JUST

MARBELLA'S NEW GENERAL PLAN EXPLAINED · 2026 EDITION

Marbella's New General Plan

What the PGOM classifies, what it permits, and what it leaves to the plan that follows it, with the procedural record to August 2026 and the checks that matter before you buy land or property in this municipality.

WELCOME

Marbella is close to having a plan that matches the city it became.

The Plan General de Ordenación Municipal, the PGOM, is the first full rewrite of Marbella's planning framework since 1986. It reached provisional approval at an extraordinary council plenary on 29 July 2026 and now waits on the Junta de Andalucía. This guide sets out what it says, what it does not say, and what changes for anyone who owns land or property here.

Two facts sit underneath everything that follows. The first is that the 1986 PGOU is still the plan in force. The 2010 revision meant to replace it was annulled by the Tribunal Supremo, the first of those judgments dated 27 October 2015, and the 1986 document recovered its validity. The second is that Andalucía changed the rules in between. LISTA, Ley 7/2021, de 1 de diciembre, replaced the single all-in-one PGOU with a two-tier system: a strategic PGOM, and a detailed POU that follows it.

The PGOM has now cleared every stage but one. What remains is definitive approval by the Junta and publication in BOJA. We have not printed a date for it, because nobody has published one.

JUST Real Estate was founded in Marbella in 2015. Our managing partner has worked this market for 25 years. This guide is not legal advice, but we read these documents for clients every week and we work with the architects and planning lawyers who do nothing else.

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Where the plan stands today

Three figures worth carrying

FROM THE COUNCIL'S OWN PUBLISHED FILE

MUNICIPAL AREA

117.3 km²

after the Junta's deslindes

OBJECTIONS LODGED

17,000+

over both public periods, per the mayor

LICENCE SUSPENSIONS

None

no area of the plan suspends licensing

The record, stage by stage

MARBELLA PGOM · AS AT 2026-08-16

01 **Initial approval, 30 March 2023**
An extraordinary plenary approved the first PGOM document with its Estudio Ambiental Estratégico; public information followed in BOP Málaga 73 of 19 April 2023.

02 **Second initial approval, 31 May 2024**
The council resolved the first objections and approved a revised version under article 78 LISTA. A second public period ran to 23 August 2024; the plenary approved the propuesta final on 27 June 2025.

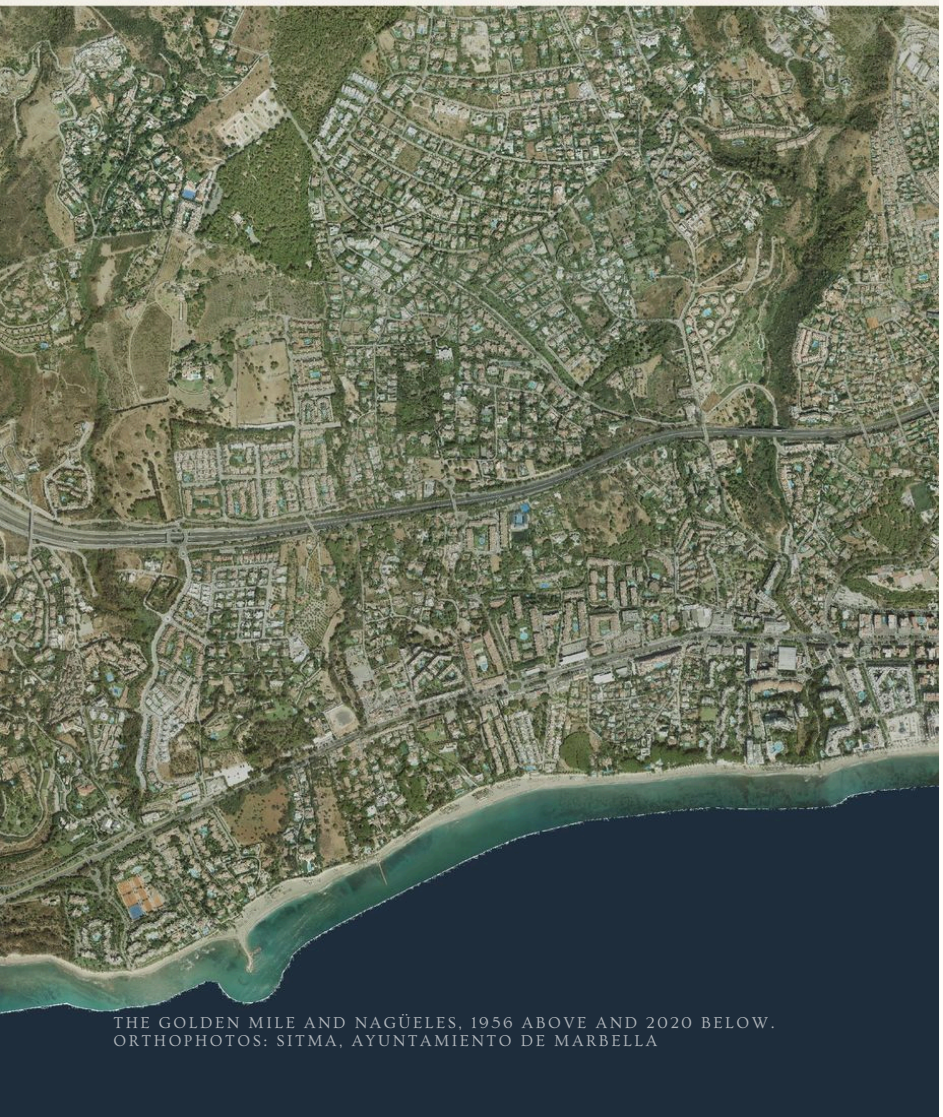
03 **Environmental clearance, 9 January 2026**
The plan obtained its Declaración Ambiental Estratégica, with a favourable report from the state roads authority.

