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Building Permit Acquisition in Ghana: The Situation in Kumasi

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Abstract
Granting of building permits by District, Municipal and Metropolitan Authorities is an administrative procedure adopted to ensure that the development of communities in a particular area or jurisdiction is controlled and carried out as planned. It is a notable fact that many infrastructural projects and developments are taking place without approval from the statutory bodies in the district, municipal and metropolitan communities. This has resulted in unplanned siting of building structures, use of unapproved drawings, building on water ways etc. within the metropolis and other urban centres all over the country. This has become a national canker which needs to be addressed. This problem prompted the need to carry out a research on granting of building permits and the challenges associated with its acquisition in the Kumasi metropolis. Questionnaires were administered to architects, building inspectors, landlords and landladies, land officers and members of Kumasi Planning Committee (KPC) for an understanding of the permit acquisition process. Interviews were also conducted among stakeholders and professionals for their views on the matters relating to the subject under study. The study established that the procedure for acquiring building permit is too long and because of land insecurity, owners are forced to initiate a project to safeguard the land which they may have acquired and already costs a fortune. The study came out with some recommendations that stringent measures will have to be put in place by authorities to eliminate the processing delays. It further suggested that there could be more regularly held meetings to screen applications and networking of the Town and Country Planning Department, Lands Commission and Engineers/ Works Department of the Assembly. It recommended that logistics and transportation in the form of motor bikes perhaps will aid faster inspection of buildings in the various localities by the building inspectors.
Keywords: Building permit, KMA, KPC, MMDAs, TCPD.

1.0 Introduction

The issuing of building permits is one of the means through which Metropolitan, Municipal and District Assemblies (MMDAs) control physical developments in their respective jurisdiction. MMDAs are mandated by the Local Government Act 1993, Act 462 to issue building permits, a legal document, to prospective developers to permit them to put up buildings in accordance to specifications in their drawings and in line with the development code and guidelines set by the assembly. The National Building Regulations and the Assemblies' bylaws also regulate activities' of these developers.By properly managing the issuance of building permits, MMDAs seek to ensure that:

- Building standards are maintained
- Physical developments are in accordance with the development code and guidelines
- Building permits are issued in a timely manner
- Developers are educated on the need to procure building permit for effective monitoring of projects
- Revenue is generated through building permit fees. (Auditor-General Report, 2011)

The Saturday May 31 2008 and Tuesday June 17 2008 editions of the Daily Graphic newspaper included feature headlines: '*Ignorance of building regulations causing chaos in town planning*' and '*Stop work produce permit*'respectively, are but a few examples.

According to Ghana News Agency (2009), Otumfuo Osei Tutu II, the Asantehene (traditional leader of the Ashanti Kingdom) in one of his routine inspections of Kumasi Metropolis expressed worry at the rapid rate at which unplanned and unauthorized structures were springing up in some parts of the city.

In their days of the month of November 2012, a six storey building housing Melcom(a chain supermarket) at Achimota collapse killing about forty people. So severe was the impact that national activities came to a standstill including even campaign tours of presidential candidates. As the hullabaloo of the collapse was going on media stations, a shocking news was revealed by the MP for the Achimota area and was confirmed by AMA Chief Executive that: owners of the six storey building did not acquire a building permit before the commencement of the project. The Member of Parliament for Okaikoi South, and the Chief Executive of Accra Metropolitan Assembly, later confirmed the status of the collapse building. The building inspector of the Okaikoi North Sub-metro Assembly, who was expected to ensure that a permit was issued before the building was put up, had turned himself into an agent of the developer and helped him to breach laid down procedures by starting the project without a permit. The building inspector, according to the report, was the same person supervising the construction of houses in the Achimota area where the Melcom disaster had occurred. (Bentil, 2012).

In an article by Asante (2012) titled "*The collapse of the Melcom store at Achimota confirms institutional failure, official incompetence and the acceptance of petty corruption by us the people of Ghana"* he noted that officials in various organisations are paid to ensure compliance with rules and regulations before licenses are granted for the erection of buildings. Unfortunately, however, all that some officials did was to paint notices of "*STOP WORK OR PRODUCE PERMIT*" on structures being constructed. The owner of the structure then sees the official or officials concerned "does custom" that is pays bribes and officialdom turns a blind eye on the illegal construction. Law –abiding citizens find it impossible to follow laid down procedures. They receive no replies to letters, request and applications sent to the MMDAs. Therefore, they submit plans and the relevant documents to authority and proceed to build. (Asante, 2012).

Building permit approval and eventual acquisition is a measure to assess designs and ensure that the quality of development in a particular area at the design stage conforms to the given standards and building guidelines set by the Planning Authorities in that specific district. Taiwo and Afolami (2011) cited Oyewande (1992) in his study in Nigeria that 50 per cent of the causes of building failure are as a result of poor or faulty design and this could be checked if the building permit process was done thoroughly.

Building permits provide the authorization for project owners to proceed with the construction or reconfiguration of a specific structure at a particular site, in accordance with the approved codes and specifications that produces quality in the construction process. The building permit is a legal document covering any building property for which its plans are found to be suitable for implementation and eventual human habitation or use. Building permits are commonly granted to cover permanent structures, which include residential, industrial, commercial buildings, as well as temporary or makeshift structures such as kiosks, metal sea containers, locally fabricated metal containers otherwise known as container shops and that of advertising hoardings or signs. These formal approvals also provide the necessary guarantees that a proposed building or related structure is to a large extent suitable for construction. It means that the proposed land to accommodate the building is ideal, the material specifications for the building are satisfactory, the general architectural, engineering and planning standards have been met and in every way conducive for human use whether for commercial, industrial production, recreation , worship activity or residential. (Ghana Districts.com 2013)

1.1 Limitation of the Study

It is worth noting that in this area not very much published research has been carried out prior to this investigation and so it was appropriate to rely on reports and documentation on deliberation and discussions held at the local Government Level. The absence of prior research had also created a vacuum regarding data that needed to be assembled as part of the data collection procedure either from the District, Municipal or Metropolitan Assembly which is the key stakeholder and the primary and secondary source of information .

