STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17628 / TP891/2024
Our File Reference Number: Erf 66, Franschhoek
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAI [redacted]

Dear Sir/Madam

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON ERF 66 FRANSCHHOEK

1. This Municipality's decision letter dated 30 July 2025, refers.

2. The Appeal Authority resolved on 19 June 2026 that the appeal submitted against the decision of the Authorised Decision-maker made on the 16th of July 2025 to approve the application **BE DISMISSED**, but that the subject decision **BE VARIED**, in so far as the amendment and inclusion of conditions of approval and matters to be noted, in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law as follows:

   2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 834, Franschhoek for:

      2.1.1 Consent Use in terms of Section 15 (2) (o) of the said By-law in order to utilise the existing four (4) bedrooms dwelling unit as tourist dwelling unit,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.3 The development be implemented in accordance with the site plans (ground floor & first floor), referenced as drawing no: 201, project no: 07/022, drawn by: Jan Desseyn Architects, dated 2008-04-24 and parking layout plan, referenced as plan no: 24067-001, drawn by AROUX Town Planning, dated 2024-10-14, attached as **Annexure A**.

3.4 The tourist dwelling unit be limited to four (4) bedrooms and a maximum of 8 paying transient guests or lodgers shall be permitted at any one time.

3.5 All vehicles of transient guests or lodgers must be parked on the property. No parking in any street is permitted.

3.6 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation.

3.7 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment and within 30 days of the decision on the application to the satisfaction of the Directorate Infrastructure Services. See **Annexure B**.

3.8 The land use granted must not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid

environmental noise pollution in terms of the Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

3.9 This approval is valid for and will lapse after a period of five (5) years from date of final notification.

3.10 This approval is attached to the current owner of the property at the time of the application and is therefore non-transferable and lapses with any change in property ownership after the date of the final notification.

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

4.1 There are no rational grounds to revoke the initial decision as no distinction is made between the different residential areas of Franschhoek where accommodation for transient guests is considered more appropriate. The scale, nature and appropriateness of a such an establishment is rather determined by its location and the size of a property and dwelling unit.

4.2 The approval is only valid for five (5) years from date of final notification whereafter the submission of a new application will be required. Such an application will be evaluated on its own merits taking into consideration any change in policy or by-laws and also enduring complaints received.

4.3 The use of the property will remain residential and is not considered a pure business use that is incompatible with residential areas. No alterations are made to the existing dwelling unit to accommodate the land use, thus preserving the residential character of the area. The land use granted is non-transferable and the property can therefore not be sold as a business venture.

4.4 Sufficient parking (a bay per bedroom) can be provided onsite for the land use granted. Inappropriate use of parking bays or overcrowding of the tourist dwelling unit resulting in additional vehicles are enforcement issues to be dealt with accordingly.

5. **Matters** to be noted:

5.1 This approval allows the use of the property for the accommodation of transient guests but does not permit the use of the property for the hosting of functions, events or other gatherings by transient guests and any visitors without the approval of the Municipality.

5.2 An application for the erection of advertising signs be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Spatial Planning Department: Heritage Resource Management.

5.3 No directional signage may be erected without the prior approval of the Provincial Roads Engineer and/or the Municipality.

5.4 The approved land use rights only come into effect once all suspensive conditions or relevant legislative provisions, including the payment of the contravention penalty, have been complied with.

5.5 Should, after following due process:

a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or,
b) The operational use of the facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or,
c) The property be used for any unauthorised uses not permitted in terms of this approval,

the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the primary use of the property.

6. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.

