



**MINISTRY OF LOCAL GOVERNMENT, DECENTRALISATION
AND RURAL DEVELOPMENT (MLGDRD)**

**LAND USE AND SPATIAL PLANNING
AUTHORITY (LUSPA)**

**GUIDELINES ON
DEVELOPMENT
PERMITTING IN
GHANA**

PREAMBLE

The Land Use and Spatial Planning Authority (LUSPA) is established by the Land Use and Spatial Planning Act, 2016 (Act 925) to regulate spatial planning at the national, regional, and local levels.

LUSPA is one of the agencies under the Ministry of Local Government, Decentralisation and Rural Development.

One of the critical functions of the Authority is to create awareness and educate the public on land use and spatial planning and human settlements management functions of the Metropolitan, Municipal and District Assemblies (MMDAs). The Authority has, therefore, embarked on a mission of improving the quality of service delivery in the MMDAs through clear guidelines, simplified processes and set timeframes for prompt completion of task in order to render them more transparent to the public.

PURPOSE

This guideline is intended to serve as a practical guide to the public and prospective developers to obtain planning and development permits in conformity with the Land Use and Spatial Planning Act, 2016 (Act 925), the Land Use and Spatial Planning Regulation, 2019 (L.I. 2384) and the Local Governance Act, 2016 (Act 936).

It should be noted that in accordance with section 117(1) of Act 925, *“A person shall not carry out physical development*

within this country unless the development is carried out in accordance with a permit issued under this Act”.

TYPES OF PERMIT

PLANNING PERMIT

A written permission for the purpose of ensuring compliance of activities with approved zoning regulations and planning standards regarding orientation of buildings, building lines, setbacks, heights, geographical and class of development.

BUILDING PERMIT

A written permission granted by a District Assembly under relevant regulations which sets out conditions for the construction of a building, structure or the execution of works.

DEVELOPMENT PERMIT

A written authorization to carry out an activity that causes material change to the environment in accordance with conditions specified in the permit.

A Development Permit comprises both a planning permission and a building permission. [Regulation 45(3) of L.I. 2384].

A District Assembly is the sole authority for issuing a planning permit and a development permit. [Regulation 43(1) of L.I. 2384].

A person who intends to undertake a

development, shall require a planning permit or a development permit. [Regulation 43(2) of L.I. 2384]

A person shall not undertake a physical development without a development permit. [Regulation 45(2) of L.I. 2384]

WHO CAN APPLY?

Any person or organization that has a parcel of land and intends to build. Such developments may include the following:

1. Residential
2. Commercial
3. Industrial
4. Recreational
5. Civic and Culture
6. Educational
7. Mixed Use Developments
8. Infrastructure and Utility Service Provision
9. Temporary structure (Kiosks, Containers, Hoarding, etc.)
10. Advertising boards
11. Fence Wall
12. Change in material use of land (filling and cutting)
13. Change of Use/ Rezoning
14. Subdivision and consolidation of land.

STEP 1

BASIC REQUIREMENTS BEFORE APPLICATION

- Evidence of a right or authorization to use the land in accordance with the laws of the country (Indenture, Lease,

Title Certificate, Allocation Note)[Regulations 44(3) (a) & 45(9) (e) of L.I. 2384].

- Completed Planning Permit or Development Permit application form (FORMS 42A and 43A respectively)
- Zoning assessment and Justification report *
- Relevant drawings where applicable *
- 4 copies of Architectural drawings.

**This applies to only planning permits.*

ADDITIONAL REQUIREMENTS (

For multi-storey and multi-purpose)

- 4 copies of Structural drawings
- 4 copies of Service drawings

where applicable, reports or permits relating to;

- Air or Aviation Safety
- Radiation Protection
- Environmental Protection
- Fire Safety
- Petroleum Operations
- Standard Verification
- Traffic Impact
- Geo-Technical Impact
- Hydrological Impact; and
- Structural Impact/Integrity

The detailed requirements for planning permit is under regulation 44(3).

