

**MEMORANDUM IN SUPPORT OF THE APPLICATION
FOR DEPARTURES TO RELAX THE LATERAL BUILDING LINE AND
TO ACCOMMODATE ROOMS:
PORTION 92 ELANDS KRAAL FARM 203**



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SUMMARY OF APPLICATION:

1. The application is for departures to relax the lateral building line of 30m to 13.54m.
2. Departure to allow more than 2 rooms to let to lodgers.
3. A separate application for an administrative penalty is also submitted

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ANNEXURES

ANNEXURE A	Title Deeds
ANNEXURE B	Power of Attorney
ANNEXURE C	Application Form

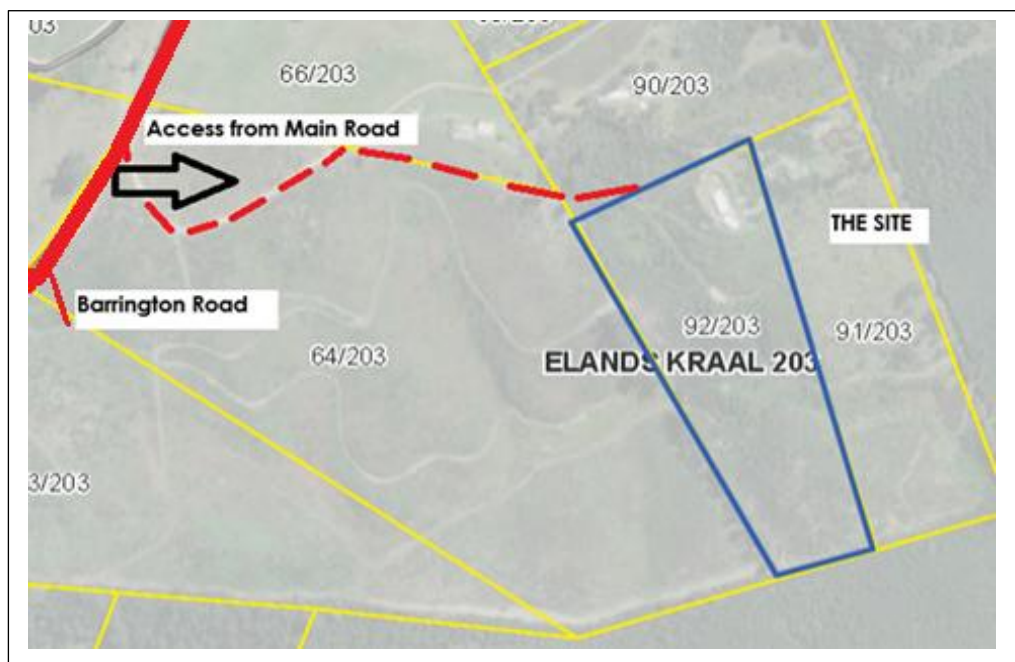
1. BACKGROUND INFORMATION

1.1 Pre- Application Consultation

No pre-Application consultation was necessary.

1.2 Application Location:

The site is located east of Barrington Road as shown below:



1.3. Applications in terms of By-Law

1.3.1. A **permanent departure** in terms of **Section 15(2)(b)** of the Knysna Municipality Spatial Planning and Land Use Management By-Law (2021) for the following:

- To relax the eastern building line from 30m to 13,54m for an existing greenhouse
- To allow for three rooms for a bed and breakfast establishment as opposed to two.

1.4. Property Details and Ownership:

1.4.1. The site is owned by CINDERELLA CATHERINE KOEHLER AND CHERYL FRANCKEN by virtue of Deed of Transfer T19007/ 2023 and is 5,3120ha in extent.

1.5. Legal Matters:

1.5.1. **Conditions of Title:**

There are no restrictive conditions of Title in the above Title Deed.

1.5.2. **Bond holders' consent:**

There are no bonds registered over the property.

1.5.3. **Legal Jurisdiction and zoning:**

The property falls within the Knysna Municipal area and is zoned “**Agriculture Zone I**” in terms of the Knysna Municipality Zoning Scheme By-Law 2020.

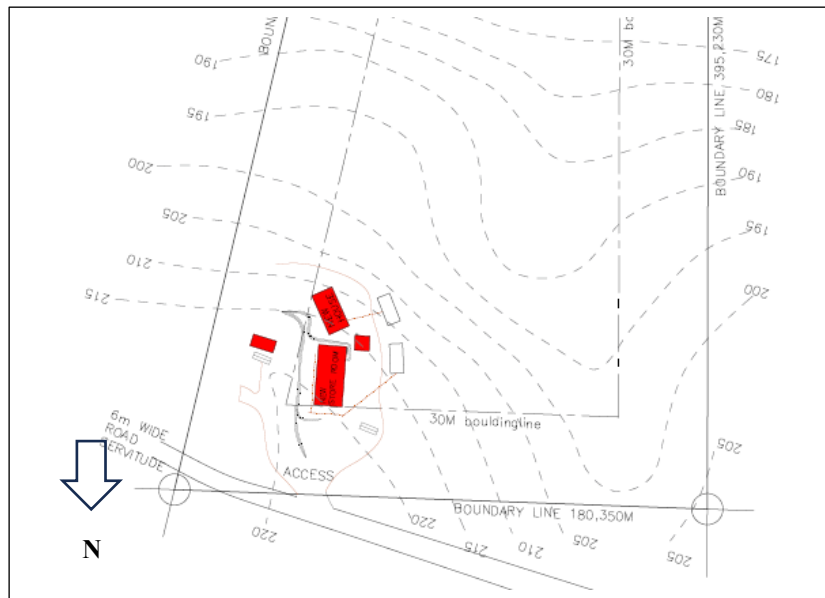
2. APPLICATION AND DEVELOPMENT PROPOSALS

2.1 Existing Development of the site

The site contains the following structures:

- A main residence
- A shed which partially accommodates three rooms for letting to lodgers and
- A “greenhouse structure” which is subject of this application.