7. The appeal process has now been concluded.

Yours faithfully

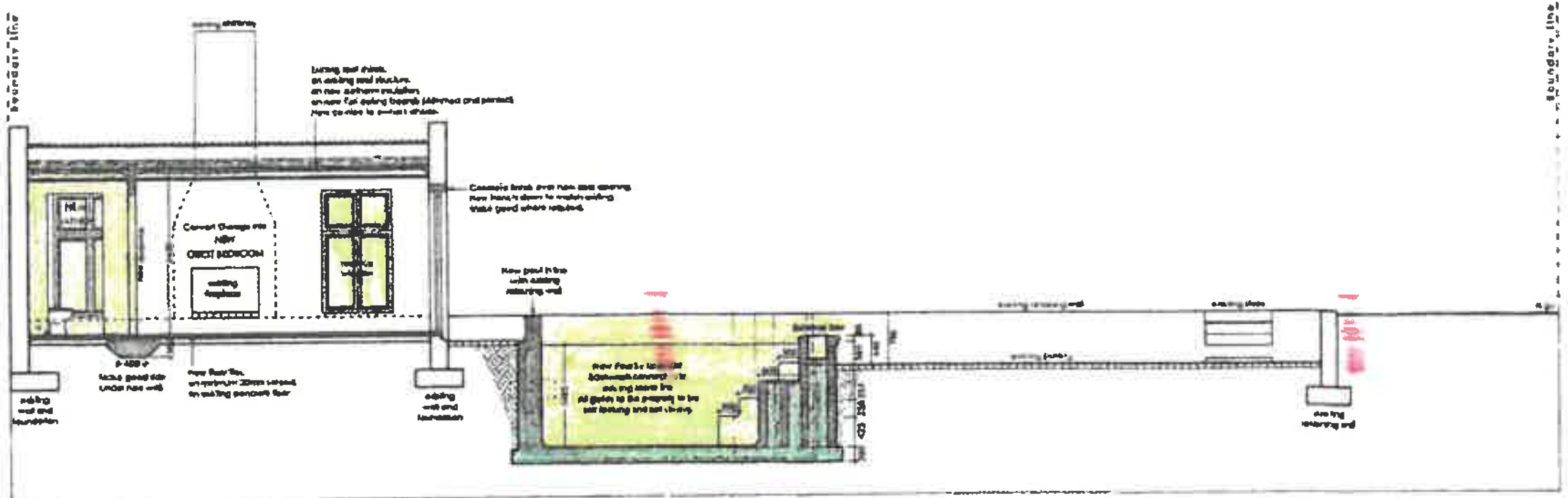
FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT **DATE:** 21-1-2026.

COPIES TO :

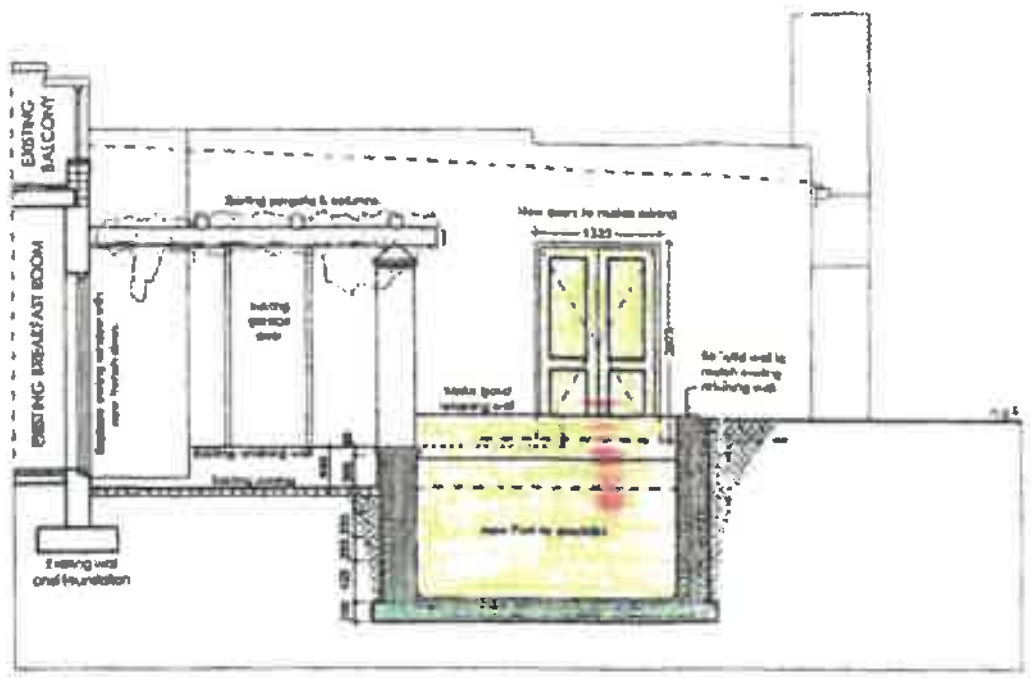
1. [redacted]
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4. [redacted]
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8. [redacted]

ANNEXURE A

SITE AND FLOOR PLANS + PARKING PLAN



SECTION A-A 1:50

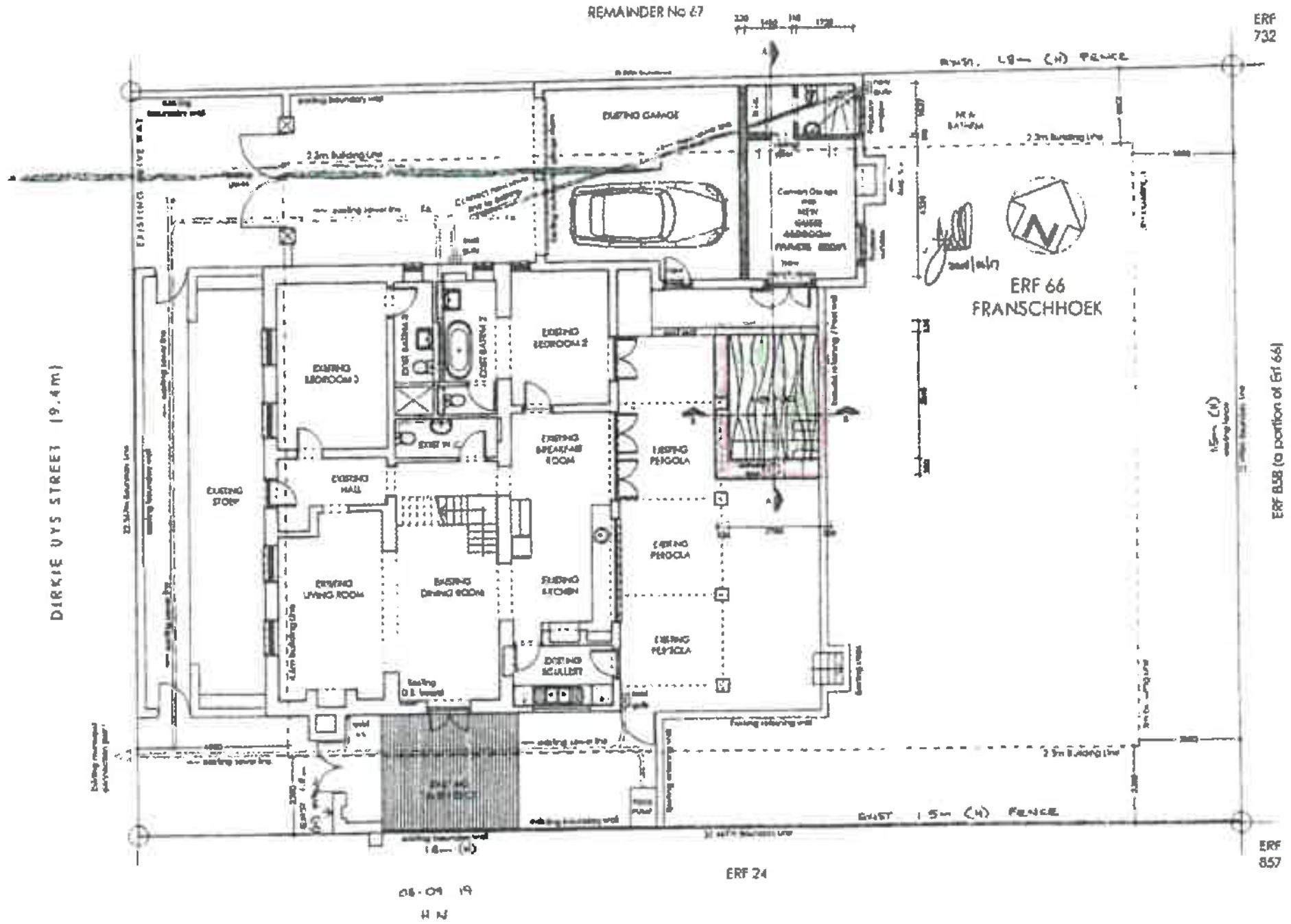


SECTION B-B 1:50

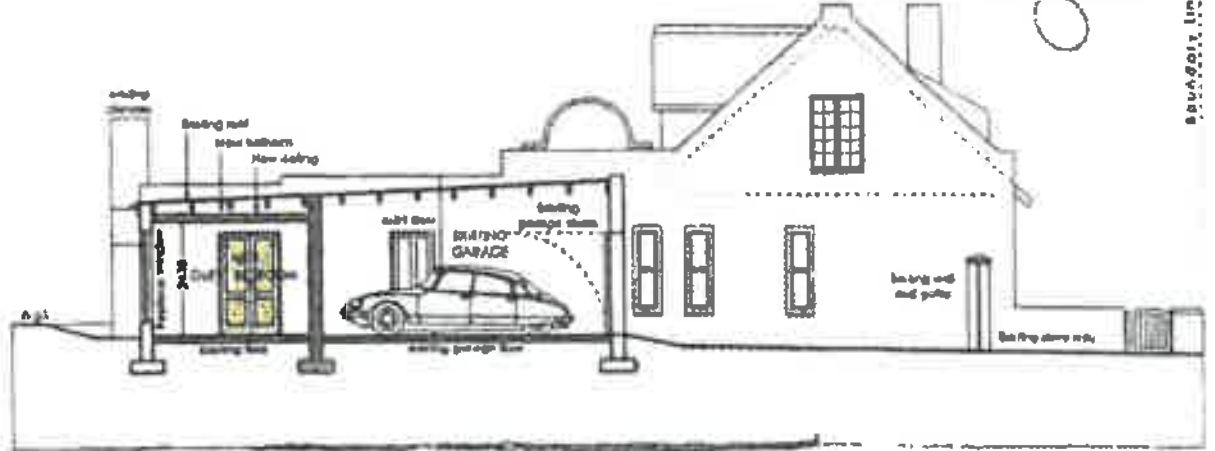
08.09.19 H.N.

NOTE:

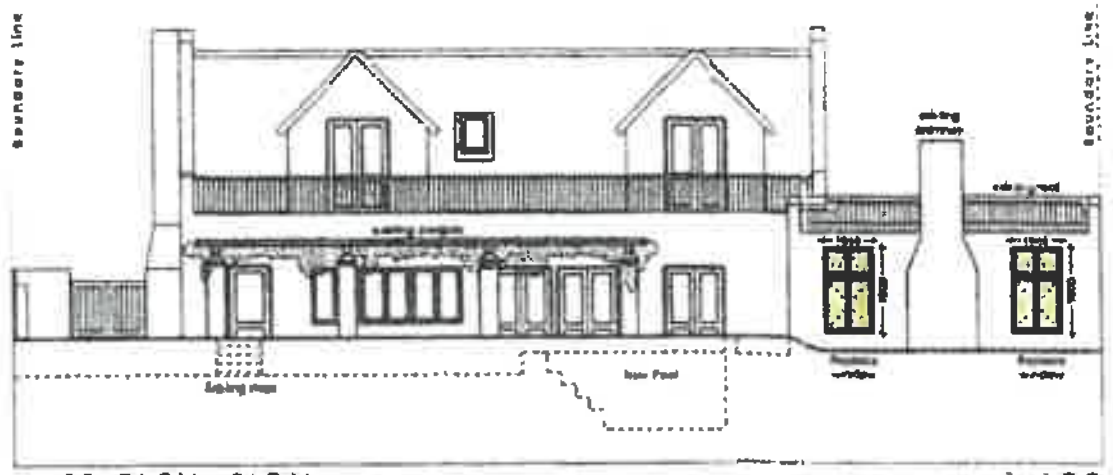
- WALLS BETWEEN GARAGE AND MAIDS ROOM TO BE BEAMFILLED TO UNDERSIDE OF THE ROOF
- SEE PLAN FOR MORE INFO REGARDING BOUNDARY WALL AND FENCE HEIGHTS IN RESPECT TO POOL PROTECTION
- GATES TO BE SELF-LOCKING AND SELF-CLOSING



