



Application Number: LU/15945 (TP435/2023)

Our File Reference Number: Erf 3298, Franschhoek

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION IN TERMS OF SECTION 15 (2)(O) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON ERF 3298 FRANSCHHOEK FOR CONSENT USE TO ESTABLISH TWO (2) NEW SELF-CATERING TOURIST DWELLING UNITS

1. The above application refers.
2. The Municipal Planning Tribunal on the 31 January 2025 resolved as follows:
3. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschhoek to establish two (2) new self-catering tourist dwelling units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:
 - 3.1 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered together within or near the farmstead precinct in support of the character of the rural landscape
 - 3.2 The proposal will lead to the loss of agricultural land and compromise the existing or potential farming activities.
4. The proposal exceeds the number of dwelling units recommended on a property to the extent of 37 ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.

5. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschoek to establish two (2) new self-catering tourist dwelling units **does not** warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:
 6. There are not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units and the location / placement of the proposed units.
 - 6.1 That the following application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Erf 3298 Franschoek for Consent Use to establish two (2) new self-catering tourist dwelling units:

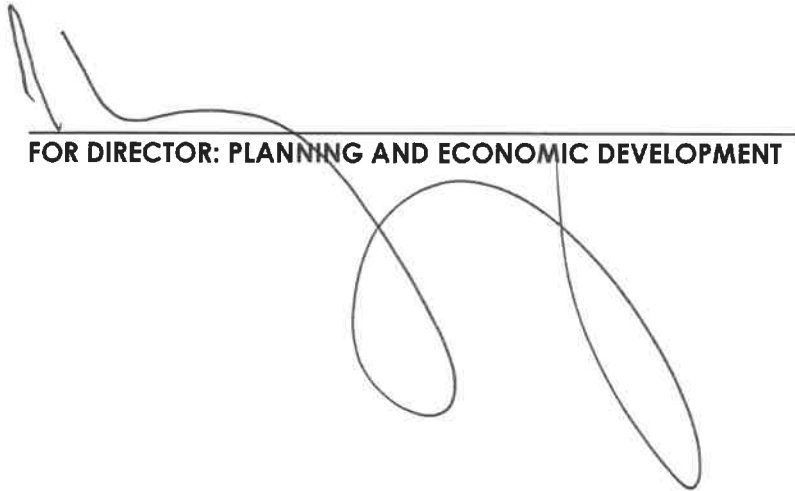
BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:

- 6.1.1 The proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDP as contemplated in terms of Section 19 of LUPA.
- 6.1.2 The proposed development does not warrant site specific circumstances as contemplated in terms of section 22(2) of SPLUMA.
- 6.1.3 The proposed development is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA.
- 6.1.4 The proposal exceeds the number of dwelling units permitted on a property which is 37ha in extent.
- 6.1.5 The proposal infringes on the authenticity of the rural landscape and does not support the natural and heritage significance of the site which is in a sensitive area within a Grade 3A landscape in terms of Heritage Inventory and Management.
- 6.1.6 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered within or near the farmstead precinct but is proposed on productive agricultural land which will lead to the loss of agricultural land and compromise existing or potential farming activities.

- 6.1.7 The property is located adjacent and just outside of the approved urban edge within a transitional area which forms the buffer between the urban area and the rural area, and the development is seen as pre-cursor to urban sprawl.
7. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
8. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.
9. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**
10. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
11. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021 – 808 8684.
12. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

12/3/2025.
DATE