

99012102101000, 99012102101000

Applying for exemption from approval for the change of use of a facility

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/308886765/L100012>

Modul	Sachverhalt
Leistungsschlüssel	99012102101000, 99012102101000
Leistungsbezeichnung I	Applying for exemption from approval for the change of use of a facility
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Schleswig-Holstein
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Baurecht (012)
Verrichtungskennung	Mitteilung (101)
SDG-Informationsbereich	Kauf und Verkauf von Immobilien, einschließlich aller Bedingungen und Pflichten im Zusammenhang mit der

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	Besteuerung, dem Eigentum oder der Nutzung von Immobilien (auch als Zweitwohnsitz)
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400), Bauverfahren (2050500), Hausbau und Immobilienerwerb (1050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.11.2024
Fachlich freigegeben durch	Ministry of the Interior, Municipal Affairs, Housing and Sport of the State of Schleswig-Holstein
Handlungsgrundlage	https://www.gesetze-rechtsprechung.sh.juris.de/bssh/document/jlr-BauOSH2022pP62 https://www.gesetze-rechtsprechung.sh.juris.de/perma?j=BauAufs%C3%9CV_SH https://www.gesetze-rechtsprechung.sh.juris.de/perma?j=BauVorIV_SH_Teil_2 https://www.gesetze-rechtsprechung.sh.juris.de/bssh/document/jlr-BauOSH2022pP62 https://www.gesetze-rechtsprechung.sh.juris.de/perma?j=BauAufs%C3%9CV_SH https://www.gesetze-rechtsprechung.sh.juris.de/perma?j=BauVorIV_SH_Teil_2
Teaser	If you want to use buildings differently than before, you can do so without a permit under certain conditions.
Volltext	<p>The permit exemption procedure allows you to build without planning permission under certain conditions.</p> <p>You can carry out building projects within the scope of a development plan if they comply with the provisions of the plan. This includes the construction, modification and change of use of buildings, as long as they are not special buildings. This also includes the modernization or replacement of installations for the generation of electricity from renewable energies (repowering).</p> <p>In unplanned inner areas, it is possible to convert attics for residential purposes or to change their use. The</p>

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construction of dormer windows is also permitted in this context, provided the building is not a special building.

Erforderliche Unterlagen

- Extract from the real estate map
- Site plan
- Construction drawings
- Building description

Depending on the purpose of the building project, you can or must submit further building documents. These are, for example

- Proof of stability
- Proof of fire protection
- Other structural engineering certificates
- Information on the secured development with regard to the supply of water and energy as well as the disposal of waste water and traffic development
- Calculation of the permitted, existing and planned extent of building use
- Description of operations
- Information on the implementation of accessibility
- Parking spaces
- Statistical survey form

Required for advertising facilities:

- Extract from the real estate map at a scale no smaller than 1:500 with an indication of the location
- Drawing at a scale no smaller than 1:50 and description or other suitable representation of the advertising installation, such as a colored photograph or a colored photo montage
- Proof of stability, insofar as it has been checked by the building authorities, otherwise the declaration of the installer of the structural proofs

Voraussetzungen

- Your building project complies with public law regulations and meets the requirements for exemption from approval.
- If not, you can apply for a building permit for the project, in which exceptions and exemptions from the provisions of the development plan can also be granted.