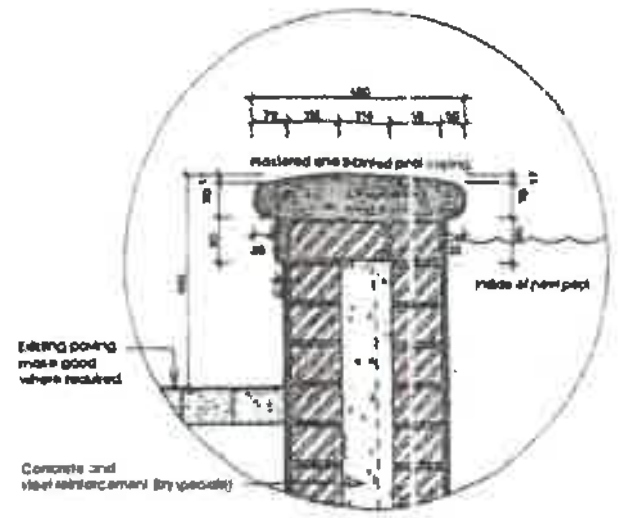
GROUND FLOOR / SITE PLAN 1:100



NORTH ELEVATION 1:100



EAST ELEVATION 1:100



SECTION THROUGH NEW POOL WALL
SCALE 1:10

GENERAL NOTES

GENERAL: All paint, varnish, sealants and other finishes to be SABS approved and applied in strict accordance with manufacturers specification.
All work to be in accordance with National Building Regulations.
All levels to be confirmed by the architect on site.

