



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17834 / TP893/2024

Our File Reference Number: Erf 10650, Stellenbosch

Your Reference Number:

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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 AND PERMANENT DEPARTURE ON ERF 10650, STELLENBOSCH

1. This Municipality's decision letter dated 4 June 2025, refers.
2. The Appeal Authority resolved on 6 May 2026 that the appeal submitted against the decision of the Authorised Decision-maker of the 30th of May 2025, to refuse the application **BE UPHELD**, and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **BE REPLACED** as follows:
3. That the applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following:
 - 3.1 Consent use in terms of Section 15(2)(o) of the said By-law for an additional use that exceeds the Zoning Scheme By-law parameters in order to construct a second dwelling unit on the subject property,
 - 3.2 Permanent departure in terms of Section 15(2)(b) of the said By-law to exceed the number of storeys permitted on the subject property from two to three storeys in order

to accommodate the proposed second dwelling unit on the basement level of the existing structure,

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

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

4.1 The approval only applies to the 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.

4.2 The development be undertaken generally in accordance with the Ground & First Storey Plan & Elevations as referenced (drawing number 102 and dated October 2024) and New Third Storey Plan & Elevations as referenced (drawing number 101 and dated September 2024), both drawn by Ateljee Will Hammers and attached as **Annexure A**.

4.3 The main dwelling house must be restored to comply with the definition of a dwelling unit. Only one kitchen is permitted per dwelling unit. The second kitchen (including all associated installations) in the main dwelling house must be removed to the satisfaction of the Directorate Planning and Economic Development prior to the issuing of an occupancy certificate.

4.4 The land use rights hereby granted will only vest once the related occupancy certificate is issued. The occupancy certificate will serve as confirmation that all conditions of approval have been met and that measures to rectify the unauthorised uses/installations have been implemented in order to ensure compliance with the Zoning Scheme By-law and approved land use rights.

4.5 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

4.6 Development charges may be payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans to the satisfaction of the Directorate Infrastructure Services.

4.7 Sufficient on-site parking be provided in accordance with the provisions of the Zoning Scheme By-law and as illustrated on the Ground & First Storey Plan & Elevations as referenced (drawing number 102 and dated October 2024) drawn by Ateljee Will Hammers, attached as **Annexure A**, or to the satisfaction of the Municipality.

4.8 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful conversion and utilisation of land is payable within 30 days from the date of this letter and prior to the approval of any building plans.

5. Matters **to be noted**:

5.1 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.

5.2 The zoning of the property remains Conventional Residential Zone with consent use approval for a second dwelling unit. The main dwelling house and second dwelling unit must at all times conform to the Zoning Scheme By-law definition of a dwelling unit, and the occupancy of each dwelling unit is restricted to a single family per dwelling unit. The use of the dwelling units or the property as a commune or any other uses is not permitted without first obtaining approval from the Municipality. The necessary compliance procedures will be followed should the use of the property be in contravention with the permitted land use rights.

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

6.1 The Appellant has provided an undertaking by the owner that all unauthorised activities have ceased and that it is the intent to use the property in accordance with the permitted land use rights.

6.2 The second dwelling unit will be accommodated within the existing bulk of the subject building, and the height of the building will not be increased.

6.3 The proposal for a second dwelling unit is considered an appropriate form of densification as promoted by the Municipal Spatial Development Framework.

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

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

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

A handwritten date '9/7/2026' in dark ink, with the numbers '9', '7', and '2026' separated by forward slashes.

DATE:

ERF 10650 STELLENBOSCH (LU/17834 / TP893/2024)

ANNEXURE A

Account number	Account name	Account type	Account status
101	101	101	101