04 **Regional report, 22 February 2026**
The Consejería de Fomento, Articulación del Territorio y Vivienda announced a favourable report, the first PGOM in Andalucía adapted to LISTA to reach that stage.

05 **Report on the final document, 8 July 2026**
The Consejería issued a further favourable report on the consolidated final document under LISTA.

06 **Provisional approval, 29 July 2026**
An extraordinary plenary approved the plan provisionally by 24 votes to two, the first PGOM in Andalucía to reach that stage under LISTA. The document is on display at the Palacio de Congresos until early September 2026.

07 **Still outstanding**
Definitive approval by the Junta de Andalucía, then publication in BOJA, on which the plan acquires legal effect. No date has been announced; until then the 1986 PGOU remains in force. Confirm the position before relying on it for a transaction.



THE GOLDEN MILE AND NAGÜELES, 1956 ABOVE AND 2020 BELOW.
ORTHOPHOTOS: SITMA, AYUNTAMIENTO DE MARBELLA

02 · THE BACKGROUND

Why Marbella needed a new plan

The 1986 PGOU was written for a coastal town. Its revision began so quickly after approval that a complete Texto Refundido was never finished, and its planning norms were not published in the provincial bulletin until November 2000. The council's own file calls the result extremely complex to apply.

A new PGOU was approved in 2010 to modernise zoning and to bring a great deal of irregular development into a coherent framework. The Tribunal Supremo annulled it, the first of several judgments dated 27 October 2015. The grounds were procedural rather than aesthetic. The court held that the plan sought to modulate the legalisation of what had been built unlawfully, which conflicts with the rules on executing judgments and with effective judicial protection; that it altered the legal concept of suelo urbano no consolidado; that it imposed planning obligations on the promoters of illegal works who were no longer the owners; and that it lacked a strategic environmental assessment and an economic sustainability report.

Marbella reverted to 1986, and for a decade was administered under an instrument that no longer described it. Licensing became case-by-case interpretation.

Then the ground moved again. In 2021 Andalucía replaced the LOUA outright. What Marbella is finishing now is not a tidied version of the old plan but a different instrument under a different law.

PGOM and PGOU, what actually changed

LISTA, Ley 7/2021, de 1 de diciembre, de impulso para la sostenibilidad del territorio de Andalucía, came into force on 23 December 2021 and repealed the LOUA. Its general regulation, Decreto 550/2022, de 29 de noviembre, published in BOJA on 2 December 2022, runs to 430 articles and supplies the detail. Between them they replaced the single comprehensive PGOU with two instruments.

The PGOM, Plan General de Ordenación Municipal, is the strategic tier. It classifies land, fixes the structuring elements of the municipality, delimits what must be protected for its historic, cultural or architectural value, and sets the criteria for new urbanisation. It does not decide the storey height on your street.

