



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/17640 (TP887/2024)

Our File Reference Number: Erf 15767, 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 PERMANENT DEPARTURE ON ERF 15767, STELLENBOSCH

1. This Municipality's decision letter dated 21 October 2025 refers.
2. The Appeal Authority resolved on 28 July 2026 that the appeal submitted against the decision of the Authorised Decision-maker made on the 17th of October 2025 to partly refuse and partly approved the subject application **BE DISMISSED**, but that the subject decision **BE VARIED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law, in so far as amending conditions of approval to align with current contravention penalty tariffs, clarifying the extent of the approval, and clarifying matters to be noted, as follows:
 - 2.1 That the following application made in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 15767 Stellenbosch for:
 - a) **Permanent Departure** in terms of Section 15(2)(b) of the said By-law to relax the development rules of the De Bosch Estate to permit the garden shed outside the building footprint and inside the 80m northern common boundary building line,

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

2.2 The **reasons** for the above decision are as follows:

- a) The development intent of De Bosch Estate was to confine and cluster buildings and structures in specific areas. The positioning of the existing garden shed and associated infrastructure does not comply with this intent and is detrimental to the development context and character of the estate and surrounding area.
- b) The garden shed and associated infrastructure are positioned in the north-western corner of the property near the common boundary shared with property owners located outside of the estate. This position is the furthest point from the exiting dwelling unit on the subject property. Subsequently, and to the detriment of adjacent property owners, the garden shed and associated infrastructure are located much closer to their dwelling units than the exiting dwelling unit on Erf 15767 which it is supposed to serve. The adjacent property owners, and not the owner of the subject property, are therefore more likely to be subject to the negative impacts of the garden shed and infrastructure from a visual and operational perspective. Regardless of the historical context for the current location of the garden shed and associated infrastructure, there are no physical constraints to prevent the property owner of Erf 15767 to relocate the existing garden shed and associated infrastructure to an alternative and more appropriate location to avert any negative impact on adjacent property owners.

2.3 That the following application made in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 15767 Stellenbosch for:

- a) **Permanent Departure** in terms of Section 15(2)(b) of the said By-law to relax the development rules of the De Bosch Estate to permit the pool house outside the building footprint and inside the 80m northern common boundary building line,

BE APPROVED in terms of Section 60 of the said By-law, subject to conditions in terms of Section 66 of the said By-law.

2.4 **Conditions** of approval:

- a) The approval only applies to the departure application **limited to pool house** 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.
- b) 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.
- c) 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 and prior to the approval of any building plan.
- d) The pool house be positioned generally in accordance with the site development plan reference as Project no: 4008-P with Plan no: 1, drawn by TV3 and dated 19/09/2024, attached as **Annexure A**.
- e) 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.

2.5 The **reasons** for the above decision are as follows:

- a) The pool house is positioned next to the pool and clustered with the existing dwelling unit and associated structures. The setback of the pool house from the property boundaries are deemed sufficient and will not have a negative impact on the surrounding area or property owners bordering De Bosch Estate. The approval of the pool house will subsequently not be detrimental to the development context and character of the surrounding area and the estate.

2.6 **Matters** to be noted:

- a) That any unauthorised building works or land use on the subject property be investigated by the relevant Directorate.

3. Accordingly, the decision detailed in this letter may be implemented, subject to compliance with the conditions of approval.
4. The appeal process has now been concluded.

Yours faithfully



FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

28/08/2026
DATE:

COPIES TO :