FOUNDATIONS: All new foundations as per sections.

NEW FLOOR: ...

WALLS: Make good all affected walls to match existing, plastered and painted to match existing.

DAMP PROOFING: ...

RAINWATER GOODS: Make good where required.

ELECTRICAL: ...

DRAINAGE: ...

DOORS AND WINDOWS: ...

NEW POOL: New pool by specialist. See plan and section. ... All gates to the property to be self locking and self closing.

GENERAL:
All sanitary ware, bathroom accessories and wall tiles to owner's choice.
Make good existing fireplace, use existing chimney stack.

FRANSCHHOEK AESTHETICS COMMITTEE
DATE: 7 May 08
APPROVED ☒
APPROVED WITH CONDITIONS ☐
SIGNED:

EXISTING GARAGE	37.8 sq.m.	
EXISTING GROUND FLOOR	147.3 sq.m.	
EXISTING FIRST FLOOR	99.1 sq.m.	
		284.2 sq.m.
EXISTING FRONT STOEP (uncovered)	31.4 sq.m.	
EXISTING PERGOLA	27.1 sq.m.	
EXISTING BALCONY (uncovered)	44.2 sq.m.	
		103.1 sq.m.
CONVERT INTO BED+BATHROOM		26.6 sq.m.
TOTAL		413.8 sq.m.
NEW POOL		14.8 sq.m.
ERF		767.7 sq.m.
COVERED AREA (excluding garage)		172.8 sq.m.
COVERAGE		22.5 %

SCALED DIMENSIONS INVALID — ALL BUILDING WORK TO COMPLY WITH SABS 0400 — CHECK LEVELS ON SITE

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...