The POU, Plan de Ordenación Urbana, is the detailed tier. It supplies the ordenación detallada of urban land: the parameters that decide what a specific plot may carry. Marbella has begun work on its POU and an avance covering the whole municipal territory has been published. No timetable has been announced, so none appears here.

This is the point most summaries miss, and the council's file is explicit about it. Until the POU comes into force, the 1986 PGOU and its approved development instruments continue to apply to urban land. The PGOM does not answer the question everyone asks first, what may be built on a particular plot. It answers a prior one: what class is this land, and what does the municipality intend for it.

The second change is structural resilience. Under the old model a procedural defect anywhere could bring the whole plan down, as happened in 2015. Separating strategy from detail confines the damage to the tier where it occurs. The council's file also warns against the lazy reading of the reform: PGOM and POU are not the old division between structural and detailed planning under new names, and treating them that way produces wrong answers.

A third point matters more than it sounds. LISTA applies directly and immediately: where the 1986 plan and LISTA conflict, LISTA governs, and where the PGOM makes its own provision, the PGOM prevails. A planning sheet drawn under the old regime is read through two later filters.

TRIBUNAL SUPREMO · MADRID

Land classification under LISTA

LISTA recognises two classes of land, not three. Suelo urbanizable no longer exists as a class, and suelo urbano is no longer split into consolidado and no consolidado. What replaces that split is the type of transformation action a piece of land requires. Article numbers below are Ley 7/2021.

CLASS OR CATEGORY	WHAT IT IS	WHAT IT MEANS FOR AN OWNER OR INVESTOR
Suelo urbano art. 13	Land in the urban fabric, served by roads, utilities and dotaciones, or already urbanised in execution of planning.	The highest certainty. Direct licensing where the plot is serviced. The detailed parameters still come from the 1986 plan until the POU takes effect.
Actuación de mejora urbana art. 27	In suelo urbano: added buildability, added dwellings, or a change of use or typology requiring new dotaciones.	Upside exists but it is paid for. New dotaciones, cession and the duties in article 28 attach before any licence issues.
Actuación de reforma interior art. 29	In suelo urbano: a new ordering of an area because services are obsolete, the setting degraded or the uses must change.	Longer horizon, planning instrument first, duties under article 30. The route for tired commercial and mixed blocks.
Actuación de nueva urbanización art. 31	In suelo rústico común: urbanising land needed for urban growth, economic activity or to complete the structure.	The growth route. Designation is intent, not a licence. Detailed planning, urbanisation project, cessions and cost under article 32 all come first.
Suelo rústico común art. 14.1.d)	All rústico that is neither specially protected nor preserved.	The only rústico that can become a new urbanisation sector. Ordinary rústico uses only until it does.
Rústico especialmente protegido art. 14.1.a)	Protected by sectoral law: public domain, environment, nature, historic heritage.	Treat development potential as nil. Enforcement here is not subject to the ordinary six-year limit.
Rústico preservado, riesgos art. 14.1.b)	Preserved because natural processes or human activity generate risk, flooding and landslip among them.	Preserved for as long as the risk subsists. Read the hydraulic mapping before valuing anything on it.
Rústico preservado, ordenación art. 14.1.c)	Preserved by the territorial or urban plan on ecological, agricultural, forestry, landscape or general-interest grounds.	A planning judgment rather than a sectoral one, so it can change with a plan. Not quickly, and not on application.

> Two terms you will still meet in older planning sheets: suelo urbanizable, and suelo urbano consolidado y no consolidado. Both were LOUA categories, and neither survives under LISTA.

