



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16899 / TP606/2024

Our File Reference Number: Erf 8283 Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL

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 8283, STELLENBOSCH

1. This Municipality's decision letter dated 27 May 2025, refers.
2. The Appeal Authority resolved on 11 March 2026 that the appeal submitted against the decision of the Authorised Decision Maker on the 16th of May 2025, to approve of the application **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 as follows:
3. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023 for a Consent Use in order to utilise the existing dwelling unit as a guest house on Erf 8283, Stellenbosch,

BE APPROVED in terms of Section 60 of the said By-law.

4. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:
 - a. The approval only applies to the consent use 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 Bylaws or Regulations that may be applicable.

- b. The establishment may not cause public nuisance (parking & noise) to the adjacent and adjoining property owners.
- c. Development charges are payable in accordance with the prevailing and applicable council tariffs at the time of the payment.

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

- a. No distinction is made between the different residential areas of Stellenbosch 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.
- b. The use of the property will remain residential with the option to rent rooms to transient guests. No alterations are made to the existing dwelling unit to accommodate the land use, thus preserving the residential character of the area.
- c. Sufficient parking can be provided onsite for the land use.
- d. The Municipality has no mandate or obligation to enforce rules set out in constitutions of Homeowners Associations. The subject property is not located in a gated development but forms an integral part of the wider residential area that is subject to the provisions of the Zoning Scheme By-law.
- e. Should the intent be to rent out the entire dwelling unit as an entity (all three bedrooms) then the submission of a new application for consent use to permit a tourist dwelling unit will be required for consideration by the Authorised Decision-maker. The Appeal Authority may not decide on a new application in first instance.

6. **Matters** to be noted:

6.1 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.

6.2 Should, after following due process:

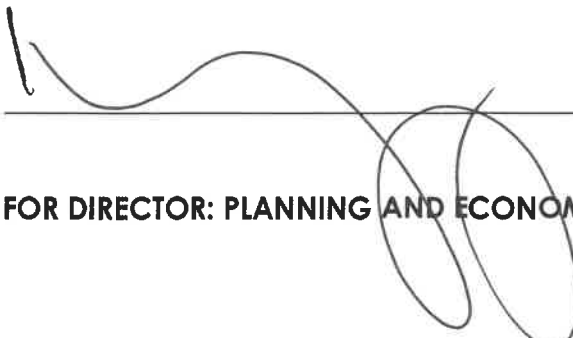
- The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or
- 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.

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

8. The appeal process has now been concluded.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT
DATE:

COPIES TO:

