happens after the notary rather than before.

The first month. Utilities transferred and put on direct debit, internet installed, buildings and contents cover in place, alarm and access sorted, and the cadastral and registry records confirmed as agreeing with each other. We coordinate this so that nothing is left in the seller's name.

Work on the house. Renovation, landscaping, a pool, an extension or simply furnishing a new build. We renovate our own properties here, so the contractors, architects and trades we introduce are people we have used ourselves and would use again. Where a project needs a licence, we get that question answered before a budget is agreed rather than after work has started.

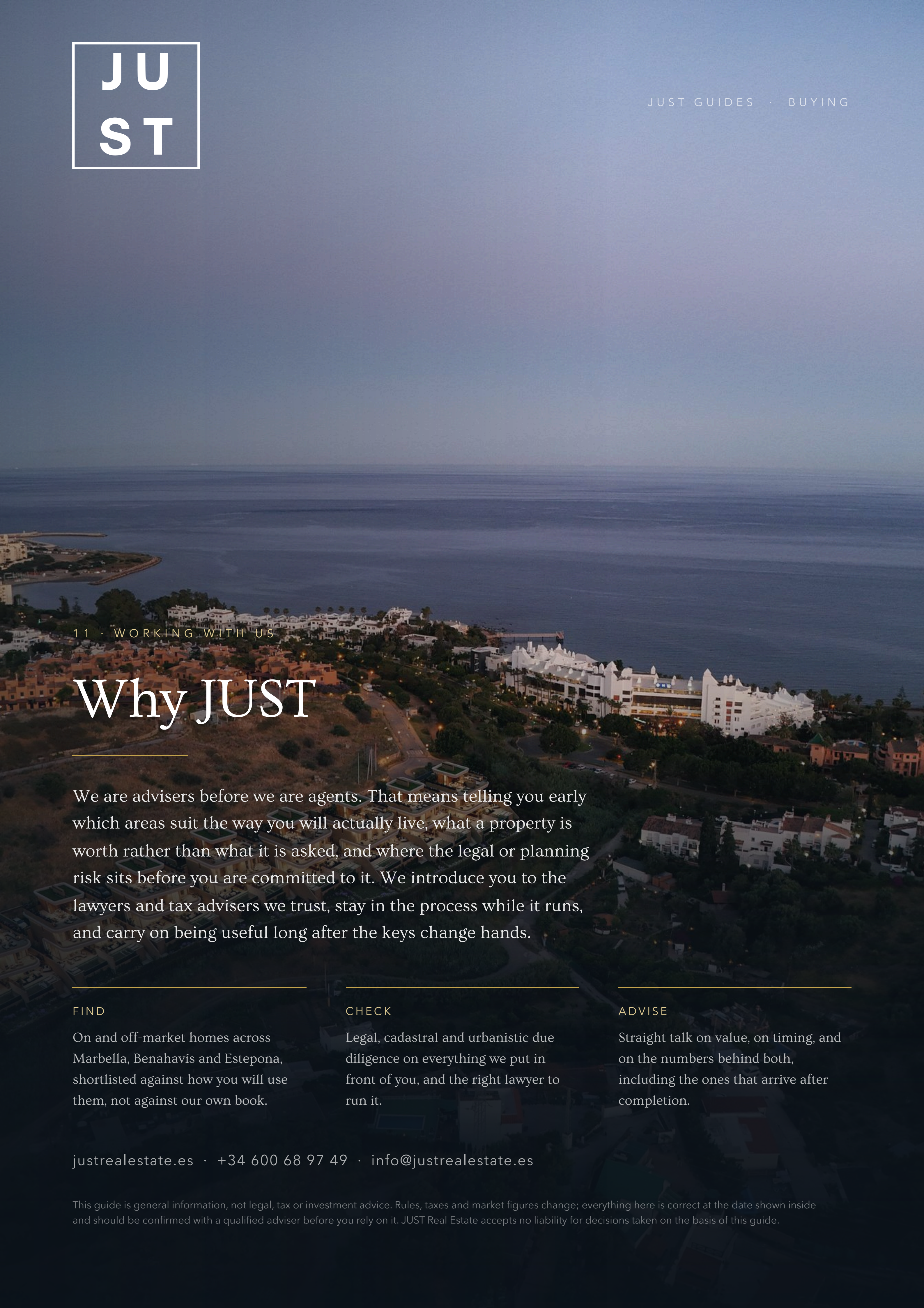
Relocating rather than visiting. Schools and enrolment, healthcare both public and private, registration at the town hall, vehicle registration and licence exchange, and moving pets. None of it is difficult and all of it is easier with someone who has done it before.

If it is a new build. Snagging is normal and there is a window for it. Defects reported in the first year are the developer's to put right and the structural warranty runs for ten. Keep the handover pack, the guarantees and the as-built plans together, because they are what a future buyer's lawyer will ask to see.

Leaving it empty. Key holding, inspection, cleaning, gardening and pool maintenance through managers we know, so that a property left for four months is found in the state it was left in.

The long view. An annual read on what the property is worth against the wider market, drawn from our quarterly market reports and official Spanish sources rather than from asking prices. Advice on letting it, on inheritance and succession, and on when and how to sell. Most of our sellers are people we bought for years earlier, which is the only measure of this part of the job that means anything.

THE GOLF VALLEY



11 · WORKING WITH US

Why JUST

We are advisers before we are agents. That means telling you early which areas suit the way you will actually live, what a property is worth rather than what it is asked, and where the legal or planning risk sits before you are committed to it. We introduce you to the lawyers and tax advisers we trust, stay in the process while it runs, and carry on being useful long after the keys change hands.

FIND

On and off-market homes across Marbella, Benahavís and Estepona, shortlisted against how you will use them, not against our own book.

CHECK

Legal, cadastral and urbanistic due diligence on everything we put in front of you, and the right lawyer to run it.

ADVISE

Straight talk on value, on timing, and on the numbers behind both, including the ones that arrive after completion.

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