jan desseyn architects

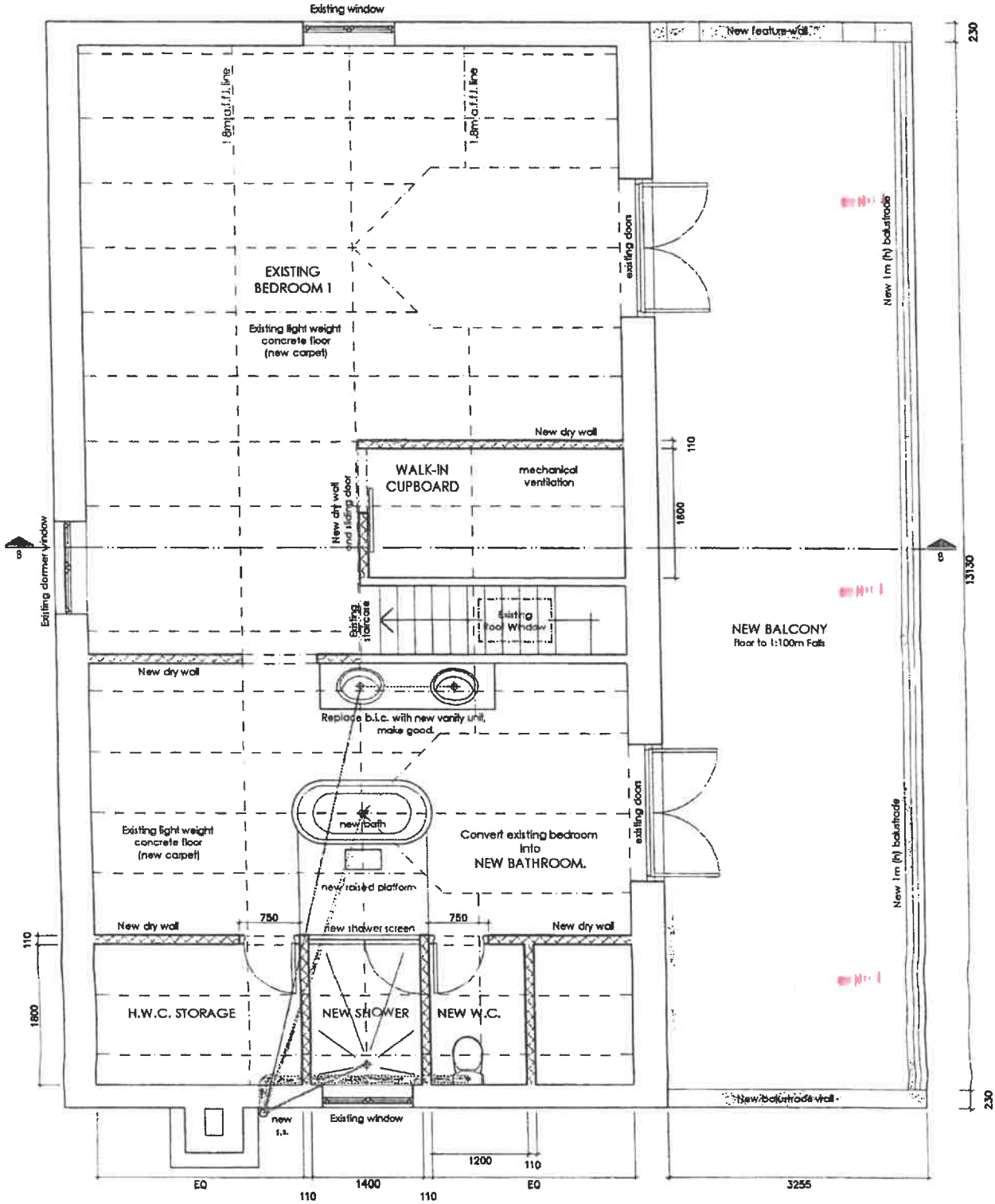
tel: (021) 462-4517
fax: (021) 462-4516

PROPOSED ALTERATIONS TO EXISTING DWELLING FOR
KAHN
ERF 66 DIRKIE UYS STREET
FRANSCHHOEK

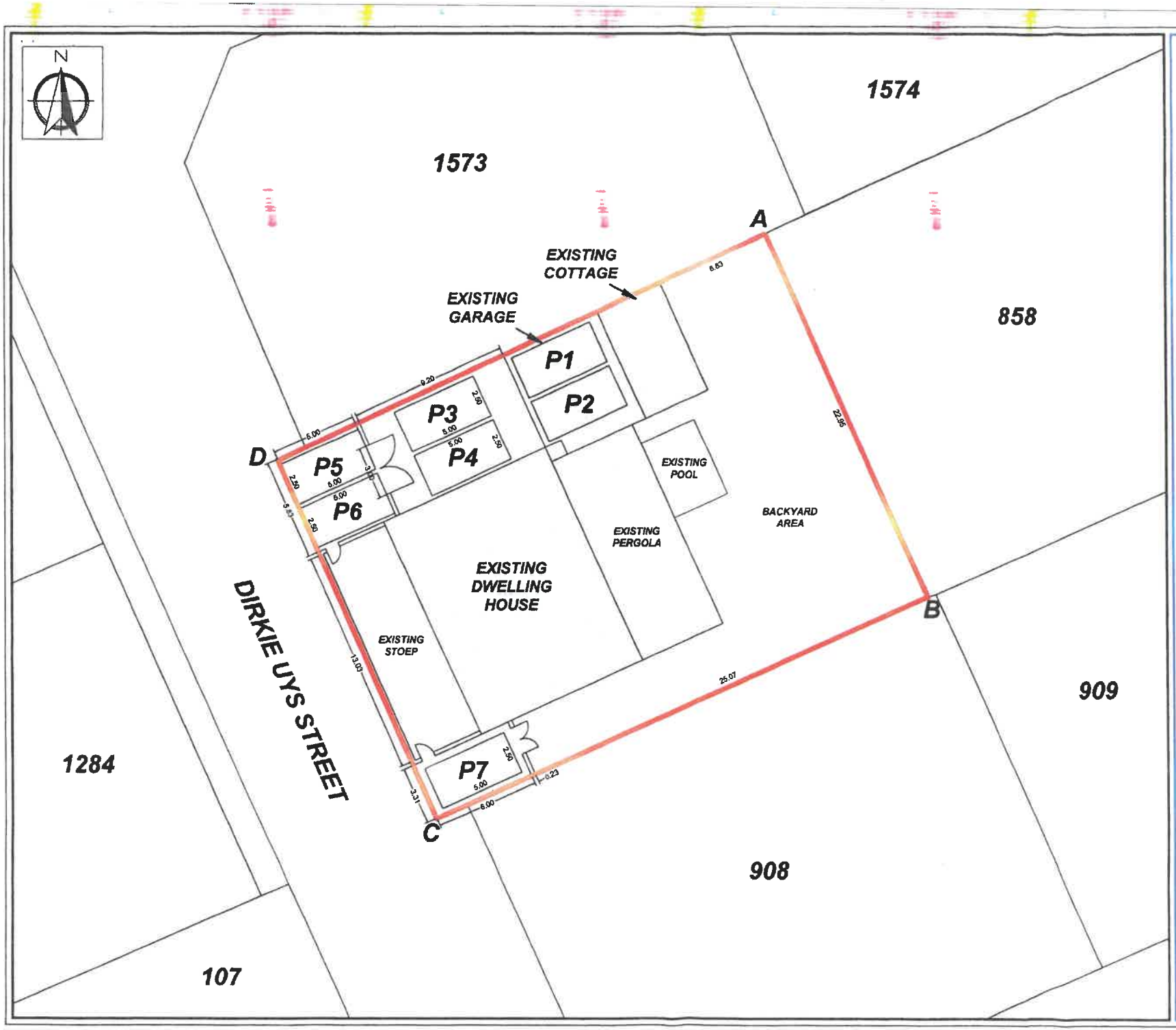
COUNCIL SUBMISSION

FLOOR / SITE PLAN
GENERAL ELEVATIONS
GENERAL SECTIONS

07/022	1:50
201	2008-04-24
HN	JAD



FIRST FLOOR PLAN 1:50



REVISION HISTORY:

Rev A: Parking Layout Plan of Remainder Erf 66, Franschhoek.

NOTES:

- All distances and areas are provision and are to be verified by cadastral survey.
- All parking bays are 2,5m x 5,0m.

TITLE:

PARKING LAYOUT PLAN

SCALE: 1 : 200 (A3)

0 2 4 6 8 10m

PROPERTY DESCRIPTION:

REMAINDER ERF 66, FRANSCHHOEK

PROJECT DETAILS:

Project Name	Dirkie Uys Str, Franschhoek
Project No:	24067
Client:	Philippe Olivier Vinee
Municipality:	Stellenbosch Munoipality
Administration:	Franschhoek

PLAN DETAILS:

Plan No:	24067-001
Revision:	A
Date:	2024-10-14
Drawn by:	RC
Checked by:	AR

AROUX TOWN PLANNING

www.arouxplanning.co.za

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ANNEXURE B

COMMENTS FROM INTERNAL DEPARTMENTS

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag:	**Bulelwa Mdoda**
From ▫ Van:	**Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Xolani Tika**
Date ▫ Datum:	**26 February 2025**
Our Ref ▫ Ons Verw:	**Civil LU 2820**
Town Planning Ref:	**LU/17628**
