

PROCEDURE FOR OBTAINING CHANGE OF USE OF PROPERTY IN KENYA

The power to control land use and development in Kenya is vested in the County Governments and therefore the owner or the legal entity of any property, who intends to develop his/her land for any purpose other than that earmarked in the approved Master Plan, will make an application, along with relevant documents, to the respective County Governments' Department of Physical Planning for consideration through a registered physical planner.

PROCEDURE

The process includes:

1. Placing an advertisement and getting recommendations from members of the public and line-ministries, which are obtained by the County Government. The application is often combined with one for a construction permit.
2. The investor, through a registered physical planner will make application for the change of user through filling in PPA 1 form, which must be duly signed by the physical planner.
3. The planner and the investor will then publish public notices regarding the proposed change of user in two daily newspapers, inviting objections from the public within a period of not less than fourteen (14) days. A site notice will also be placed on the site indicating intention to change its use within the same duration.
4. Planning brief/report for the site is prepared by the physical planner. The process of preparing and implementing a planning brief/report provides a framework for collecting information about a site, and investigating and evaluating different interests in it. The brief will explain why the change of use is in line with the policy and why it will not have any negative effects on the land and the neighboring properties. The process could take from one day to 7days depending on the scale of the project
5. The requisite fee will be paid to the respective County Governments and the receipt annexed to the planning brief/report prepared by the physical planner.
6. The brief will then be submitted to the County Government's Department of Physical Planning for approval.

7. The County Government then receives submissions from the general public on any opposition to the change of use. This process could take up to 14 working days:-

8. The County Government will then review the Change of Use proposal/brief with the public objections received if any and will pass a resolution, recording reasons, regarding its consideration or non-consideration for the change. This process takes a minimum of 20 days and could extend depending on the requirements the County Government wants fulfilled.

9. The authority shall, if it finds that the changes sought are relevant to planning principles and are in public interest and are not in contravention to any other statute, give permission for the same by issuing a PPA2 form.

REQUIREMENTS

In summary, below are the requirements for application for a change of user.

- Two dully filled P.P.A 1 forms in triplicate submitted and signed by a registered physical Planner
- Planning Brief prepared by a Registered Physical Planner (signed accordingly)
- Ownership documents (Title Deeds)
- Comprehensive Location Plan
- Advertisement of proposal on: a) Two local dailies, b) On site
- Application fee receipt
- Latest Rates payment receipts