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Em

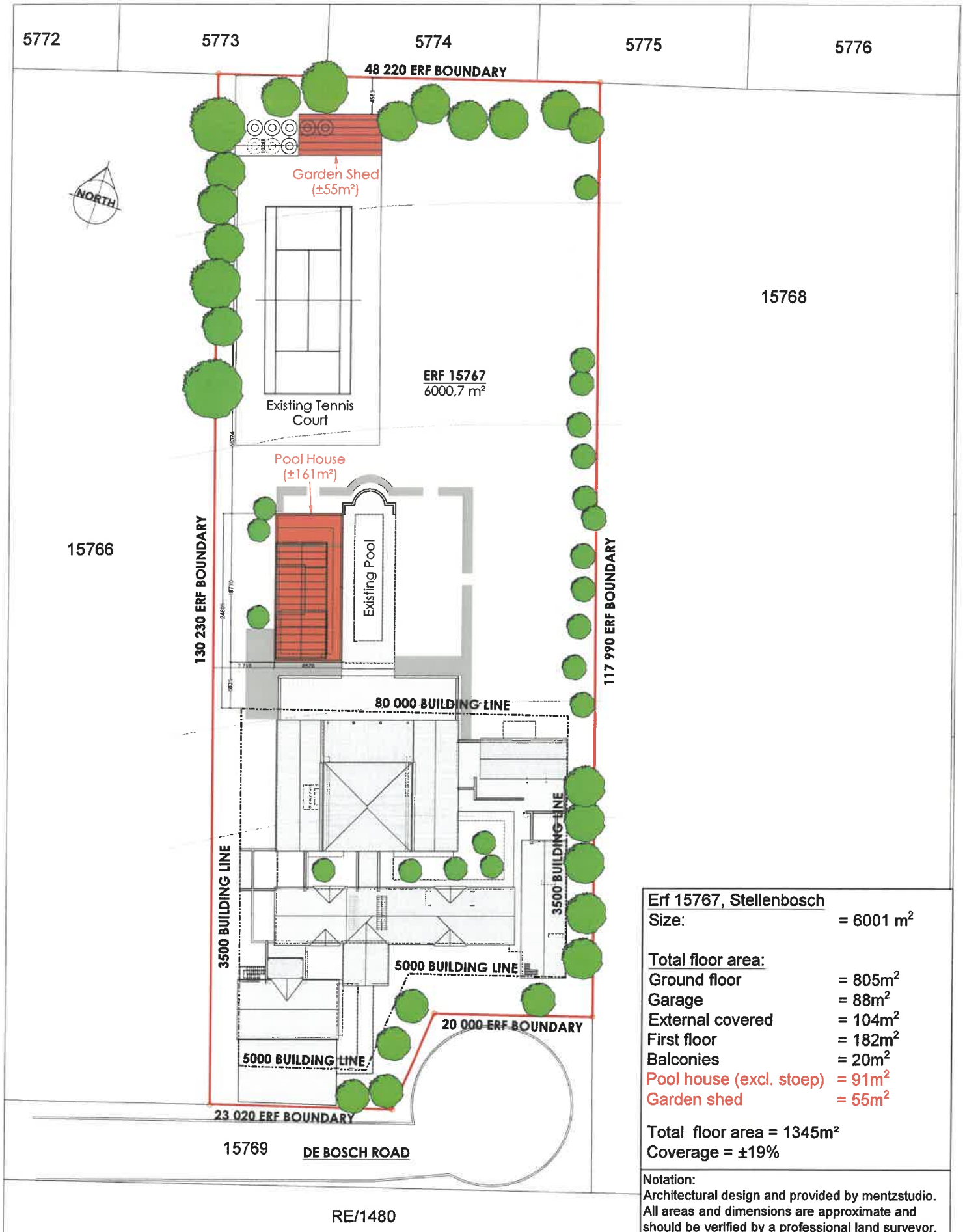


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ANNEXURE A



Erf 15767, Stellenbosch
Size: = 6001 m²

Total floor area:
Ground floor = 805m²
Garage = 88m²
External covered = 104m²
First floor = 182m²
Balconies = 20m²
Pool house (excl. stoep) = 91m²
Garden shed = 55m²

Total floor area = 1345m²
Coverage = ±19%

Notation:
Architectural design and provided by mentzstudio.
All areas and dimensions are approximate and
should be verified by a professional land surveyor.



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URBAN DESIGNERS

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Erf 15767,
Stellenbosch

Drawing:		Plan no.:
Site Development Plan		1
Date:	Scale:	
19/09/2024	NTS	
Project no.:	Drawn:	Checked:
4008-P	WH	CH