Re ▫ Insake:	**Erf 66, Franschhoek: An application is made in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 66, Franschhoek for: Consent Use in terms of Section 15 (2) (o) of the said bylaw to utilize the existing four (4) bedrooms dwelling unit as tourist dwelling unit.**

The application is recommended for approval, subject to the following conditions:

1. **Development Charges (DCs)**

1.1 The following DC's are payable: See **Development Charge Calculation** attached.

1.2 The appropriate DC's are payable before the facility is put to its approved use.

1.3 The DC's were calculated by using the 2024/2025 tariff structure. If DC's are paid after 30 June 2025 it will have to be recalculated by using the tariff structure and DC Policy principles applicable at date of payment.

Xolani Tika
Technician: Development (Infrastructure Services)

T:\2.0 DEVELOPMENT\01 Land Use applications\2820 (XT) Erf 66 Franschhoek (LU-17628)\2820 () Erf 66 Franschhoek (LU-17628).doc

Ktitus

Stellenbosch Municipality

Development Charge Calculation

APPLICATION INFORMATION	
Application Number:	DC 2820 (XT) Erf 66 - Franschhoek (LU-17626)
Development Name:	
Date:	26 February 2025
Financial Year	2024/2025
Erf Location (Select from 7 Locations):	Franschhoek
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	Erf 66
DC Parameters Reference:	Changing the existing use to convert it to a tourist dwelling unit (SDP dated 2008/04/24 Drawing no-201)