STEP 2

PURCHASE OF FORMS

Buy your planning permit and development permit application Forms from the MMDAs where the land is situated.

STEP 3

COMPLETION OF FORMS

Complete the application Form in full with the required information. Add the aforementioned documents in STEP 1.

STEP 4

PAYMENT OF PROCESSING FEES AND SUBMISSION OF APPLICATION

An applicant shall pay the possessing fee provided for in the fee fixing resolution of the District Assembly for a permit.

The possessing fee is also to be used for site inspection. [Regulation 44(5) & 45(5) of L.I. 2384].

Submit completed form with all required attachments to the Physical Planning Department (Secretariat of the Spatial Planning Committee) of the Assembly.

STEP 5

PROCESSING

a. The Secretariat of the Spatial Planning Committee (SPC) shall acknowledge receipt of the application in writing* within seven (7) days and forward to the Technical Sub Committee (TSC) of the District Assembly.

**Communication can also be done through text message, emails or any other electronic means.*

b. The Technical Sub-Committee shall convene a meeting to review the application (assess the drawings, permit fee, other reports and permits), visit the site within 14 days of receipt of application. [Regulation 44 (7) of L.I. 2384].

c. The Technical Sub-Committee shall submit a report on its findings and recommendations to the SPC not later than 21 days after receipt of the application. [Regulation 44 (8) of L.I. 2384].

d. A District Spatial Planning Committee may, based on the recommendations of the Technical Sub-Committee, grant, refuse, or defer the application. [Regulation 44 (9) of L.I. 2384]

e. Where an application is granted, the applicant shall pay a planning or development permit fee.

f. Where an application is granted, the District Assembly shall issue the developer with the planning permit certificate as set out in FORM 42 B or development permit certificate as set out in FORM 43 C of L.I. 2384, within 30 days after receipt of application.

g. In line with regulation 44(10) of L.I. 2384, the Physical Planning Officer

shall sign all copies of approved plans and planning permit certificates within 30 days after receipt of applications as set out in FORM 42 B.

- h. In pursuant of regulation 45 (13) (b) of L.I. 2384, the Physical Planning Officer and the Works Engineer shall sign all copies of the approved plans and development permit certificate within 30 days after receipt of application as set out in FORM 43C.

VALIDITY OF DEVELOPMENT PERMIT

It is important to note that the validity of a permit issued in accordance with the above process is five (5) years, after which a renewal of permit must be sought if development is not completed.

NB:

- *The District Assembly shall notify the successful applicant in writing.*
- *Pay the permit fees to the District Assembly's Cashier or Finance Department or District Assembly's Bank Account as indicated in your approval letter.*
- *Applicants who have already started construction without permit shall pay a penalty as provided for in the fee fixing resolution of the District Assembly.*
- *Collect your planning or*

development permits from the Physical Planning Department (Secretariat of the Spatial Planning Committee) after producing receipt of payment.

- *Where the application is refused or deferred, the District Assembly shall write to the developer and assign reasons for the refusal or deferment.*
- *The applicant has the right to appeal if not satisfied with the decision of the SPC.*
- *The turnaround time for the entire processing of permit application is 30 days.*

APPLICATION FOR CERTIFICATE OF HABITATION

After completion of a building, a developer shall obtain a Certificate of Habitation before occupying the building.

1. For the purposes of the acquisition of a Certificate of Habitation, a developer shall apply to the District Assembly (District Spatial Planning Committee) in the manner specified in FORM 43 D. [Regulation 45 (17)]
2. An applicant shall demonstrate that all conditions and requirements of the development permit have been fulfilled
3. A District Assembly (District Spatial Planning Committee) shall issue a

Certificate of Habitation upon completion of every development in the district in accordance with the conditions of the development permit.

4. The District Assembly (District Spatial Planning Committee) shall, within 14 days after the inspection of the development, issue the Certificate of Habitation as set out in FORM 43E of the Schedule
5. The developer or applicant shall pay a fee as prescribed in the fee fixing resolution of the District Assembly. The Certificate of Habitation is signed by the Works Engineer.
- 6.