2.0 Background of Kumasi Metropolis

The Kumasi Metropolis is centrally located in the Ashanti Region of Ghana. Its unique central position makes it accessible from all corners of the country. It is the second largest city in the country and the administrative capital of Ashanti. It is a fast growing Metropolis with an estimated population of more than two million people and an annual growth rate of about 5.4%. The Metropolis is about 254 kilometers; its physical structure is basically circular with a central located commercial area. There are high concentrations of economic activities in and around the city. The first and most important location is the Central Business District (CBD), which embraces the Kejetia Lorry Park, the Central Market and the Adum Shopping Centre. The other economics nodes include the Suame Magazine (Vehicle Repair Centre) the Kaase/Asokwa Industrial Area and the Anloga Wood Market. Most industries which deal in Timber processing, logging, Food processing and Soap making are concentrated at the Kaase/Asokwa Industrial Area. There is also number of satellite markets in the metropolis. These include Asafo Market, Bantama Market, Oforikrom Market and Atonsu Markets. It is estimated that 48%, 46% and 60% of the Metropolis are urban, peri-urban and rural respectively, confirming the fast rate of urbanization.

2.1 Profile of Kumasi Metropolitan Assembly

The Kumasi Metropolitan Assembly, which is the second largest city in Ghana and the only metropolis in the Ashanti Region, constitutes the highest political authority in the metropolis. It was established by Legislative Instrument 1614 of 1995 under the Local Government Law 1988, PNDC Law 207, which is now replaced by the Local Government Act 462, (1993).

The LI 1604, which was amended as LI 1805, (2005), guides, directs and supervises all other administrative authority in the metropolis. It also divides the Kumasi Metropolitan Assembly into ten sub Metropolitan District Councils namely Asokwa, Subin, Nhyieaso, Bantama, Manhyia, Kwadaso, Oforikrom, Tafo, Suame and Asawase. As part of its sub-structures, the Assembly has 24 Town Councils and 419 Unit Committees. The Kumasi Metropolitan Assembly is made up of 87 members with 60 elected members and 27 members appointed by the government. The metropolis shares boundaries with the Bosomtwe District to the south, Ejisu Juaben Municipal Assembly to the East, Kwabre and AfigyaKwabre Districts to the North, Atwima

Kwanwoma and Atwima Nwabiagya Districts to the West. The Committee is chaired by the Metro Chief Executive, who is the political head of the Assembly and operates through seven sub-committees. The Metropolitan Chief Executive is supported in the administration of the Assembly by the Metropolitan Coordinating Director and his subordinate staff.

The Assembly is further supported in its development programmes by nine (9) other departments:

1. Metropolitan Education, Youth and Sports Department.
2. Metropolitan Social Welfare and Community Development Department.
3. Metropolitan Health Department.
4. Metropolitan Works Department.
5. Metropolitan Physical Planning Department.
6. Metropolitan Natural Resources Department.
7. Metropolitan Disaster Prevention Department.
8. Metropolitan Trade and Industry Department.
9. Metropolitan Urban Roads Department.

2.2 Regulatory Framework

Ghana has a number of planning regulations which were put up to guide the development of structures in both urban and rural areas. For example, the Local Government Law of 1993 (Act 462) had in sections 51 and 52 that unauthorized structures on any of public properties (lands) such as schools, market and sanitation sites, open spaces, nature reserves, parks and roads, could be stopped and even demolished without notice, and developers surcharged with the cost of demolition. Other planning acts that have been formulated to regulate urban growth are the National Building Regulation of 1996 (LI 1630), the National Building Regulation of 1996 (LI 1630), and the Town and Country Planning Ordinance of 1945 (Cap 84), Office of the Administrator of Stool Lands Act 481,the National Development Planning (Systems) Act of 1994 (Act 480); and the National Development Planning Commission Act of 1994 (Act 479). In addition to the above regulations, Ghana has established formal Land Planning and Management Institutions that are backed by law to plan, control and ensure harmonious, sustainable and cost effective development of human settlements in accordance with sound environmental and planning principles (Town and Country Planning Department, 2007). These institutions include the District Assemblies, Town and Country Planning Department (TCPD), Land Title Registry, Survey Department, Lands Commission, and the Administrator of Stool Lands Department.

A new Lands Commission Act, 2008 (Act 767) was passed by Parliament in 2008. With this Act the Commission is now responsible for all the issues involved in land administration, surveying and mapping, compensation and valuation, land registration and land management. The Survey Department, Land Valuation Board, Land Title Registry and the Lands Commission Secretariat have been brought under a new Lands Commission with four functional divisions.These are Survey and Mapping Division, Land Registration, Land Valuation and Vested Lands Management Divisions. These form the new structure of the Commission and would provide all the land administration services.

2.3 The Situation in Kumasi

The Kumasi Metropolis appears to be in a more serious situation compared to Accra. This unacceptable development that the country is experiencing is attributed to building construction activities without proper authorization and without building permit. In a rare but, interesting report by Freiku (2003) in an article titled "Kumasi Development Getting Worse, Chaotic", the poor state of building development administration in Kumasi Township was clearly painted; thus 80 per cent of buildings in the metropolis are without building permits. Between 1990 and 2000 only 7.2 per cent of buildings in the metropolis had permits.

