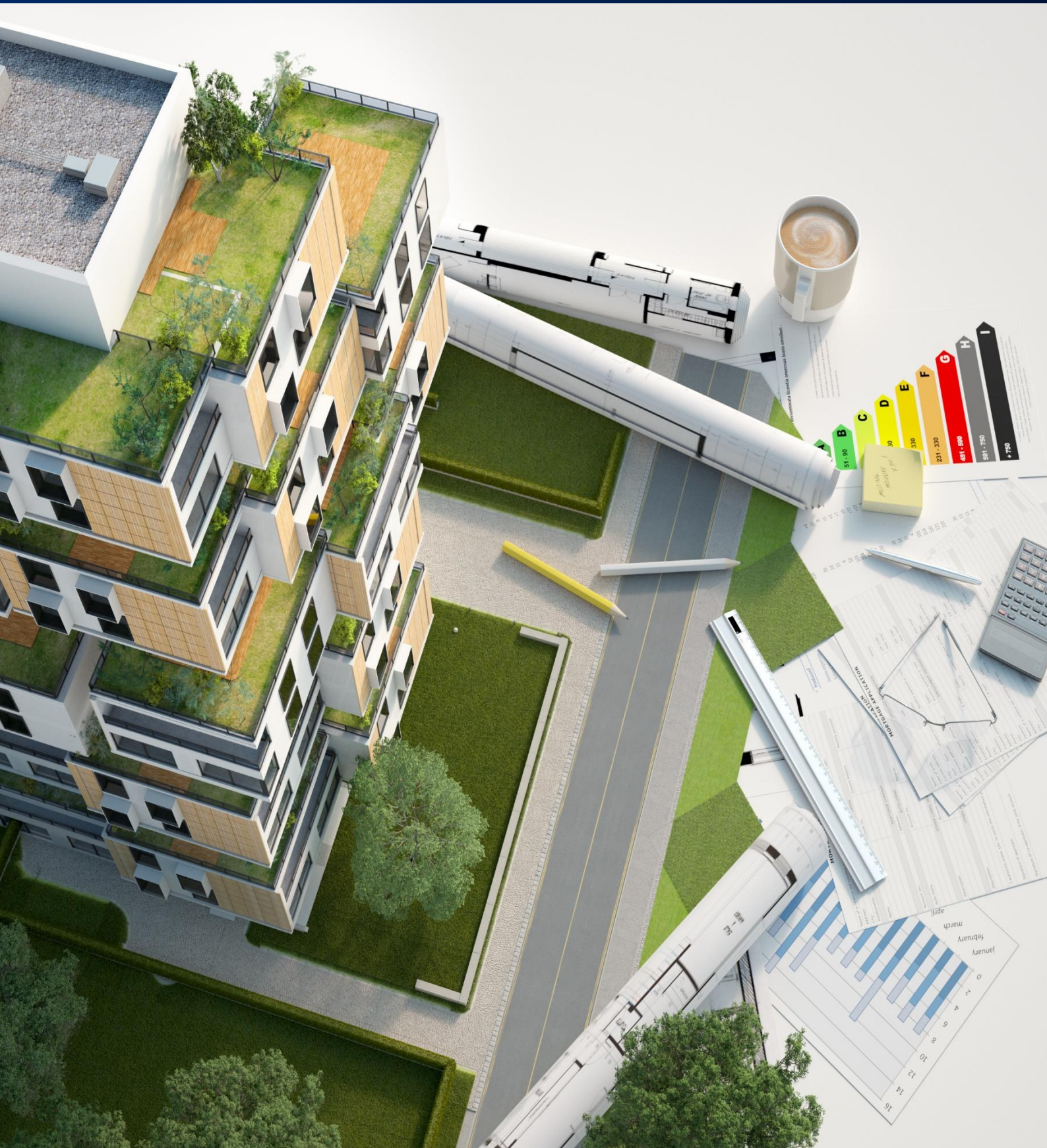




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Urban Planning and Spatial Development- A Decision That Sheds Light:
Council of State Decision No. 276/2025

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The legality of property buildability after declassification as a public utility area

By decision No. 276/2025 of the Council of State, it was ruled that the decision to lift the urban expropriation and to reclassify a specific property from an area designated for the construction of a school to a buildable area is legal.

The criteria that can lawfully support such a reclassification include, in particular:

- The morphological characteristics of the specific property,
- The urban planning needs, within which the necessity for creating public and common areas must be primarily assessed,
- The urban planning of the wider area, and
- The constraints and guidelines of any existing spatial planning framework, General Urban Plan, or other relevant plans.

The Administration may, however, reimpose urban expropriation if the following conditions are met cumulatively:

- A serious urban planning need is identified, and
- It is demonstrated that there is both the intention and the ability to immediately compensate the affected property owners.

Regarding the specific building terms for the reclassified buildable area, the Council of State ruled that the more favorable coverage ratio of 60% under article 12 para. 1 of the New Building Regulation (in Greek “NOK”) applies, instead of the 70% ratio previously provided under article 8 para. 1 of Law 1577/1985 (General Building Regulation – in Greek “ΓOK”), as this is more beneficial for the environment and the living conditions of local residents.

This is a significant judicial decision by the Council of State, as it paves the way for the development of several properties that were expropriated for public utility purposes but were never actually utilized for such purposes.

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