REVIEW AND APPEAL PROCEDURES

- Where applicable, a review or appeal against a decision on a permit shall first be made to the District Assembly by completing FORM 53 of L.I. 2384 and pay applicable as provided in the fee fixing resolution of the District Assembly.
- The appellant shall accompany the appeal Form with documents required to be submitted to the District Assembly which shall be lodged not later than 30 days after the decision concerned has been made known or otherwise brought to the notice of the complainant. [Section 172 (2) of Act 925].
- A Committee with knowledge in the subject shall be set up by the relevant

appellate body for the purpose of hearing an appeal.

- The Committee may request for written comments and responses from parties mentioned and hold a formal hearing before deciding on the matter.
- In all cases, a decision on appeal shall be served on the parties to the appeal within 21 Days after the filing of the appeal. [Section 168 (8) of Act 925 and regulation 62 (3) of L.I. 2384].

- **NB:**

A person who is dissatisfied with the decision of the District Assembly may further appeal to the Regional Coordinating Council then to the Land Use and Spatial Planning Authority and to the Court.

GENERAL INFORMATION

- A person shall not undertake any physical development of land within a district unless that person has been issued with a permit by the District Assembly within the jurisdiction in which the land is situated. (ACT 925, ACT 936).
- It should be noted that according to section 117(1) of Act 925, *"a person shall not carry out physical development within this country unless the development is carried out in accordance with a permit*

issued under this Act”.

- *A person who carries out any physical development without a permit commits an offense and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both. [Section 117(2) of Act 925]*
- Per section 121 of Act 925, an authorized Officer may, without notice, effect or carry out instant prohibition, abatement, alteration, removal, or demolition of an unauthorised development if that breach is creating an environmental nuisance or interferes with the use of public right of space.
- The receipt issued for the processing fee does NOT constitute planning or development permits.
- A building becomes unauthorized if it

DOES NOT conform to the permit issued.

- Any applicant who makes a false declaration does so at his/her own risk.