Unebu (2005) postulated that the building permit approval process is bureaucratic and consequently creates high costs overruns on projects from the onset and this is ascribed to high volumes of paper work, long-sitting times required by approving authorities in their bid to vet drawings and grant permits.

Obtaining a building permit at the Kumasi Metropolitan Assembly (KMA) to carry out a building project seems to be often characterized with problems such as delay, high submission cost, improper checks and partial examination of designs. Due to these associated problems, developers resort to putting up buildings without permit. This has resulted in improper sitting of building structures, the use of unapproved drawings, building on waterways, floods and demolishing of unauthorized buildings. A conflict situation therefore results between planning authorities and developers. Based on the constraints outlined above, when most people purchase a parcel of land, for fear that it will be sold out to others, they proceed to start development without recourse to the laid down process of acquiring the necessary development approvals. Consequently, a considerable number of developed properties have no permits (Ministry of Local Government and Rural Development, 2010)

Almer (2005) observed that obtaining building permit from the KMA takes far too long, as documents and files need to go through the whole organization before the permit can be granted. This results in erection of unauthorized structures on waterways, the massive development of slums, limited supply of social amenities,

increase in crime and other social vices, bribery and corruption, lack of faith in the Assembly and the government, low revenue generation, amongst others.
Building Permits are generally seen by the public as a document difficult to obtain from the appointed agencies. Complaints about poor public relations, undue delays and lack of effective means of correspondence make up additional problems associated with permit administration. Many developers as well as the public and housing agencies lack knowledge about the essence of a permit, conditions attached to acquisition of permit, the rights of every property owner with regards to approved development and the acceptable related procedures.

3.0 Methodology

The study adopted the mixed method approach and used cross sectional sampling method that sought to find out the issues of building permit within the Kumasi metropolis. The case study design was used because of the contemporary phenomenon experienced in the construction of buildings within the metropolis. The study used both quantitative and qualitative techniques. Both primary and secondary data was sourced for this research. Primary data was obtained by the use of semi-structured interviews and questionnaires. Secondary data sources included information obtain from KMA (Metropolitan Engineers Department and Inspectorate Division), Lands Commission, Administrator of Stool Lands, Town and Country Planning (TCP) and other relevant legislative instruments. The views of other stakeholders were gathered through interviews and questionnaire. These included: building inspectors, architects, land lords/ladies and a section of the general public from whom qualitative responses was solicited. The purposive sampling was used for this study because of the peculiar nature of the research. According to Saunders et al (2007) purposive sampling enables one to use his or her judgment to select cases that will best enable him or her to meet the objectives of the study. Thus purposive sampling was chosen for this study.

4.0 Results and Discussions

The section discusses the perspectives of respondents regarding building permit acquisition and challenges as well as experiences encountered with all stakeholders are presented in tables and graphs below. The findings are discussed below:

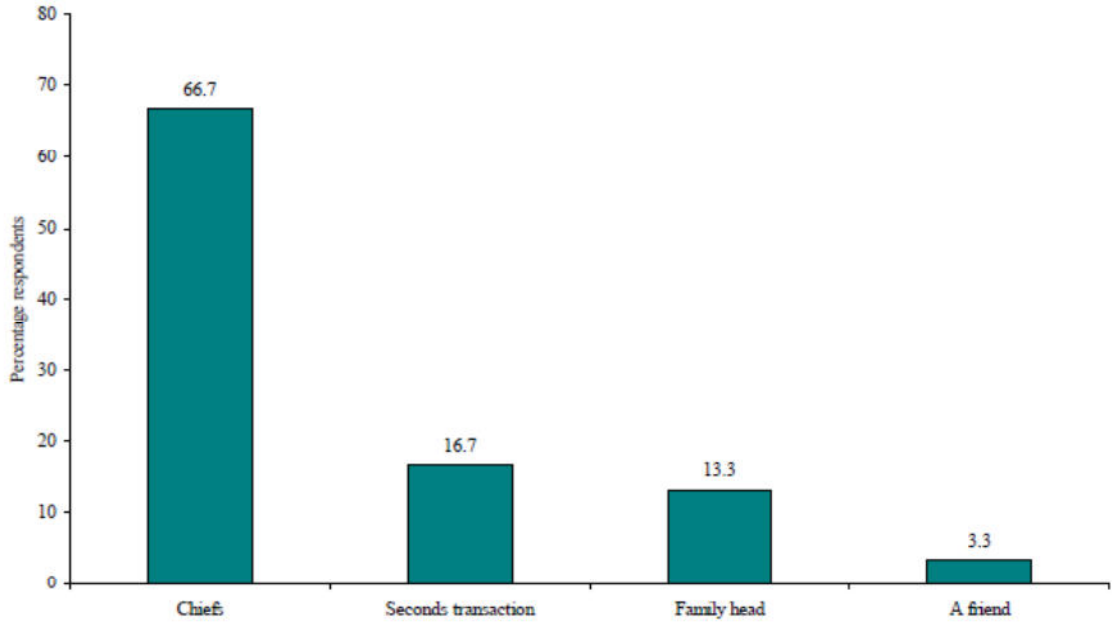

Figure 4.1 Vendors of Land in the Kumasi Metropolis

Many respondents were seen to buy land from the chiefs of communities since more lands are vested in the chiefs in the Ashanti Region and there is usually an outright allocation paper that comes along with purchase. The second transaction involves buying a land from a person/ an entity who first bought the land from a chief. Family heads would usually want to preserve their property as securities for some day ahead for the children and other possible investment plans. Other sources of land acquisition include the middle men/speculators who negotiate for land and seek buyers for business profit deals. Housing is expensive and estate development is a profitable business but involves a lot of capital invested. As such, many people can hardly own a house and thus begin to take steps towards owning a house as early as possible by purchasing land as a first step. Purchases may involve part payments which end up in multiple sales of individual plots of land. These end up in litigations that

drag on almost forever. Having avoided trouble and buying land, it is only natural to want to get started with building so that there are no encroachment issues as well as default in construction commencement, cropping up. Building inspectors are expected to inspect and visit within the month as many buildings as possible that are being constructed. The study revealed that lack of logistics and transportation made it difficult to visit the sites within the metropolis. The bar chart Figure 4.2 presented below give an indication that the highest number of building visited in the month was not more than forty(40) for the entire metropolis and this is regarded as abysmal.