05 · USE

Zoning and permitted uses

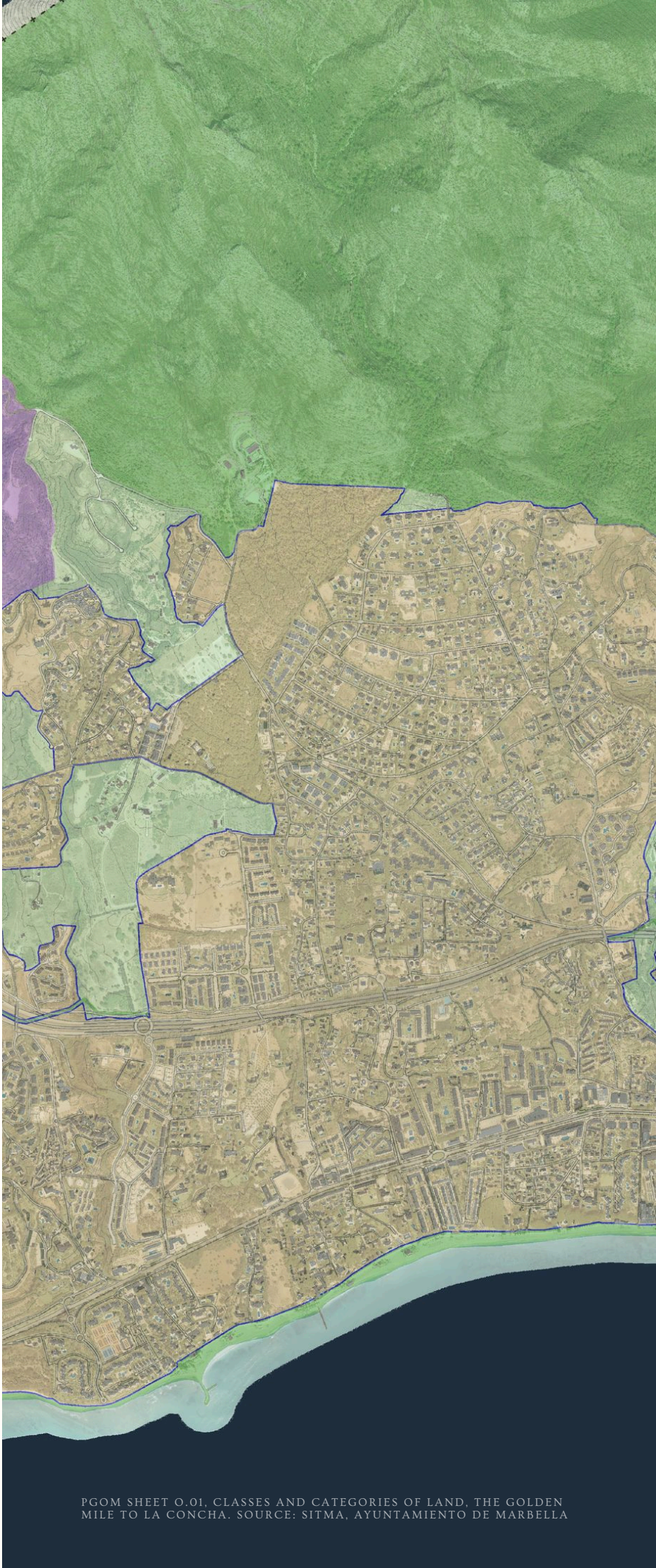
Classification decides whether land is urban or rústico. Zoning decides what may happen on it. The PGOM allocates use at structural level and leaves compatibility and intensity to the POU and to municipal ordinances, so a zoning designation gives you the direction of travel rather than the final answer.

Residential zoning subdivides between single-family, multi-family and mixed typologies. Density, height, buildability and occupation all follow from the designation and are specified in the detailed instrument, not here.

Hotel and tourist use stays strategically significant. The plan identifies both where hotel use is the primary function and where it may sit inside a mixed-use scheme, among the more consequential allocations in a municipality that runs on hospitality.

Commercial zoning covers retail, offices and service premises, and in consolidated streets it commonly sits at ground floor beneath housing, as it does throughout San Pedro de Alcántara. Industrial and logistics use is limited here by comparison with the metropolitan municipalities, but it exists in designated areas and matters to anyone buying beside one.

Public facilities zoning reserves land for schools, health, administration and sport. In transformation areas that land is ceded rather than bought, which is exactly why the cession schedule belongs in a land valuation.



PGOM SHEET O.01, CLASSES AND CATEGORIES OF LAND, THE GOLDEN MILE TO LA CONCHA. SOURCE: SITMA, AYUNTAMIENTO DE MARBELLA

Development rights and parameters

Once class and zone are settled, the question is what the plot may actually hold. Five parameters do most of the work, and they bind together rather than separately.

Edificabilidad, buildability, is the maximum constructed floor area permitted, expressed as a ratio to the plot's surface. It decides whether a scheme works financially, and small movements in the coefficient move land value materially. Confirm it from the planning file, never from a brochure.