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	<ul style="list-style-type: none"> • As a general rule, you must commission an authorized draftsman - for example a civil engineer or an architect.
Kosten	4 euros per 1,000 euros or part thereof of the chargeable building values
Verfahrensablauf	<p>You can apply for an exemption from approval for the change of use of a facility electronically via the online service or in writing in paper form.</p> <p>If you use the online service, proceed as follows:</p> <ul style="list-style-type: none"> • Log in with your user account. To submit an application as a private individual, you need a BundID account. If you are applying on behalf of an organization (company, public authority, etc.), you will need a "My company account". • Complete the online form. • Add the required building documents. • Submit the application documents to the responsible lower building supervisory authority. • If necessary, the lower building supervisory authority will ask you to pay the fees in advance. • Make the advance payment. • If documents are missing or there are other ambiguities, you will be asked to rectify these. • In this case, submit the missing or amended documents and/or the clarification. • The lower building supervisory authority will review your application and involve the relevant authorities whose participation or consultation is required. • You will then receive the building permit and a notification of fees. • You pay the fees. <p>Exemption from approval is granted one month after receipt of the required building documents by the local authority if the local authority does not object to the exemption from approval within the one-month period. Exemption from approval can also be granted earlier if the municipality informs the client before the deadline that no approval procedure is to be carried out and no prohibition is applied for.</p>

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	<p>However, work on the project that has been exempted from approval may only begin when</p> <ul style="list-style-type: none"> • the structural engineering certificates (checked by the building authorities if necessary) are available, • the site area has been marked out and the height has been determined and • the start of construction has been notified. <p>If the structural engineering certificates have to be checked by the building authorities, you should submit them to the lower building supervisory authority as soon as possible. This is because the inspection must be commissioned by the lower building supervisory authority and takes some time.</p>
Bearbeitungsdauer	1 Monat(e)
Frist	<p>3 Jahr(e)</p> <p>You must start construction work within 3 years of receiving planning permission. You may then interrupt the construction work for a maximum of 3 years. In cases where you have started construction work within 3 years, you can have the building permit extended by 3 years.</p>
weiterführende Informationen	<p>https://www.schleswig-holstein.de/DE/fachinhalte/B/bauen/bauordnung.html</p> <p>https://www.schleswig-holstein.de/DE/landesregierung/themen/planen-bauen-wohnen/bauen/bauen_node.html</p> <p>https://www.schleswig-holstein.de/DE/fachinhalte/B/bauen/bauordnung.html</p> <p>https://www.schleswig-holstein.de/DE/landesregierung/themen/planen-bauen-wohnen/bauen/bauen_node.html</p>
Hinweise	<p>You cannot obtain a permit exemption for special buildings or facilities that contain residential units with a total gross area of more than 5,000m². It is also not possible to obtain a permit exemption for public facilities if they can hold more than 100 visitors.</p> <p>Before a building application is submitted, you can apply for a preliminary decision on individual questions relating to the building project, for example whether</p>

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the planned building project is permitted under building planning law at this location

It should be noted that the construction, modification or change of use of a building without the required building permit constitutes an administrative offense and can be punished with a fine. There is also the risk that an unauthorized construction project that has been started may be stopped or its use prohibited. Furthermore, removal can be ordered.

If you have a building permit, you must submit a notification of commencement of construction to the lower building supervisory authority at least one week before the change of use of the facility begins.

You must obtain any necessary technical approvals or permits yourself before starting construction work. If construction work is started without the legal requirements being met, the lower building supervisory authority is authorized to initiate a building supervisory procedure. For example, an order to stop construction work (known as a construction stop notice) may be issued for a fee.

Rechtsbehelf

- Objection
- Complaint

Kurztext

- Change of use of facilities Exemption from approval Notification
- A change of use is deemed to exist if the new use differs from the old use to such an extent that new legal requirements must be observed.
- It is not possible for special buildings.
- It is not possible for buildings that have residential units with a gross floor area of more than 5,000m².
- It is not possible for public facilities if they can be used by more than 100 visitors.
- It is possible for facilities that are to be built within a development plan and do not contradict the development plan.
- Responsible authority: Lower building supervisory authority of the district or independent city or lower building supervisory authority of the city or municipality to which the task has been assigned

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Ansprechpunkt	Lower building supervisory authority
Zuständige Stelle	
Formulare	
Ursprungsportal	Genehmigungsfreistellung für die Nutzungsänderung einer Anlage beantragen, Applying for exemption from approval for the change of use of a facility