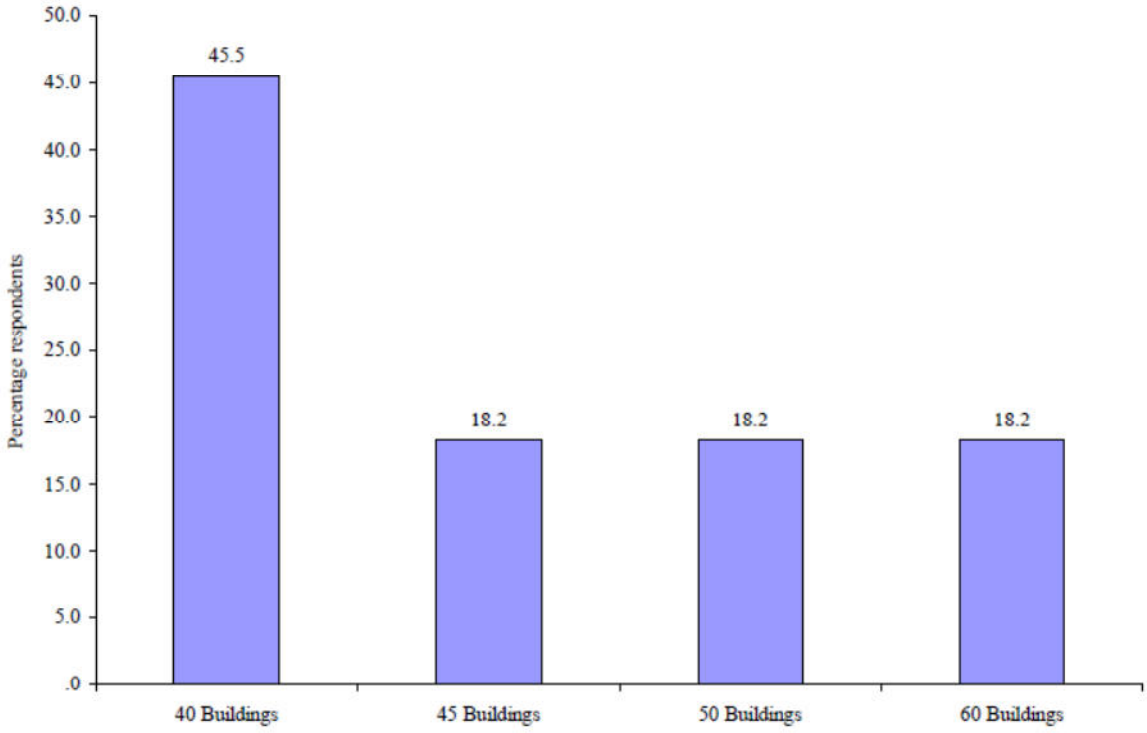

Figure 4.2 Average No. Of Buildings Site Visited Monthly By Inspectors

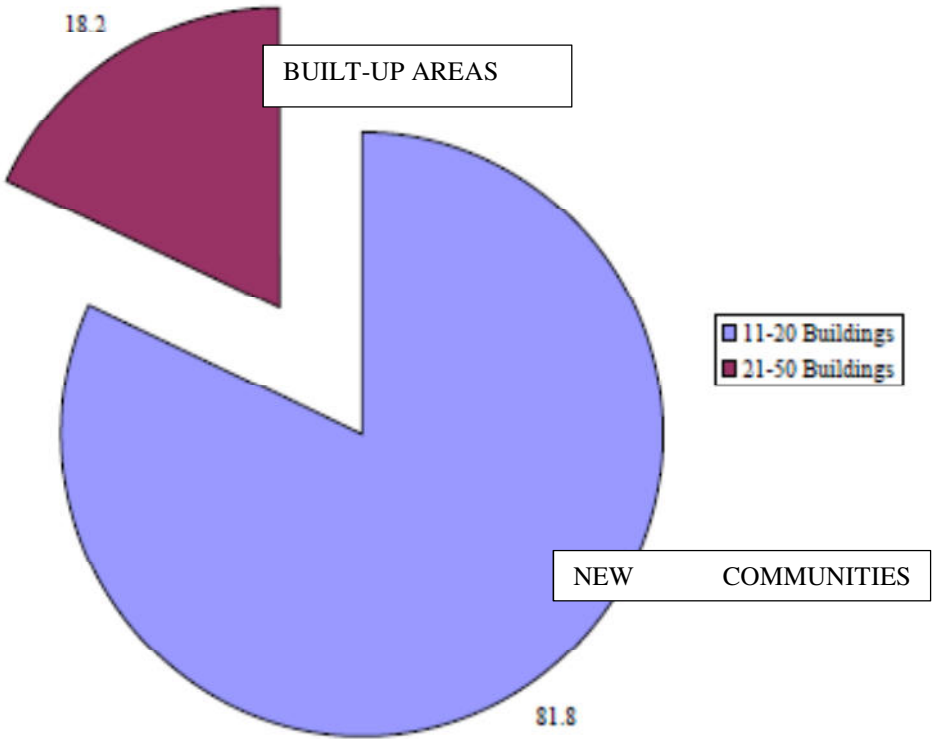

Figure 4.3 Average Percentage No. Of Unauthorized Structures Identified And Halted Per Month By Building Inspectors Within Built- Up Areas And New Communities.