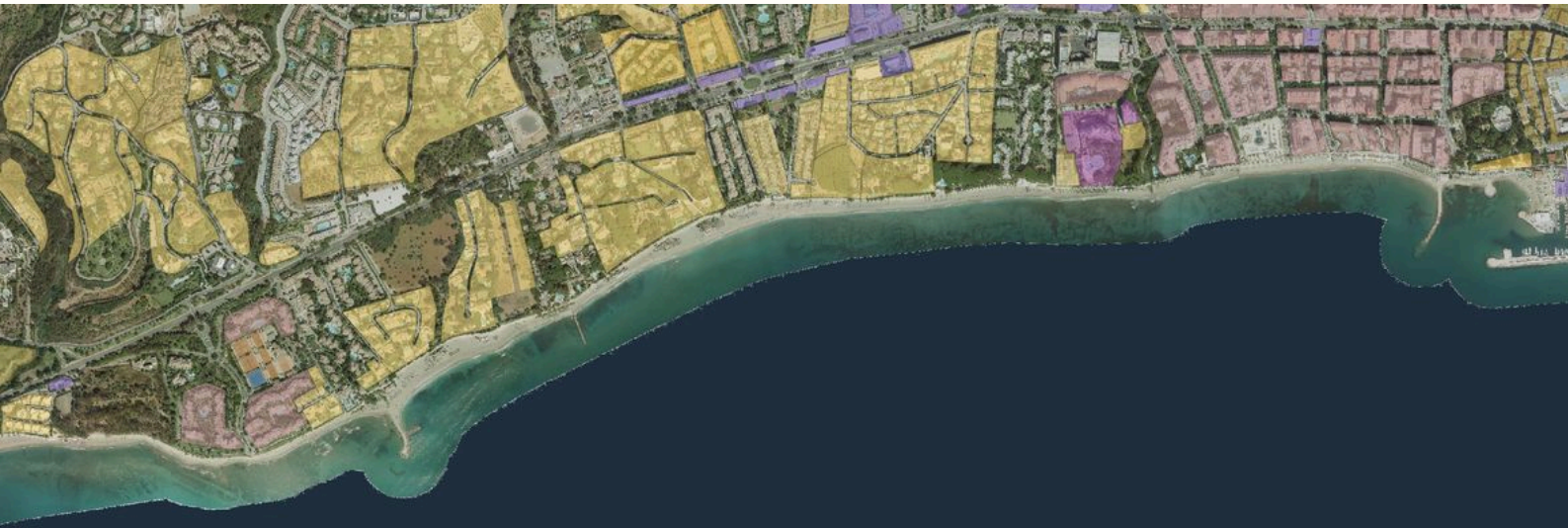
Ocupación, occupation, caps the percentage of the plot that may be covered at ground level. A generous buildability with a tight occupation produces a taller, narrower building rather than a larger footprint. In the low-density hillside and golf communities it is what preserves the character buyers are paying for.

Height is expressed in storeys or metres and is controlled most tightly where it is most visible, on the seafront and the elevated slopes. Setbacks fix minimum distances to boundaries and to the public road, and breaches of them are among the most common irregularities we meet in due diligence, usually in extensions, pool houses and terraces enclosed years after completion.

Density caps the number of dwellings in a defined area. It applies mainly to multi-dwelling schemes and transformation sectors, and because it drives infrastructure demand it is where the plan's growth arithmetic actually lives.

The reserve for vivienda protegida is routinely misattributed. The PGOM invents no bespoke Marbella quota: its own text provides that the reserve is the one set by LISTA and its Reglamento, except where a plan approved under the previous law had already fixed a different figure. Ask anyone quoting a municipal percentage which document it comes from.

Two cautions to close. Until the POU is in force, the detailed parameters for urban land still come from the 1986 plan and the instruments approved under it, read subject to LISTA and to the PGOM. And a parameter that looks achievable in isolation is frequently constrained by another: plots are bought on a buildability figure that the occupation limit and the setback lines then make unbuildable in the shape the buyer had in mind.



1986 PGOU ZONING, THE GOLDEN MILE, OVER THE 2020 ORTHOPHOTO. SOURCE: SITMA, MARBELLA

Regularisation and legacy buildings

The annulment of the 2010 plan did not make anything unlawful that was lawful before, and the PGOM does not make anything lawful that is not. Individual status is an individual question, and it turns on the licence, on what was actually built, and on the calendar.