The position of the buildings on the site is shown below: (See attached Plans)



The only building structure within the building line is the greenhouse as shown.

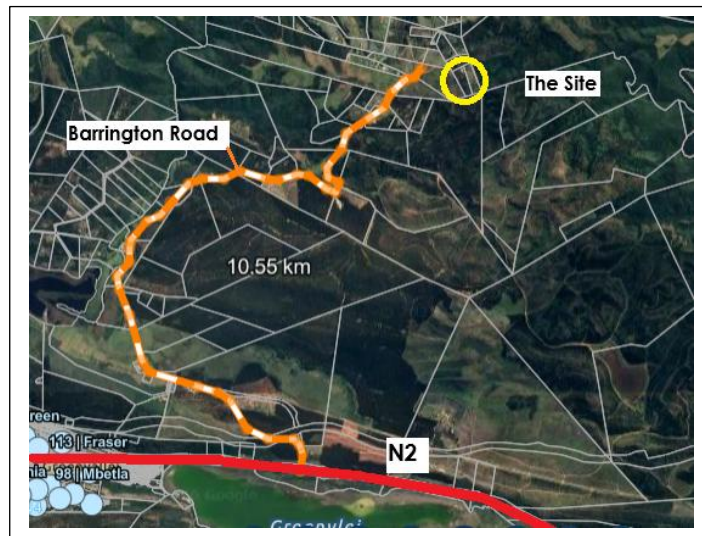
As shown on the attached plans, the house is the main residential structure and the building termed a “shed” contains three habitable suites and a tool shed as shown on the site plan overleaf:

accommodate the third room for the purposes of a Bed and Breakfast establishment.

3. SITE CONTEXT

3.1 Location:

In terms of site considerations, it can be noted that the property is a large farm portion, located approximately 11km north of the N2 accessed off the Barrington/ Karatara Regional road, as shown below:



3.2 Existing and surrounding Land Uses:

In general terms, the site is very isolated, and is a typical farm used largely for rural residential purposes.

The surrounding uses are all of a similar nature with a mixture of rural residential, agriculture and in an increasing number, accommodation for visitors and lodgers. The area in general is very scenic and while constrained to some extent by steep inaccessible landscape is an appealing environment for tranquil rural living. This site is ideal in that regard.

4. POLICY FRAMEWORKS

4.1 Spatial Development Frameworks, SPLUMA and IDP's

The nature of the application to relax a lateral boundary building line and accommodate an additional room for lodging, is not impacted on by prevailing policy as guiding policy documents and Spatial Frameworks are higher level guides. As such, they do not pronounce on fine detail such as the proposed departures in this application, and therefore

these matters are better dealt with on the site-specific merits, relating to considerations of detail and desirability. It can nevertheless be stated that in the context of this application, there are no conflicts with compliance regarding the principles embodied in SPLUMA and Spatial Development Frameworks.

5. MOTIVATION OF APPLICATION

5.1 Reasons for the application:

According to the previous owner the structures were built during the COVID period and due to the restrictive public environment at the time, the buildings were erected without any approved building plans. The site when purchased was in a devastated state having been ravaged by fire and looking as shown below:



While the buildings were all constructed in a proper manner, the question of approval of plans has only arisen by the new owners, and hence the need to rectify the matter and obtain plan approvals.

Approval of plans will be submitted by the owner's architect, however in order to obtain approval the requested departures will need to be dealt with simultaneously.

At the same time, as is required by the Knysna Spatial Planning and Land Use Management By-Law, a application for an Administrative Penalty is also to be submitted.

5.2 Compliance with zoning parameters:

As indicated in the previous paragraphs, the prescribed parameters in terms of an "Agricultural" zoning will not be compliant unless the requested departures are approved.

The only transgression in terms of building lines is the greenhouse within the 30m stipulated lateral building line. The relaxation to 13,54m is still a substantial distance from the lateral boundary, and will have no impact on any adjoining use. The greenhouse is an agricultural building, and has no intrusive elements.

The rooms for lodgers are *en-suite* guests suites and are not self-contained units as shown below. They are let to lodgers for varying periods of occupation but are essentially a bed and breakfast establishment.



5.3 Submission of Building plans:

As mentioned above, the structures were erected without approved plans, which will now be rectified through this application, and administrative penalty application, and the submission of a full set of building plans.

5.4 Services for the developments:

There are no implications as far as additional services are concerned, as the structures make use of the current infrastructure available on the site.

The site is self-serviced as far as rainwater/boreholes are concerned and septic tank sewers, and therefore no municipal services are affected.

6. SUMMARY AND RECOMMENDATIONS

6.1 In summary the applications are for the following:

- A departure in terms of **15(2)(b)** from development parameters relating to lateral building line relaxation, and to increase the number of lodgers rooms by one additional room if deemed as a bed and breakfast establishment.
- The second simultaneous application is for an administrative penalty in terms of Section **15(2)(r)** to rectify the non-compliance with building plans and building within the stipulated building lines.

6.2 Recommendations

The application as motivated and the implications of the above will facilitate the approval of a new set of plans, and in doing so facilitate the legalising of the status quo on site.

Therefore, the application should be recommended for approval.