Figure 4.3 depicts the fact that the inspectorate division has more of its personnel and professionals having to stop domestic building projects all the time in the metropolis due to the absence of authorization. This is on the higher side because looking at the percentage number of respondents declared, the number of projects supervised per month and the percentage number of projects declared to stop work, they are quite close-approximately half of the total number of projects inspected. The question remains "why many of these projects end up being stopped along the line?"

FIG. 4.3 a & b. Warning Inscription, “Stop Work Produce Permit” Or To Be Demolished Due To Flouting Of Building Regulation.

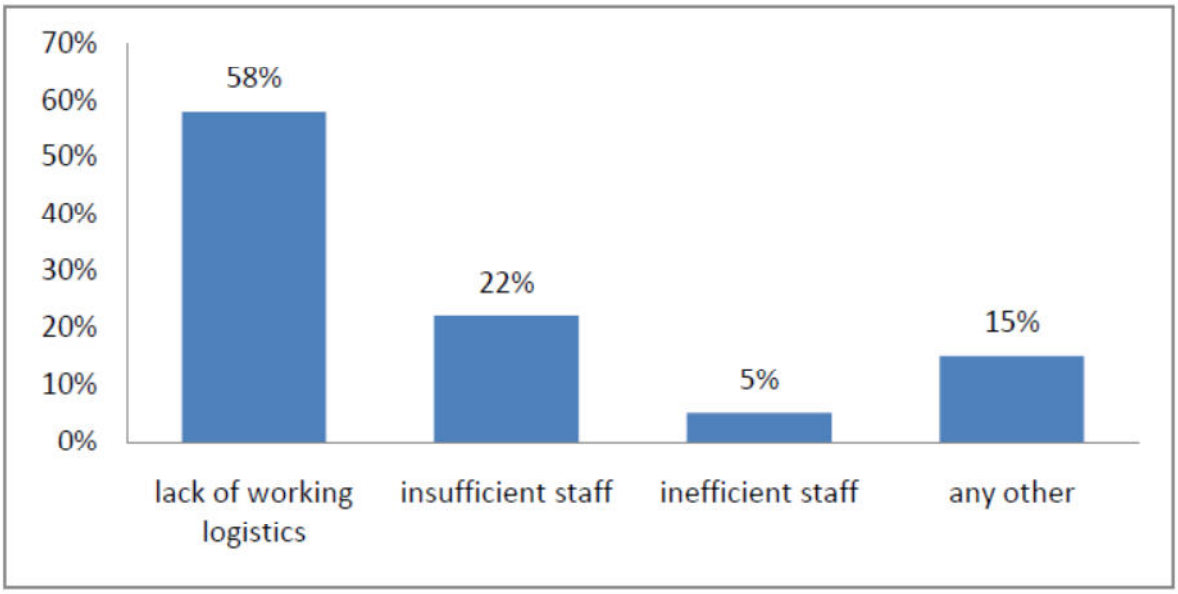

Figure 4.4 Challenges of Inspectorate Division

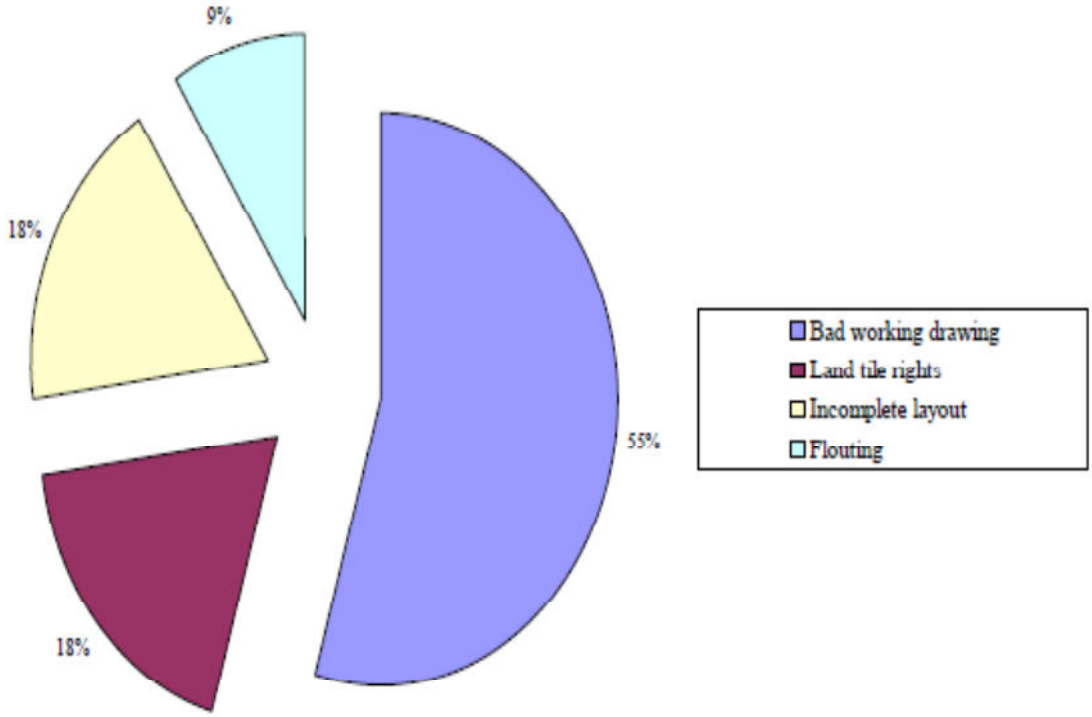

Figure 4.5 Common Reasons for Delayed Building Permits (Inspectors Perspective)

Part of the reasons why permits delay is seen in Figure 4.4 and Figure 4.5. The combination of lack of logistics, adequate and competent professionals from the assembly coupled with wrong and inadequate documentation on the land and improper design provide the bases for the cause of delay in the approval process. This implies that more effort has to be made by the few qualified and experienced staff to assess projects within the regular stipulated time. Logistics like means of transport is the most pressing need for the inspectors. From their reported experiences, non-conforming working drawings is the main challenge for having building permits either delayed or denied completely. Other challenges including incomplete set of documentation on land. Building permits can be denied even when the projects have taken off.