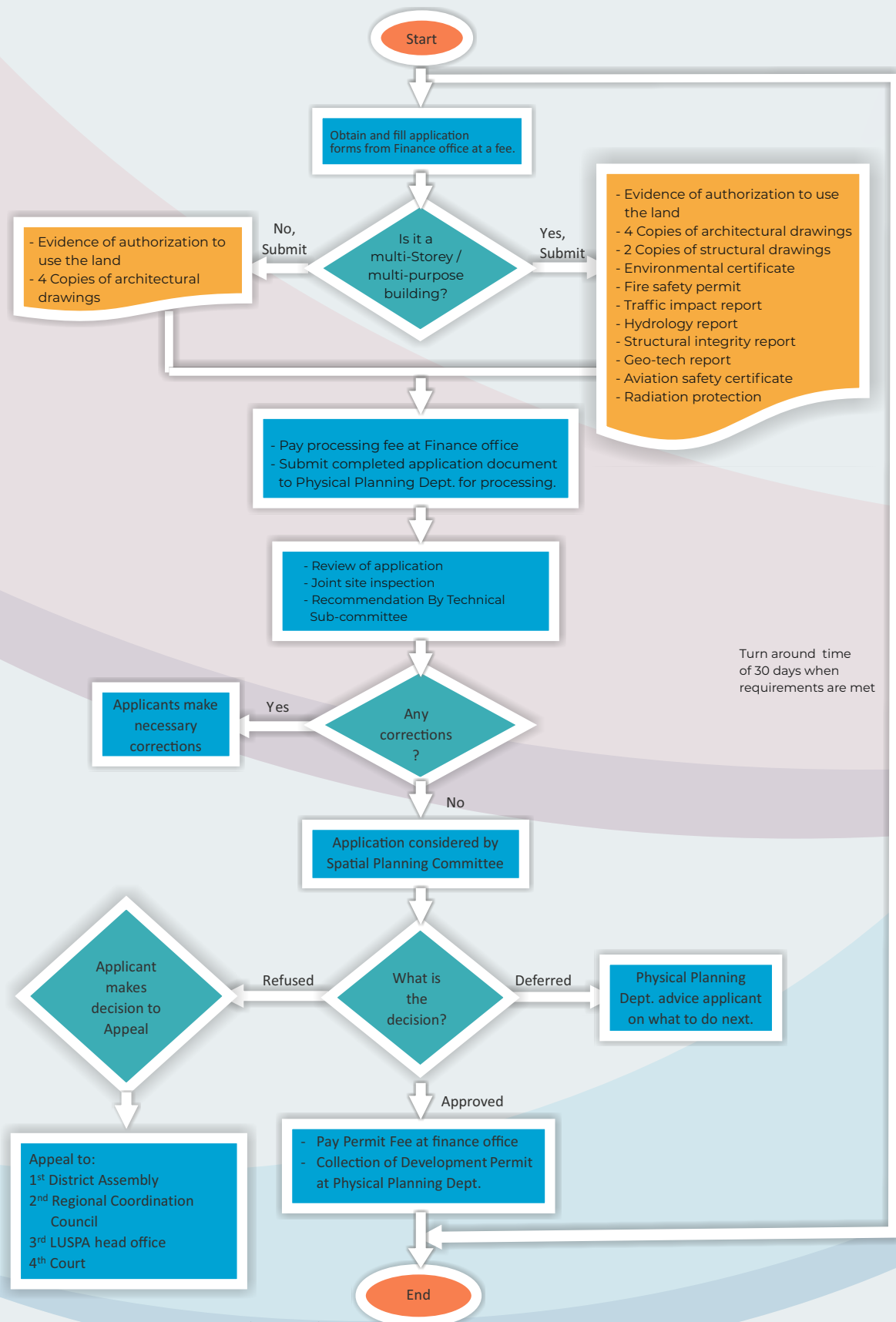
PUBLIC DATA ROOM

In pursuant to regulation 64 (1) and 64 (2) of L.I. 2384, the Public can seek information at the Public Data Room of each District Assembly related to the following:

- Spatial plans
- Permits
- Notices
- the scope of outsourced services to private entities
- records of public consultations; and
- any other relevant document determined by the Authority.

A Public Data Room shall be managed by a Physical Planning Officer in the District Assembly.

DEVELOPMENT PERMIT* FLOWCHART



*This process may also apply for a Planning Permit.



QUESTIONS & ANSWERS

DEVELOPMENT PERMITTING IN GHANA

1. What are the main types of Permit for development?

Ans: Planning Permit, Building Permit and Development Permit

2. What is Planning Permit?

Ans: A written permission issued for the purpose of ensuring compliance of activities with approved zoning regulations and planning standards regarding orientation of building, building lines, setbacks, height, geographical accessibility and class of development.

3. What activities require planning permit?

Ans: - Temporary structure
- Use of public space
- Demolition
- Change of use
- Advertisement
- Consolidation of land
- Subdivision of land
- Sand winning, quarrying, material extraction
- Change of colour scheme
- Tree removal, etc.

4. What is Building Permit?

Ans: A written permission granted by a District Assembly under relevant regulations which sets out conditions for the construction of a building, structure or the execution of works.

5. What is Development Permit?

Ans: A written authorization to carry

out an activity that causes material change to the environment in accordance with conditions specified in the permit.

6. What activities require development permit?

Ans: - Buildings
- Civil works
- Engineering works
- Surface mining and quarrying
- Waste disposal on land
- Tree removal
- Excavation
- Structural alteration or renovation of existing building, etc.

7. Do I need to apply separately for planning permit and development permit when undertaking a physical development project?

Ans: No. You will be issued with a development permit which comprises both a planning permit and a building permit.

8. Does development permit expire?

Ans: Yes. The validity period is five [5] years. The development permit should be renewed if the project is not completed within 5 years.

9. Why is it important to obtain planning/development permits?

Ans: To ensure that developments conform to planning standards,



promote safety, convenience, aesthetics and sustainability.