The six-year rule, and where it does not run

ARTICLE 153 LISTA

Under article 153.1, measures to restore territorial and urban legality may be adopted only while works or uses are in progress, and for six years after their complete termination, or from the appearance of external signs that reveal them. Once that window closes on an irregular building, demolition is off the table.

Article 153.2 removes the limit entirely for certain works, which may be pursued at any time: those on the public domain and on protection easements; those in rústico preserved for landslip, flood or similar risk, while the risk subsists; those in the coastal influence zone on rústico; those affecting buildings individually listed in the Catálogo General del Patrimonio Histórico de Andalucía; and those affecting green zones and public spaces. In those places the clock never runs out.

AFO, what it is and what it is not

TITLE VIII LISTA, ARTICLES 173 TO 176

Where the six years have run and the building meets minimum safety and health conditions, it may be declared in the situation of asimilado a fuera de ordenación, AFO. The regime sits in Title VIII of LISTA and in Title VIII of Decreto 550/2022, replacing the older Decreto 2/2012 route.

Article 174 is explicit that the declaration does not legalise the building, produces no effect on other proceedings the works gave rise to, and is without prejudice to the courts. It records that enforcement is no longer available, and allows the property to be used, serviced and registered. It does not restore development rights, so extension, subdivision and substantial alteration stay restricted.

Keep the vocabulary straight. A building that was lawful and has been made non-conforming by a new plan is fuera de ordenación. A building that was never lawful but can no longer be pursued is asimilado a fuera de ordenación. Different statuses, different consequences on a resale.

> A certificado de antigüedad is an architect's statement that a building has stood for a given period. It is useful once the enforcement window has closed, but it is not a licence and confers no planning legality.

Growth areas, sectors and the cost of infrastructure

Beyond the built city, the PGOM identifies where growth is appropriate and where it is not. These are the actuaciones de nueva urbanización of article 31, taken from suelo rústico común where land is needed for urban growth, for economic activity, or to complete the urban structure.

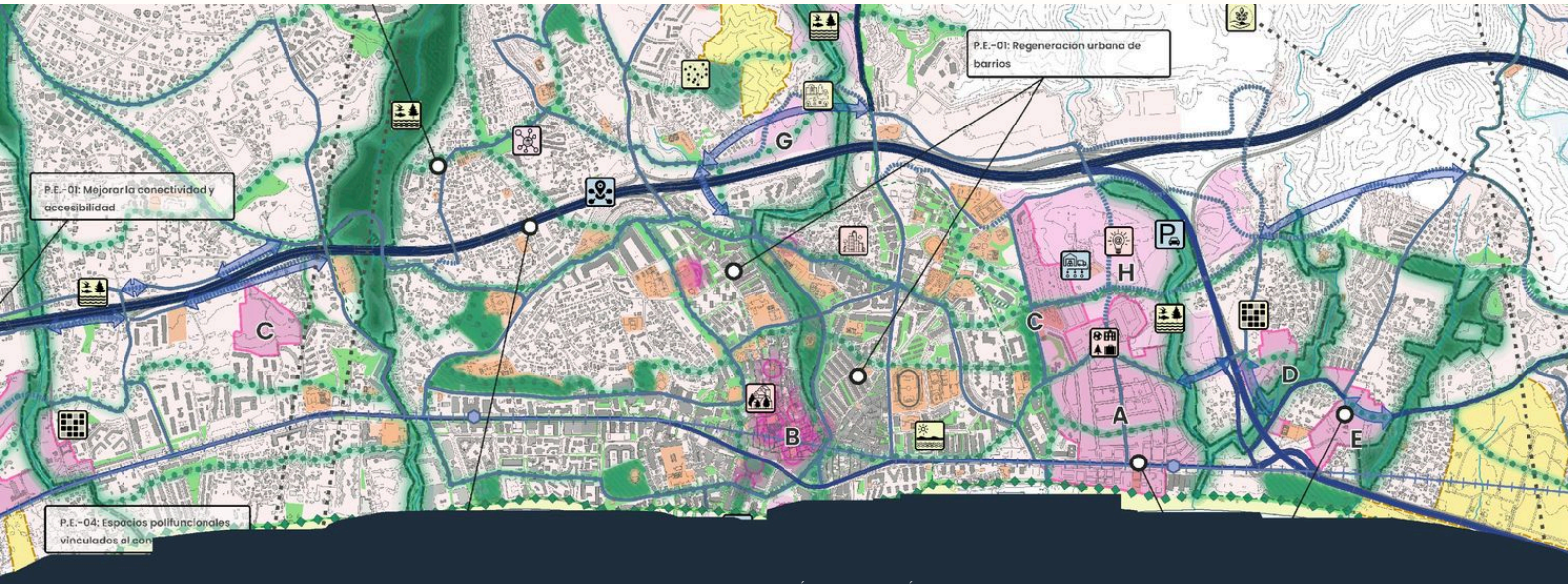
Designation is not buildability. Activation runs through detailed planning, an urbanisation project, environmental assessment and, usually, an agreement with the council. Land carrying a sector reference on a plan and land carrying a building licence are separated by years and by money.