SUMMARY OF DC CALCULATION

Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals
Unit(s):	kl/day	kl/day	ha*C	t/week	trips/day		persons	
Total Increased Services Usage:	0,22	0,18	0,004	0,015	3		1	
Total Service Usage Reduction:	0	0	0	0	0,0		0	
Total Service Usage after Reduction:	0,22	0,18	0,00400	0,015	3,0		1	
Charges before adjusting for positive only, before Deductions	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,15
Charges adjusted for positive only, before Deductions	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,15
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R -
Total Development Charges Payable (excluding VAT):	R 6 863,93	R 6 879,25	R 635,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,15
VAT:	R 1 029,59	R 1 031,89	R 95,30	R 231,30	R 3 668,00	R 6 056,08	R 608,15	R 6 664,22
Total Development Charges Payable (including VAT):	R 7 893,52	R 7 911,14	R 730,64	R 1 773,30	R 28 121,31	R 46 429,91	R 4 662,46	R 51 092,37

APPLICANT INFORMATION	
Application Processed by:	Xolani Tika
Signature:	
Notes:	See the attached SDP

Ktitus

Franschhoek

	Land Use Type	Unit Type	Existing Units			Proposed Units			Bulk Services Credit	Water		Sewer		Roads & Transport		Stormwater	
	Description	Unit	Previous Use	Unit Amount	Bulk	Previous Use	Unit Amount	Bulk	Amount	Yes		Yes		Yes		Yes	
Residential	Single Residential >1000m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >500m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential >250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Single Residential <250m2	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Second Dwelling	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Less Formal Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Group Residential	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Apartments	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retirement Village	du							0	R -	R -	R -	R -	R -	R -	R -	R -
	Old age home	du							0	R -	R -	R -	R -	R -	R -	R -	R -
Accommodation	Student Accommodation/Commune/Hostels	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Guest House	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
	Converted Guest House	rooms					1		1	R 6 863,93	R 6 879,25	R 535,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,18
	Hotel Residential	rooms							0	R -	R -	R -	R -	R -	R -	R -	R -
Commercial	General Business	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Office	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Retail/Shop	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Restaurant	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Outdoor Function / Picnic Area	persons							0	R -	R -	R -	R -	R -	R -	R -	R -
	Conference Facility/Place of assembly	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Hospital/Clinic/Medical Rooms	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	University/College	student							0	R -	R -	R -	R -	R -	R -	R -	R -
	School/Day Care	student							0	R -	R -	R -	R -	R -	R -	R -	R -
Industrial	Industrial - light	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Industrial - heavy	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Warehousing/Light Manufacturing	m2 GLA							0	R -	R -	R -	R -	R -	R -	R -	R -
	Storage Facilities	unit							0	R -	R -	R -	R -	R -	R -	R -	R -
Non demand	Open Space/Natural Environment/Utility Site	ha							0	R -	R -	R -	R -	R -	R -	R -	R -
	Roads and Parking	ha							0	R -	R -	R -	R -	R -	R -	R -	R -
Other	To be calculated	n/a							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
	(Based on equivalent demands)	n/a							0,0000	R -	R -	R -	R -	R -	R -	R -	R -
		Total Area:	0		Total Area:	0			0	R -	R -	R -	R -	R -	R -	R -	R -

Deduct	Charges before adjusting for positive only, before Deductions	R 6 863,93	R 6 879,25	R 535,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,18		
	Charges adjusted for positive only, before Deductions	R 6 863,93	R 6 879,25	R 535,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,18		
	Deductions per service (from usage reductions)	R -	R -	R -	R -	R -	R -	R -	R -		
	Discount Deduction (%)	Percentage: 0,00%	R -	R -	R -	R -	R -	R -	R -	R -	
	Additional Deduction per service - from Service Agreement (sum)	R -		R -	R -	R -	R -	R -	R -		
Totals	Sub Total after Adjustments and Deductions (excluding VAT)	R 6 863,93	R 6 879,25	R 535,34	R 1 542,00	R 24 453,32	R 40 373,84	R 4 054,31	R 44 428,18		
	VAT	R 1 029,59	R 1 031,89	R 80,30	R 231,30	R 3 668,00	R 6 056,08	R 608,15	R 6 664,23		
	Total Development Charges	R 7 893,52	R 7 911,14	R 615,64	R 1 773,30	R 28 121,31	R 46 429,91	R 4 662,46	R 51 092,37		