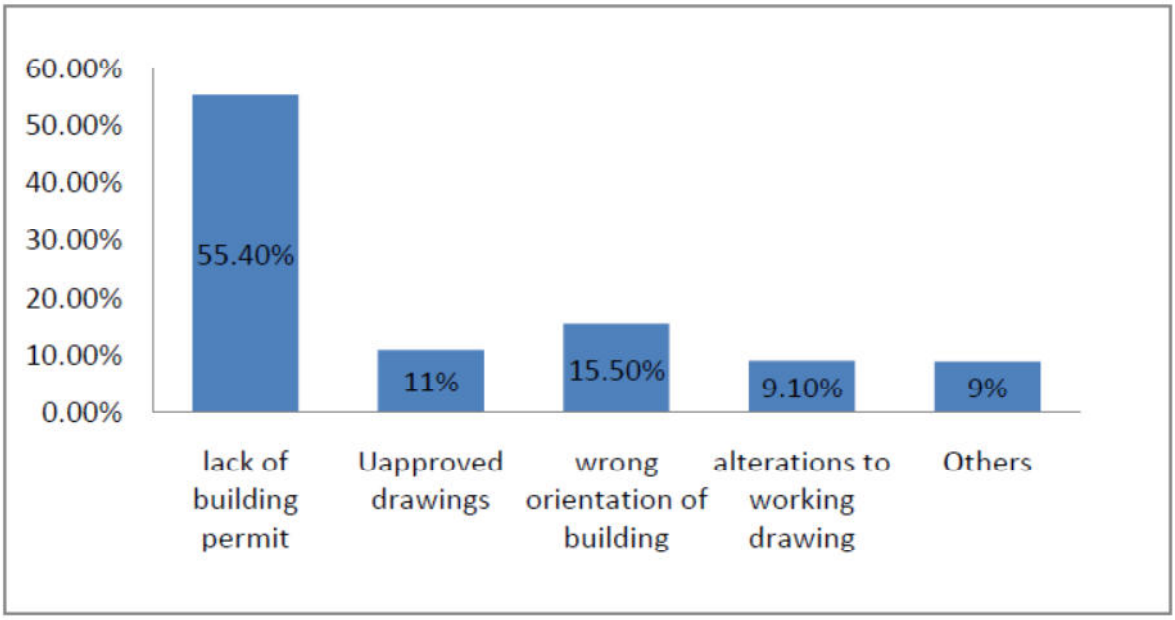

Fig 4.6 Common Reasons for Stopping On - Going Projects

High among the reasons is the lack of building permits which suggest that many people as a result of the delays in acquiring the building permits actually starts building without the building permits. Other reasons are unapproved drawings, wrong orientation of buildings and alterations to drawings without approval.

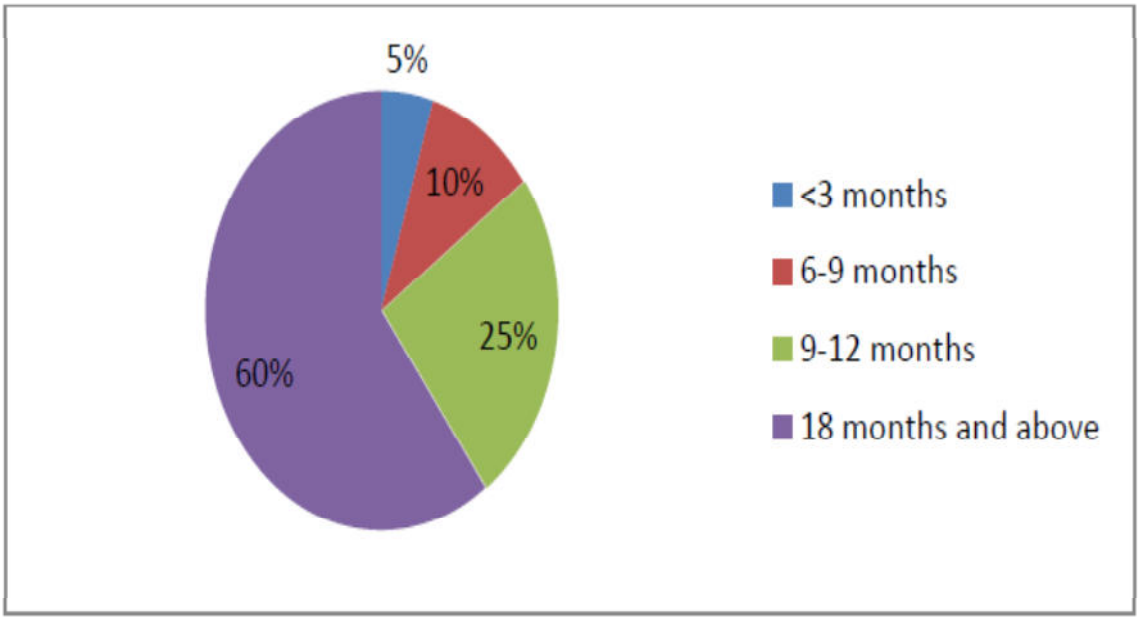

Figure 4.7. Time Lapse for Acquisition after Submitting Drawings for Approval in Percentages

Most respondents including building owners and architects indicated that they received building permits in excess of three (3) months. Figure 4.7 shows that 60 percent of respondents received their permits beyond 18 months after submitting applications. This implies that if they have the funding, they may as well have started their building or housing projects since the law allows a projects to take off after three months of having applied for a permit. In addition, 66.60 percent of landlords acquired their land titles beyond the 18 month of application. The data in Figure 4.6 reinforces the fact that there are other causes of interruptions of construction projects other than the traditional known reason of approval.