Cargas urbanísticas are that money. Owners in a transformation area participate proportionally in building the roads, the water and sewage networks, the electricity and telecommunications, the drainage and the public lighting, and they cede land for green space, road alignment and public facilities. Article 32 sets out the duties for new urbanisation, articles 28 and 30 those for the two urban actions.

The practical question on any sectorised parcel is never whether the obligations exist. It is how far through them the land already is. Urbanisation works may be complete, partly executed or entirely pending, and that difference is the difference between a two-year and a ten-year horizon. It is also the difference between a price that reflects the finished article and one that reflects the work still to be done.

In consolidated urban land the position is simpler. The infrastructure is in place and obligations reduce to connection charges and ordinance compliance, which is a large part of why serviced urban plots price at a premium to sectorised land carrying the same nominal buildability.

Geography sharpens all of it. The municipality covers 117.3 square kilometres after the Junta's boundary deslindes, pinched between the sea and the sierra with substantial protected ground behind. Where a plan concentrates growth in a municipality with little room, the sectors it names carry weight, and the sequence in which they are brought forward carries almost as much.



PGOM SHEET O.05, PLANIFICACIÓN ESTRATÉGICA, MARBELLA TOWN. SOURCE: SITMA, MARBELLA

What to check before you buy

Seven checks, all documentary, all of them tied to the transition this municipality is going through. None is expensive relative to what it protects, and the first of them answers most of the rest.

01 **Ask for a certificado urbanístico, not an opinion**

The council's planning certificate is the authoritative statement of a plot's classification, zoning and applicable parameters. Marketing particulars, a neighbour's precedent and an architect's assumption are none of them a substitute. Request it in writing, and read the date on it.

02 **Establish which instrument the answer comes from**

Until the POU is in force, the detailed rules for urban land still come from the 1986 PGOU and the instruments approved under it, read subject to LISTA and to the PGOM. A certificate that quotes only one of those is incomplete.

03 **Check how the plot was reclassified**

Land that was suelo urbanizable in 1986 is now either suelo urbano or suelo rústico under the PGOM. If the plot you are buying was urbanizable, find out which way it went. That single fact can be the whole valuation.

04 **Read the licence file, not just the licence**

Confirm a licence was issued, that what stands matches the approved project, and that the final certificate and first occupation licence exist. Extensions, basements, pool houses and enclosed terraces are where discrepancies usually sit.

05 **Settle AFO status and test the exceptions**

If any part is irregular, establish whether the six years under article 153.1 have run and whether an AFO declaration exists or could be obtained. Then check article 153.2: on public domain, protection easements, the coastal influence zone in rústico, risk-preserved land, listed buildings and green zones, the time limit never applies at all.

06 **Verify the coastal position separately**

The Ley de Costas operates independently of municipal planning. Confirm the deslinde, the servidumbre de protección and any concession or authorisation. Municipal zoning does not cure a coastal problem.

07 **Confirm the state of the urbanisation, then the registry**

On sectorised land, establish whether works are complete, part-executed or pending, what the cargas are, what has been paid and what remains to cede. Then reconcile the Registro de la Propiedad, the Catastro and what is physically on the ground. Discrepancies are common here and far cheaper to find before completion.

ARTICLE REFERENCES ARE TO LEY 7/2021 (LISTA) AND ITS REGLAMENTO GENERAL, DECRETO 550/2022. POSITION AS AT 2026-08-16; THE PGOM WAS NOT YET IN FORCE AT THAT DATE.

Environmental and coastal limits

Municipal planning is the floor, not the ceiling. Three bodies of law sit above or alongside the PGOM and, where they bite, they decide the outcome whatever the zoning says.

