



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14498

Our File Reference Number: Farm 1252 Stellenbosch Division

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

Sir / Madam

APPLICATION FOR CONSENT USE: FARM NO 1252 STELLENBOSCH DIVISION

1. The above application refers.
2. The Municipal Planning Tribunal on the 25 April 2025 resolved as follows:
3. That the following application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw for a **consent use** on Farm No. 1252, Stellenbosch Division, namely:
 - 3.1 A tourist accommodation establishment to allow five (5) guest accommodation units of one (1) and two (2) bedroom units, single storey on $\pm 120\text{m}^2$ coverage with a building footprint of $\pm 45\text{m}^2$ and
 - 3.2 Tourist facilities in order to establish a restaurant (coffee shop/deli) and a wine tasting facility on $\pm 350\text{m}^2$ and an additional restaurant (Bistro/Breakfast area on $\pm 100\text{m}^2$).

BE REFUSED in terms of Section 60 of the said Bylaw.

4. The **reasons** for the above decision are as follows:
 - 4.1 The proposal does not conform to the intent of the purpose and development parameters of the applicable zoning of the zoning scheme bylaw for the Agricultural and Rural zoning, as the proposed tourist related activities as secondary uses will become the primary use of the property and dominate the landscape.
 - 4.2 The subject property has a high cultural landscape significance based on its location and the protection and preservation of the agricultural, cultural and rural landscapes will be severely compromised by the proposed siting of the proposed buildings and land uses.
 - 4.3 The siting of the five (5) tourist accommodation units above the permitted 300m contour line is not appropriate for the exposed locational context, it is not clustered, not proposed in existing buildings nor proposed on existing disturbed footprints and its location will have a negative visual impact on the rural landscape, mountain slopes and therefore do not take the natural and heritage significance of the site and its immediate surroundings into consideration.

- 4.4 Having regard to the desirability of the proposed development, it does not uphold the provisions in the Municipal Spatial Development Framework and the purpose of the applicable zoning in terms of the Zoning Scheme Bylaw.
- 4.5 The proposed development will have a detrimental impact on the receiving environment and may create an undesirable precedent with a cumulative detrimental impact for the overall productive, cultural and rural landscape.
- 4.6 The proposed development therefore contradicts the overall vision, strategic objectives, or principles outlined in the Stellenbosch Municipality's approved Spatial Development Framework as it relates to agricultural land in general and the development of tourist facilities on agricultural properties in particular.

5. **Matters to be noted**

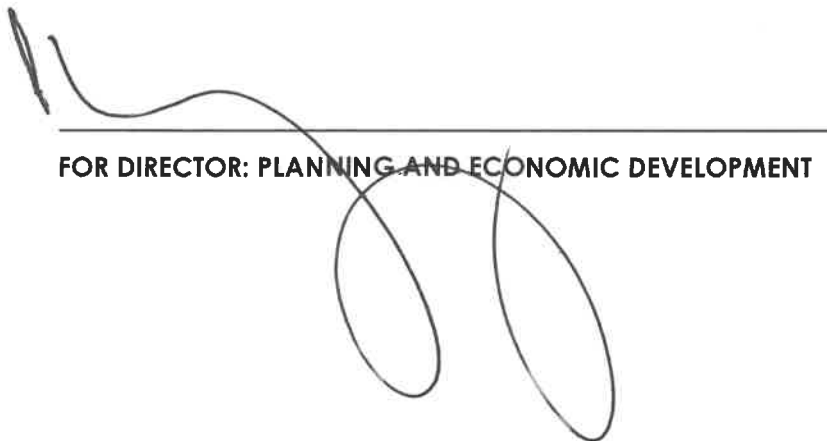
- 5.1 The restricted access to the property via a private right of way over agricultural property as was agreed to between the parties is a legal matter that has not been resolved.
- 6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right 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.
 - 7. 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.
 - 8. **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**
 - 9. 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.
 - 10. 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.
 - 11. 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.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. 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 handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/5/2025
DATE

COPIES TO:

[REDACTED]
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