



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17746 / TP940/2024

Our File Reference Number: Erf 834, Franschhoek

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 834 FRANSCHHOEK

1. This Municipality's decision letter dated 16 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 11th 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 five (5) 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 Plan referenced as drawing no: S 01 001, project no: SL-A-25-100, drawn by: Studio Limn Architecture, dated 2025/02/24, attached as **Annexure A**.
 - 3.4 The tourist dwelling unit be limited to five (5) bedrooms and a maximum of 10 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

9/7/2026
DATE:

COPIES TO :

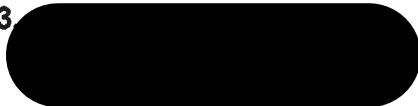
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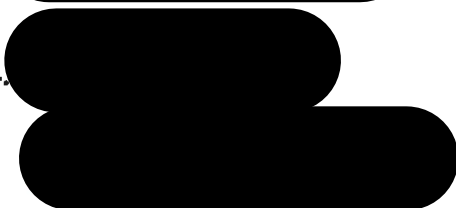
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3.



4.



5.



6.



7.



8.



ANNEXURE A
SITE AND FLOOR PLANS



1:100

S | 01 | 001

Utkiyk House -
Townplanning ApplicationSupplementary
Documentation - Parking
Allocation

001:1

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:	Principal Technician: Development (Infrastructure Services)
Author ▫ Skrywer:	Kurt Titus
Date ▫ Datum:	6 March 2025
Our Ref ▫ Ons Verw:	Civil LU 2829
Town Planning Ref:	LU/17746
Re ▫ Insake:	Erf 834, Franschhoek: An application is made in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 834, Franschhoek for: Consent Use in terms of Section 15 (2) (o) of the said bylaw to utilize the existing five (5) bedrooms dwelling unit as tourist dwelling unit.

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

1. Water Services

- 1.1 No upgrading or additional water and sewer erf connections are permitted.

2. Development Charges (DCs)

- 2.1 The following DC's are payable: See Development Charge Calculation attached.
- 2.2 The appropriate DC's are payable immediately after the approval of this land use application and before the facility is put to its approved use (where building plans are not applicable).

- 2.3 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.

Ktitus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

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Stellenbosch Municipality

Development Charge Calculation



Application Number:	Civil LU 2829
Development Name:	
Date:	08 March 2025
Financial Year:	2024/2025
Erf Location (Select from 7 Locations):	Franschoek
Erf Region (Select Urban or Rural):	Urban
Erf No. / Farm No.:	834
DC Parameters Reference:	DC_DRW NO. S01/001_Studio L/M/N_DC BURTON_DATE: 24 February 2025

SUMMARY OF DC CALCULATION									
Service:	Water	Sewer	Stormwater	Solid Waste	Roads & Transport	Sub Total (Civil Eng Services)	Community	Totals	
Unit(s):	l/day	l/day	ha°C	l/week	trips/day		persons		
Total Increased Services Usage:	0.44	0.36	0.008	0.03	8		2		
Total Service Usage Reduction:	0	0	0	0	0.0		0		
Total Service Usage after Reduction:	0.44	0.36	0.00800	0.030	8.0		2		
Charges before adjusting for positive only, before Deductions	R 13 727.87	R 13 758.50	R 1 270.87	R 3 084.00	R 48 908.63	R 80 747.87	R 8 108.63	R	88 856.30
Charges adjusted for positive only, before Deductions	R 13 727.87	R 13 758.50	R 1 270.87	R 3 084.00	R 48 908.63	R 80 747.87	R 8 108.63	R	88 856.30
Total Deductions:	R -	R -	R -	R -	R -	R -	R -	R	-
Total Development Charges Payable (excluding VAT):	R 13 727.87	R 13 758.50	R 1 270.87	R 3 084.00	R 48 908.63	R 80 747.87	R 8 108.63	R	88 856.30
VAT:	R 2 059.18	R 2 083.77	R 190.60	R 462.60	R 7 335.99	R 12 112.15	R 1 218.29	R	13 328.44
Total Development Charges Payable (including VAT):	R 15 787.05	R 15 842.27	R 1 461.27	R 3 546.60	R 56 242.83	R 92 859.82	R 9 324.82	R	102 184.74

Application Processed by:	Kurt Titus
Signature:	<i>K Titus</i>
Notes:	Credit given for the first three bedrooms in the guesthouse

K

Franschhoek

Land Use Category	Unit Type	Existing Usage		Proposed New Usage		Increased Usage	Development Charge Levied (excl VAT)		Sub Total (Civil Eng Services)	Community	Total
		Area (m2)	Unit Amount	Area (m2)	Unit Amount	Result	Stormwater	Solid Waste			
Residential	Single Residential >1000m2	du					R	R	-	R	-
	Single Residential >500m2	du					R	R	-	R	-
	Single Residential >250m2	du					R	R	-	R	-
	Single Residential <250m2	du					R	R	-	R	-
	Second Dwellings	du					R	R	-	R	-
	Low Formal Residential	du					R	R	-	R	-
	Group Residential	du					R	R	-	R	-
	Apartment	du					R	R	-	R	-
	Retirement Village	du					R	R	-	R	-
	Old Age Home	du					R	R	-	R	-
Accommodation	Student Accommodation/Communal/Hostels	rooms					R	R	-	R	-
	Guest House	rooms					R	R	-	R	-
	Converted Guest House	rooms					R	R	-	R	-
	Hotel, Residential	rooms					R	R	-	R	-
	General Business	rooms					R	R	-	R	-
	Office	m2 GLA					R	R	-	R	-
	Retail/Shop	m2 GLA					R	R	-	R	-
	Restaurant	m2 GLA					R	R	-	R	-
	Outdoor Function / Photo Area	persons					R	R	-	R	-
	Conference Facility/Place of assembly	m2 GLA					R	R	-	R	-
Commercial	Hospital/Clinic/Medical Rooms	m2 GLA					R	R	-	R	-
	University/College	student					R	R	-	R	-
	School/Day Care	student					R	R	-	R	-
	Industrial - light	m2 GLA					R	R	-	R	-
	Industrial - heavy	m2 GLA					R	R	-	R	-
	Warehousing/Light Manufacturing	m2 GLA					R	R	-	R	-
	Storage Facilities	unit					R	R	-	R	-
	Open Space/Natural Environment/Utility Site	ha					R	R	-	R	-
	Roads and Parking	ha					R	R	-	R	-
	To be calculated	n/a					R	R	-	R	-
Other	(Based on equivalent demands)	n/a					R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
							R	R	-	R	-
Total Area:		0									

Charges before adjusting for positive only, before Deductions											
Charges adjusted for positive only, before Deductions											
Deductions per service (from usage reductions)											
Discount Deduction (%)											
Additional Deductions per service - from Service Agreement (sum)											
Sub Total After Adjustments and Deductions (excluding VAT)											
VAT											
Total Development Charges											
Percentage: 0.00%											
Charges before adjusting for positive only, before Deductions											
Charges adjusted for positive only, before Deductions											
Deductions per service (from usage reductions)											
Discount Deduction (%)											
Additional Deductions per service - from Service Agreement (sum)											
Sub Total After Adjustments and Deductions (excluding VAT)											
VAT											
Total Development Charges											

PK