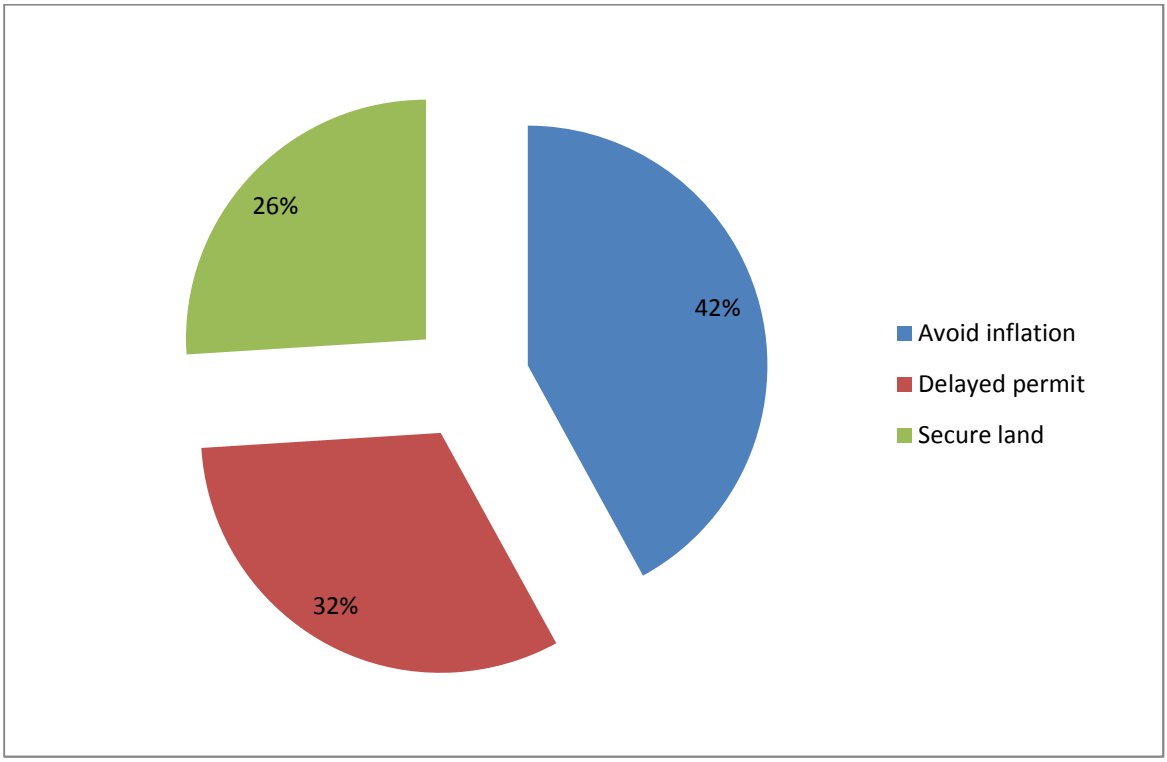

Figure 4.8 Reasons for Building Without Permit. (Architects Perspective)

Figure 4.8 shows the reasons why the architect respondents ended up encouraging commencement of building projects without permits. For the fear of facing land litigations that came along with encroachments, both architects and landlords indicated the desire to avoid unnecessary financial stress due to inflation rate on prices of building materials. Cement for instance can be bought but cannot be kept for too long and thus project must commence to follow through with construction plans, whilst avoiding price volatility.

