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Application Number: LU/16752
Our File Reference Number: Farm 1557, Stellenbosch Division
Your Reference Number:
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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 THE SUBDIVISION OF FARM 1557 INTO PORTION B, PORTION C, AND THE REMAINDER PORTION; THE CONSOLIDATION OF ERF 16576 WITH ERF 13836 TO CREATE A 4.44 HA PROPERTY; THE CONSOLIDATION OF PORTION B WITH ERF 16566 TO FORM A 7.77 HA PROPERTY; AND AN EXEMPTION TO ESTABLISH A SERVITUDE RIGHT-OF-WAY OVER THE REMAINDER OF FARM 1557 IN FAVOUR OF PORTION C

1. This Municipality's decision letter dated 19 September 2025 refers.

2. The Appeal Authority resolved on 19 June 2026 that the appeal submitted against the decision of the Municipal Planning Tribunal, on the 29th of August 2025 to partly refuse and partly approved the subject 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:

   2.1 That it **BE DECIDED** that the application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Farm 1557 and Erf 16566, Stellenbosch for:

2.1.1 **Subdivision of Farm 1557** into **three portions**, **Portion B** (5,5 ha), **Portion C** (4.5 ha) and the **Remainder Portion** (44.7 ha) in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-law, 2015.

2.1.2 **Consolidation of Portion B** (5.5 ha) with **Erf 16566** (2.27ha) = 7.77 ha portion is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-law, 2015.

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

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

3.1 The Municipal Planning Tribunal's decision and reasons for the refusal of the above applications are endorsed as rational and supported. The reasons for refusal relate directly to the proposal not being aligned with the applicable guidelines / policies and the proposed subdivision will result in a negative impact. The Appeal Authority therefore agrees with and endorses the following reasons for refusal provided by Municipal Planning Tribunal:

a) The subdivision and consolidation would result in part of the newly created property extending beyond the designated urban edge.

b) The subdivision and consolidation would also permit structures to be erected within the existing rural area that normally would not be permitted as a primary land use right, thereby potentially having a negative visual impact on the surrounding area as a result of the topography of the consolidated property.

c) The proposal would result in the creation of an economically non-viable Portion of agricultural land, due to its size, orientation, and topography.

d) The proposal is also not aligned with the 2023 Stellenbosch Municipal Spatial Development Framework for agricultural land which does not promote the subdivision of agricultural properties located outside the urban edge.

e) The proposal is not aligned with the Western Cape Land Use Planning Guidelines for Rural Areas (March 2019), which promote the consolidation of agricultural land to prevent fragmentation and avoid compromising the economic viability of existing farming operations.

3.2 The proposal is undesirable as it will result in a property which straddles the urban edge. The subdivision of the agricultural land and the incorporation of such land within an urban development context is inconsistent with the provisions of the Municipal Spatial Development Framework. Such a proposal will also facilitate aspirations for additional land use rights and urban activities beyond the approved urban edge, or the incremental realignment of the urban edge to facilitate urban development. The requirement for consistency of a proposal with the Municipal Spatial Development Framework and the protection of the approved urban edge is a legislative requirement, and there is no justifiable site-specific considerations in this instance to depart from the Municipal Spatial Development Framework.

3.3 The Appellant's acceptance of the decision by the Municipal Planning Tribunal to refuse the application for the subdivision of Farm 1557 to create Portion C is noted. Consenting to the decision to not approve the subdivision of Portion C does however not constitute a relevant consideration to reconsider the application for the subdivision of Farm 1557 to create Portion B and the Remainer Portion and the consolidation of Portion B with Erf 16566. The considerations and reasons for the decision remains relevant to the refusal of the subject application for subdivision of Farm No. 1557.

4. The **Consolidation of Erf 16576** (0,6989 ha) with **Erf 13836** (3,74 ha) in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-law, 2023.

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

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

5.1 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.

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

5.3 The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG approved consolidation diagram for record keeping purposes.

5.4 No structures other than those related to agricultural activities may be constructed on the portion of the consolidated property comprising Erf 16576, in order to preserve the current agricultural uses and maintain the existing scenic and rural character of the area.

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

6.1 The Municipal Planning Tribunal's decision to approve the consolidation of Erf 16576 with Erf 13836 is supported as rational as the proposal is not inconsistent with the Municipal Spatial Development Framework. The Appeal Authority therefore agrees with and endorses the following reasons for approval provided by Municipal Planning Tribunal:

a) The two properties are zoned Agriculture and Rural Zone and are located within the urban edge.
b) The consolidation of these properties will not result in any additional land use rights being granted but create a sustainable agricultural entity.
c) The approval will have no negative impact on the existing scenic and rural character of the area.
d) The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasises the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms and thereby creating sustainable agricultural entities.

6.2 The approval of the application for consolidation of Erf 16576 with Erf 13836 is not contested by the Appellant.

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: 28/8/2026.