The coast. Spain's Ley de Costas fixes the maritime-terrestrial public domain by deslinde and imposes a servidumbre de protección inland of it, within which new construction, alteration and change of use are restricted and in places prohibited. Beyond it runs the zona de influencia del litoral, carrying conditions on height, density and visual impact. LISTA reinforces this: article 153.2 removes the enforcement time limit for works on the public domain, on the protection easement, and in the coastal influence zone on rústico. A seafront position is the most valuable and the most heavily regulated ground in the municipality.

Water. Marbella is cut by riverbeds and seasonal watercourses that are dry for most of the year and emphatically not dry in November. Hydraulic planning maps flood risk, and LISTA preserves as rústico any land where natural processes generate risk, while the risk subsists. Urban classification does not exempt a plot from a flood study.

Landscape and nature. Sectoral protection classifies land as rústico especialmente protegido, and in the hillside sectors, Sierra Blanca among them, landscape integration is routinely the determining factor in whether a licence is granted. Earth movement, tree removal, slope modification and building volume are all in play on the slopes above the town.

These overlays are also why the enforcement calendar is not uniform. On protected ground the six-year limit in article 153.1 does not run, so a structure beyond challenge inland can remain challengeable indefinitely on the shoreline, in a watercourse or on a listed site. Buyers assume the passage of time settles everything. On this ground it settles nothing.

None of this is cause for pessimism. It is a substantial part of the reason Marbella still looks the way it does, and the reason the stock behind these constraints holds its value. A land appraisal stopping at the municipal plan has read one document out of three.

COASTAL EASEMENTS, PROTECTED SITES AND FLOOD ZONES, MARBELLA EAST AND RÍO REAL. SOURCE: SITMA, MARBELLA

What it means for owners and investors

Two readers, two different questions. For owners the plan is mostly reassurance and better paperwork. For anyone buying land it changes where the risk sits and, more usefully, makes that risk legible, which is the precondition institutional capital sets before it enters a jurisdiction at scale.

If you own here

THE PLAN IS STRUCTURAL, NOT RETROSPECTIVE

If your home was built under a valid licence, the PGOM changes nothing about its legality. The plan classifies land and sets the municipality's intent. It does not reopen individual titles, and the council's executive summary states expressly that no area of the plan suspends planning, execution or licensing procedures.

What it does change is the quality of the answer you can get. One regionally validated instrument covering the whole municipality replaces a 1986 document with no consolidated text, whose planning norms were not published until 2000. For anyone selling, refinancing, or applying for a licence on an extension, that is worth considerably more than it sounds.

If you are buying land

WHERE THE RISK AND THE RETURN ACTUALLY SIT

CERTAINTY CARRIES A PRICE

Serviced urban land with settled parameters has always priced above sectorised land holding the same nominal buildability. The PGOM widens the visible gap by making the difference explicit rather than a matter of interpretation.

THE UPSIDE SITS IN THE SECTORS

Actuaciones de nueva urbanización are where growth is channelled in a municipality with very little room. Designation is not a licence, and the return is earned by carrying the plan, the urbanisation and the cessions.

THE DETAIL IS STILL TO COME

The POU will set the parameters for urban land, and until it is in force the 1986 rules govern that detail. Any thesis resting on a plot-level number should be tested against the instrument that actually supplies it.

One caution on figures. Sector-level numbers for Marbella circulate widely and many are neither official nor current. Everything quoted in this guide comes from the council's own published documents or from the record of its plenary sessions, and where a figure is a statement by an officeholder rather than a published count we have said so. Before a transaction depends on a number, ask which document produced it and what date that document carries.

12 · WORKING WITH US

Why JUST

We built JUST on being first with what matters and giving it to clients straight. On planning that means reading the instrument itself before we tell you what a plot is worth, saying plainly when the answer is not yet available, and never letting a designation on a plan stand in for a licence. We obtain the certificates, we put the right architect and planning lawyer in front of you, and we carry on being useful long after completion. We also source land: the areas we believe the plan favours are already on a shortlist we share with clients who ask for it.

VERIFY

The certificado urbanístico, the licence file, the coastal deslinde and the state of the urbanisation, obtained and read before an offer rather than after one.

INTERPRET

What the PGOM classification, the surviving 1986 detail and LISTA together allow on your plot, and what they do not.

ADVISE

Straight talk on what a sector designation is worth today, what the cargas will cost, and what the timing realistically looks like.

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