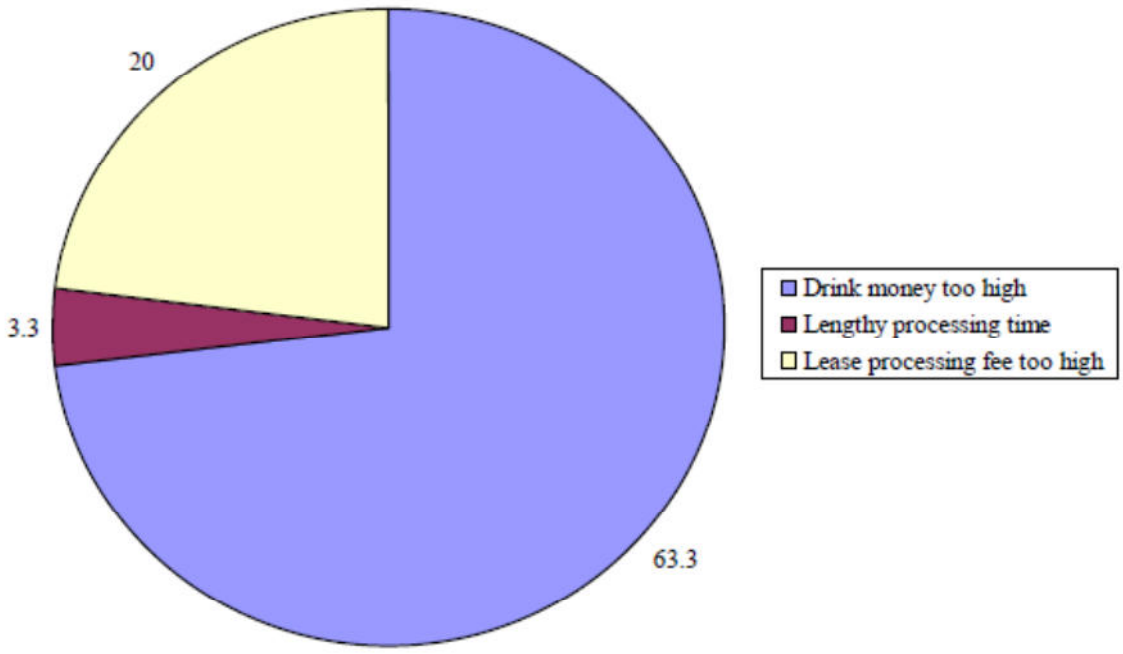

Figure 4.9 Reasons for Delay in the Acquisition of Lease for Land

The process of acquiring leases for the land purchased which is also fundamental to the approval process was documented as a key issue in the acquisition process. The analysis indicated that 63.6 percent of the respondent

found the price of land coupled with the customary ancillary cost for lease processing was too high. Second, 20 percent of the respondents admitted that cost of payment at the Lands Commission for the payment of the stamp duty and associated fees was overbearing, whilst 3 percent admitted that length of time was also prohibitive.

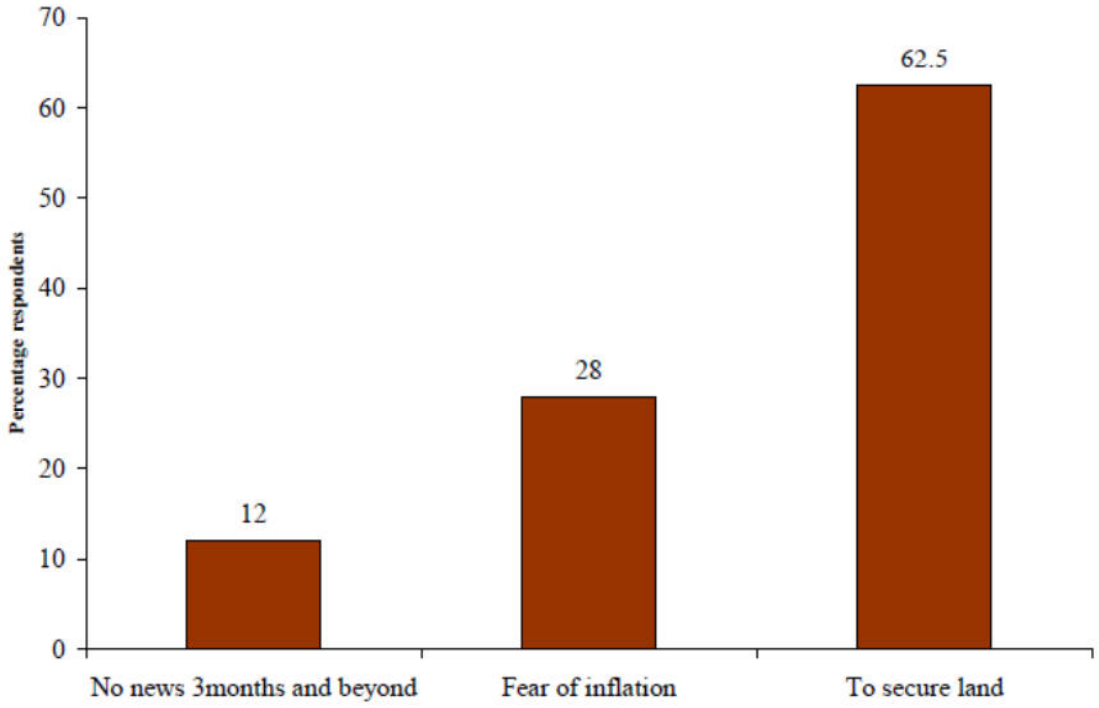

Figure 4.10 Reasons for Landlords Commencing Projects without Approval

Inference from Figure 4.8 and Figure 4.10 shows that 62.50 percent of respondents (landlords) have no option but to secure land by initiating a building activity. Since building materials are imported, the prices are hardly steady. It is also observed from figure 4.9 that the customary money demanded for lease is too much and many cannot afford. Already land costs so much and it is expected that client's pay 1/3 the market value of the land as drink money.

From the findings, It seems to be a general observation that the unduly long processing time and the effort to secure land are the most common reasons for commencement of projects (whether approved or not).

5.0 Conclusions and Recommendations

There is the need for the Planning Authorities to create awareness about the issues regarding approval and also educate stakeholders for the need to acquire permits before buildings a project commences or face the consequent implications. The lack of respect and adherence to the laid down procedures constitute the reason why there are flaws in the approval process which seemed to account for the reason why building permits are not granted on time. It is again obvious that the procedure for acquiring leases and building permits was too long and because of land insecurity, owners were forced to initiate building projects to safeguard the land which already costs a fortune. It is recommended that training should be organized for all stakeholders who seem to have very little knowledge of the building design and implementation processes. Measures will be needed to be put in place by MMDAs to eliminate the delays in the approval process. Perhaps there could be more regularly held meetings to screen applications and the Planning Authorities must consider networking of all the agencies responsible for processing building permits namely Town and Country Planning Department, Lands Commission and the Works Department of the Assembly. Some form of transportation in the form of motor bikes perhaps will aid faster inspection of building and projects sites by the field officers. The provision of logistics such as GPS/GIS systems to improve the work of the inspectorate division facilitate access to data is also recommended

Finally, and again there is the need to increase public awareness of the procedures regarding the acquisition of the building permits.

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