10. Can a planning/ development permit be revoked?

Ans: Yes. Where the developer does not comply with conditions of the permit granted.

11. Where do I submit my documents / application for planning/development permit?

Ans: Physical Planning Department of the District Assembly.

12. Is the planning/ development permit issued free of charge?

Ans: No. Applicant has to pay for application form, processing fee and permit fee.

13. What types of fees do I need to pay?

Ans:

- i. Fee for application form.*
- ii. Processing fee when the applications and required documents are submitted.*
- iii. Permit fee when approval has been granted to the application.*

14. Where do I pay the planning/ development Permit fees?

Ans: The Finance Department of the District Assembly.

15. Will I have to pay the planning/ development permit fee upfront?

Ans: NO. It is paid after the application is granted.

16. Can I obtain planning/ development permit from other institutions?

Ans: No. The law makes the District Assembly the sole Authority for issuing such permits. [Regulation 43 of L.I. 2384]

17. How long does it take to obtain planning/ development permit when all requirements are met?

Ans: Thirty [30] Days. [Regulation 44(10) of L.I. 2384]

18. Who signs the permits?

*Ans: i. Physical Planning Officer for planning permit
ii. Physical Planning Officer and Works Engineer for development permit.*

19. What should I do if my application for permit is refused?

Ans: You will be given reasons, and be told what to do next by the Physical Planning Office.

20. Do I have the right to appeal the Spatial Planning Committee's decision?

Ans: Yes. Appeal first, to the District Assembly. If not satisfied, to the Regional Coordinating Council and lastly to LUSPA.

21. What is the timeframe to appeal the decision of the Spatial Planning Committee?

Ans: Within three (3) months after the decision has been

*communicated to the applicant.
[Section 168(4)(e) of Act 925]*

22. Should I obtain the permit before or after the development?

Ans: You are required to obtain permit before commencement of any development.

23. Can I start the development while waiting for my permit?

Ans: NO, that will constitute unauthorized development which is against the law.

24. What happens if I build without permit?

Ans: A person who carries out any [physical] development without permit commit an offence and is liable on summary conviction to a fine or imprisonment or both. [Section 117(2) of Act 925].

25. Do staff of Physical Planning Dept. and / or Works Dept. have to produce new architectural drawings to replace my drawings?

Ans: No. If issues are identified with your submitted drawing, you ought to be informed for the correction[s] to be made by the person who prepared the drawings.

26. Is planning/ development permit optional?

Ans: NO. Any person intending to undertake any development shall require a planning or development permit.

27. What is Public Space?

Ans: Public space means a generally open area accessible to and used by the public including resource lands, urban utility space, riparian buffer zones, natural park areas, forests, urban parks, recreational areas, infrastructure right of way, areas of cultural or historical interests;

28. Can I develop on Public Space?

Ans: NO, because it constitutes an unauthorized development which shall be demolished or removed.

29. Can I apply for change of land use?

Ans: Yes. the change should not significantly alter the original zoning of the area.

30. Where can I obtain information on Spatial plan, zoning schemes, permits, notices, records of public consultations and change of use?

Ans The Public Data Room of the District Assembly.



**ALL MMDAs AND THE PUBLIC
ARE REQUIRED TO TAKE NOTE OF
THE PROCESSES AND COMPLY
ACCORDINGLY.**

**APPLICANTS CAN REPORT TO
THE REGIONAL COORDINATING COUNCIL
AND LUSPA, HEAD OFFICE, ACCRA
IF ANY DISTRICT ASSEMBLY FAILS TO
COMPLY WITH THESE PROCESSES.**

FOR FURTHER INFORMATION, CONTACT
UNDER-LISTED ADDRESS:

Address:

Land Use and Spatial Planning
Authority, Head Office.

P. O. Box MB 61, Accra.

Digital Address: GA-110-3175

Email: info@luspa.gov.gh

Working Hours:

Between 8.00 am – 5.00pm Daily

0302 682060