



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17271

Our File Reference Number: Farm 65/13 & 30 Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

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PER E-M

Sir / Madam

APPLICATION FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT, DEPARTURE AND SUBDIVISION ON FARM NO. 65/13 & 30, STELLENBOSCH DIVISION.

1. The above application refers.
2. The Municipal Planning Tribunal on 26 September 2025 resolved as follows:
3. That it **BE DECIDED** that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch Division to establish ten (10) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality Spatial Development Framework (SMSDF) 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 proposal exceeds the number of dwelling units permitted on a property in extent of 16ha as prescribed by the SMSDF for agricultural properties and thus conflicts with the spatial planning objectives of the SMSDF.
4. That it **BE DECIDED** that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch Division to establish ten (10) new tourist accommodation 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:
 - 4.1. There are no convincing unique circumstances or considerations provided to serve as compelling justification to deviate from the prescribed number of additional dwelling units.
5. That the following applications in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 65/13 and 65/30, Stellenbosch Division:
 - 5.1. In terms of Section 15(2)(o) of the said bylaw for a consent use for a tourist accommodation establishment to accommodate 10 tourist accommodation units on Farm No. 65/13, Stellenbosch Division

- 5.2. In terms of Section 15(2)(b) of the said bylaw for a departure to provide no parking bays on Farm No. 65/13, Stellenbosch division, but instead providing the required 10 parking bays on Farm No. 65/30, Stellenbosch Division, requiring that the properties be notarial tied.
- 5.3. In terms of Section 15(2)(d) of the said bylaw for a subdivision to register Lease Area A ($\pm 4206\text{m}^2$) on Farm No. 65/30, Stellenbosch Division and Lease Area B ($\pm 11471\text{m}^2$) over Farm No. 65/13, Stellenbosch Division to enable a long-term lease over the accommodation units and parking area

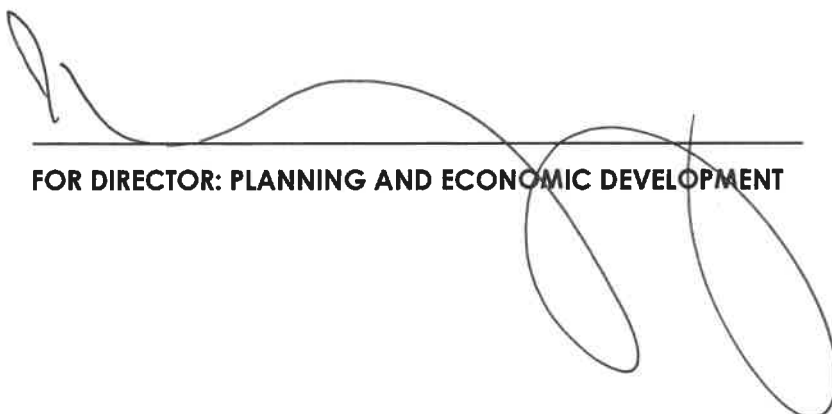
BE REFUSED

6. The **reasons** for the above decision are as follows:

- 6.1. The nature and scale of the subject proposed land use is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA and consequently deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA and there are no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA that warrant justifiable grounds to deviate from the MSDF.
- 6.2. The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 16ha in extent and there are no exceptional or unique considerations provided that would warrant to deviate from the prescribed provisions on the number of additional dwelling units.
- 6.3. Favorable consideration of the subject applications will set a precedent, where such a decision will set a specific course of action or interpretation of the relevant policy and bylaws that will compromise this municipality's mandate to make future decisions of similar nature and locality.
- 6.4. The proposed development therefore contradicts the overall vision, strategic objectives, or principles outlined in the Stellenbosch Municipality's approved Spatial Development Framework and purpose of the subject Agriculture and Rural Zoning category.
- 6.5. The application involves a registered long-term lease agreement that constitutes a subdivision which will fragment agricultural land for an extended period.
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



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

21/10/2025
DATE