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Heruntergeladen am 27.07.2025

<https://fimportal.de/xzufi-services/1841/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99033011006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Monument protection; application for permission for measures on architectural and ground monuments
Typisierung	4 - Land: Regelung
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	27.06.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wissenschaft und Kunst (Bavarian State Ministry of Science and the Arts)
Handlungsgrundlage	https://www.gesetze-bayern.de/Content/Document/BayDSchG-6 https://www.gesetze-bayern.de/Content/Document/BayDSchG-6 https://www.gesetze-bayern.de/Content/Document/BayDSchG-7 https://www.gesetze-bayern.de/Content/Document/BayDSchG-7 https://www.gesetze-bayern.de/Content/Document/BayDSchG-15 https://www.gesetze-bayern.de/Content/Document/BayDSchG-15 https://www.gesetze-bayern.de/Content/Document/BayDSchG-17 https://www.gesetze-bayern.de/Content/Document/BayDSchG-17
Teaser	If you want to carry out measures on architectural or ground monuments or in the vicinity of such monuments, you will in many cases require permits in accordance with the German Monument Protection Act (DSchG).
Volltext	<p>As a rule, measures relating to architectural or ground monuments or movable monuments entered in the list of monuments are only permitted if the lower monument protection authority (districts, independent cities and large district towns) has granted permission beforehand. The most important cases are listed below:</p> <p>Monuments / movable monuments entered in the list of monuments</p> <p>For all measures that involve the removal, alteration or relocation of a listed building and for most measures relating to protected furnishings, you require a permit under monument protection law. You also need such a permit if you want to erect, alter or remove structures in the vicinity of a listed building - but only if the measure you are planning may have an impact on the existence or appearance of the listed building.</p>

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A separate permit under monument protection law is not required if you need a building permit or an excavation permit for your project. In these cases, monument protection is "processed" as part of the building permit procedure or the excavation supervisory approval procedure. Please note that you always require a permit under monument protection law for measures on monuments for which you do not need a building permit!

You have a legal entitlement to a permit under monument protection law unless there are important reasons for maintaining the existing state of the monument unchanged. However, if there are such reasons - and this is often the case - permission can be refused. Instead of refusing permission, the licensing authority can grant it subject to conditions or other ancillary provisions designed to ensure that a solution compatible with the monument is implemented. This is a very common approach in practice. These principles also apply to projects requiring planning permission on monuments.

Ground monuments

You need a permit under monument protection law if you want to dig specifically for ground monuments. However, you must also obtain a permit if you want or need to carry out excavation work for other reasons that may affect ground monuments. In this case, it is sufficient that you suspect or must assume from the circumstances that there are ground monuments on your property. This includes, in particular, the case that you want to build on a plot of land on which there are ground monuments.

The monument protection authority can refuse permission in these cases if this is necessary to protect a ground monument. Here too, there is the option of granting permission subject to conditions or other ancillary provisions. Some lower monument protection authorities have developed special forms for the permit procedure under monument protection law for their area. Your local monument protection authority

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will be happy to advise you.

A permit is also required for the use of technical detection equipment on ground monuments for authorized professional purposes. Use for purposes other than professional purposes is prohibited.

Advice offered by municipalities

In addition, it should be noted that municipal statutes may also impose additional requirements on construction measures, particularly in terms of design. It is advisable to seek advice from the local authority at an early stage.

Erforderliche Unterlagen

- Depending on the individual case, you may have to submit different documents, for example Plans Documentations Photographs expert opinions Powers of attorney Contact the responsible office. They will tell you which documents you need for your approval procedure.

Voraussetzungen

A permit under monument protection law is required for monuments / movable monuments entered in the list of monuments :

- for all measures that involve the removal, alteration or relocation of a monument
- for most measures relating to protected furnishings
- if you wish to erect, alter or remove structures in the vicinity of a listed building and the planned measure may affect the existing structure or the appearance of the listed building

A permit under monument protection law for ground monuments is required if

- you want to dig specifically for ground monuments
- you want or need to carry out excavation work for other reasons that may have an impact on ground monuments It is sufficient if you suspect or have to assume from the circumstances that there are ground monuments on your property. This includes, in particular, the case that you want to build on a property on which there are ground monuments.

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	<ul style="list-style-type: none"> • you are using technical locating equipment on ground monuments for legitimate professional purposes
Kosten	Permits under the DSchG are free of charge. On the other hand, the usual cost regulations apply to building permits relating to monuments.
Verfahrensablauf	You must apply in writing or via the online procedure provided for permission to carry out measures on architectural and archaeological monuments at the relevant Lower Monument Protection Authority.
Bearbeitungsdauer	
Frist	There are no deadlines or dates for the listed building permit procedure. Please note, however, that permission must be granted if you want to start work. You should also bear in mind that the measures required in the conditions or ancillary provisions may take time. It is therefore advisable to submit the permit application as early as possible. The point of contact is always the Lower Monument Protection Authority, which will then forward it immediately to the municipality for its opinion.
weiterführende Informationen	http://www.stmwk.bayern.de/kunst-und-kultur/denkmalerschutz.html http://www.stmwk.bayern.de/kunst-und-kultur/denkmalerschutz.html https://www.blfd.bayern.de/mam/information_und_service/denkmaleigentuer/2017_broschuere_denkmaleigentuer.pdf https://www.blfd.bayern.de/mam/information_und_service/denkmaleigentuer/2017_broschuere_denkmaleigentuer.pdf
Hinweise	
Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	

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Ursprungsportal	BayernPortal, BayernPortal