



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13277

Our File Reference Number: Erf 3498 Franschhoek

Your Reference Number:

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**PER E-MAIL:** [REDACTED]

Mr Lombaard

## **APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015): APPLICATION FOR CONSENT USE: ERF 3498 FRANSCHHOEK**

1. This Municipality's decision letter dated 9 February 2023, refers. The appeal process has now been concluded.
2. The Appeal Authority resolved on 9 April 2024 that the appeal submitted against the refusal of the subject application by the Authorised Official on 9 February 2023, **BE DISMISSED** and that the subject decision **BE CONFIRMED** in terms of section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, 2015.
3. The application in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-law, 2015 for a consent use to permit a tourist accommodation establishment, in order to allow for the construction of two new buildings (guest/tourist accommodation units) on the property that will be used together with the existing approved three tourist accommodation units (totalling five bedrooms) on Erf 3498, Franschhoek;

IS REFUSED

4. Reasons for the above decision are as follows:

4.1 In terms of the zoning, the subject property is already developed with the maximum number of three (3) primary dwelling units that is permissible for the size of the property.

4.2 Any undue developments in agricultural areas beyond the scope of planned provisions will result in a cumulative negative impact and erode the rural landscape, the scenic character, and the economic vitality of the agricultural resource and associated scenic and tourism potential.

4.3 An oral appeal was allowed to provide an extra opportunity to advance any unique factors or circumstances. However, there are no unique factors or compelling rationale to deviate from the prescriptive planning provisions and that warrants an alternative decision on the matter.

Yours faithfully



**FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

16-04-2024

**COPIES TO:**

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