

BRENTON ERF 93

APPLICATION FOR:

CONSENT USE AND REMOVAL OF TITLE DEED CONDITIONS



CLIENT: ELIZABETH 86 (PTY)LTD
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



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SECTION A :**BACKGROUND****1. BACKGROUND**

Brenton Erf 93 is located at 93 Tulbagh Street, Brenton-on-Sea, and is currently zoned 'Single Residential Zone I' in terms of Knysna Municipality: Zoning Scheme By-Law, 2020 and is 1202m² in extent.

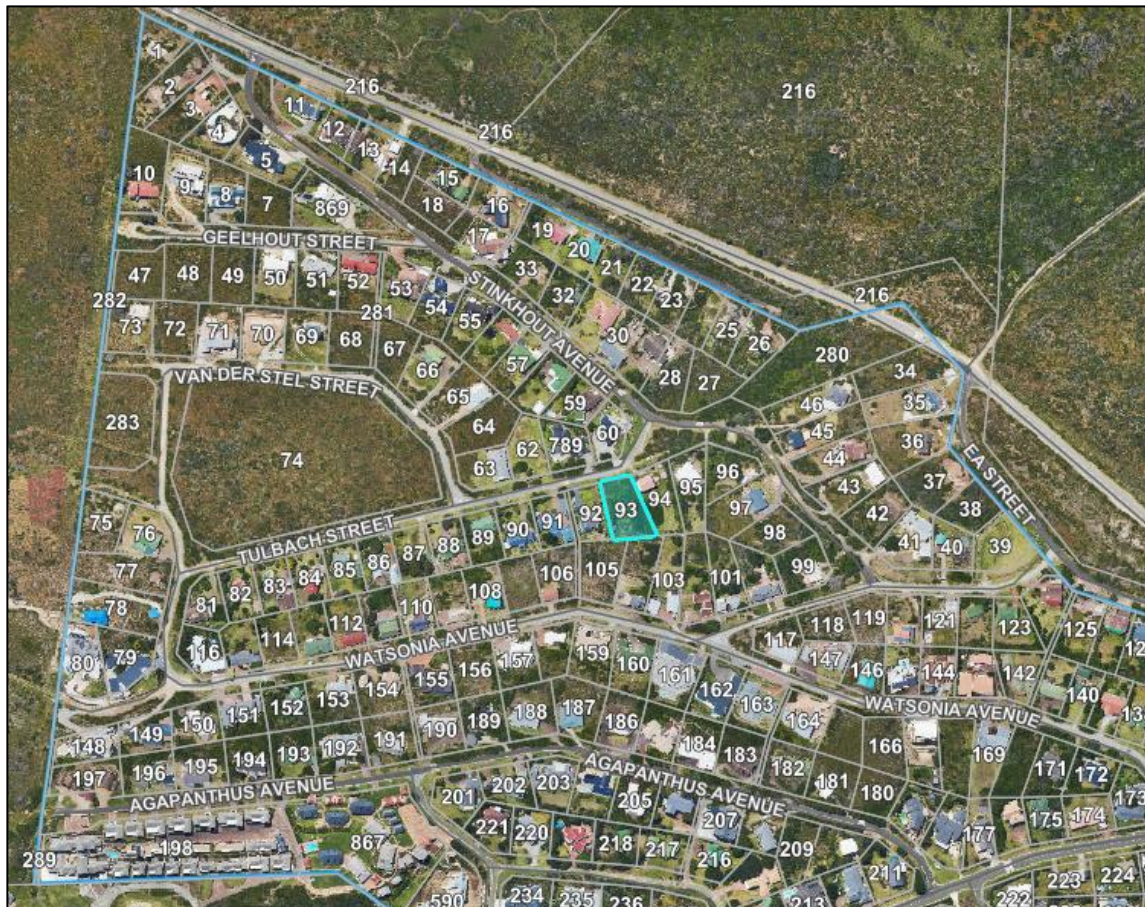


FIGURE 1: LOCALITY OF APPLICATION AREA

The owner of Brenton Erf 93 has building plan approval to construct a dwelling house on Erf 93. A copy of the approved building plans is attached as **ANNEXURE A**.

The applicant wishes to convert a portion of the new dwelling into a guest house with a separate unit (second dwelling) for the guest house manager. The proposed development is intended to align with the development parameters as set out in the Knysna Zoning Scheme By-law (2020). In order to obtain land use rights to use the dwelling as a guest house with a manager's unit >60m², it is necessary to apply for a Consent Use for a second dwelling and for a guest house.

The application area's Title Deed stipulates that only one dwelling unit may be developed on the property, hence it is also necessary to apply for the Removal of Restrictive Title Deed conditions.

1.1. Pre-Application

The proposal was discussed at the pre-application consultation meeting held with Knysna Municipality's Town Planning pre-application consultation panel on 31 August 2023. The meeting minutes are attached as **ANNEXURE B**.

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners, have been appointed by **Elizabeth 86 (PTY) LTD** to prepare and submit the required application documentation (refer to **ANNEXURE C**: Signed Company Resolution & Power of Attorney and **ANNEXURE D**: Application Form) for:

- (i) A Consent Use to allow for Additional Dwelling on Brenton Erf 93, in terms of Section 15(2)(o) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021);
- (ii) Consent Use to allow for a Guest House with 6x guest rooms on Brenton Erf 93, in terms of Section 15(2)(o) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021);
- (iii) Removal of restrictive condition D(6)(b) from Title Deed No T41435/2023 to allow for a second dwelling on Brenton Erf 93, in terms of Section 15(2)(f) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T41435/2023) that includes the information outlined below is contained in **ANNEXURE E**. No individual SG Diagram exists for the application area. The General Plan for Brenton on Sea (General Plan 10313/1958) is contained in **ANNEXURE F**.

Title Deed Description:	Erf 93 Brenton in the Municipality and Division of Knysna, Province of the Western Cape Province.
Title Deed Number:	T41435/2023
Property Owner:	ELIZABETH 86 (PTY) LTD
Property Size:	1202m ² (One Thousand Two Hundred and Two) Square Metres
Title Deed Restrictions:	Condition D(6)(b) <i>"...Dit mag alleen gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word daarop op te rig..."</i>
Servitudes:	C (ii) Entitled to right of way 20 feet wide, marked abcfde on Diagram No 6680/1948
Bonds:	None

SECTION B :**DEVELOPMENT PROPOSAL****4. DEVELOPMENT DESCRIPTION**

(**PLAN 3:** Architectural Plans & Site Development Plan: Approved Building Plans)

The Applicant envisions the development of a high-quality residential and hospitality facility on Erf 93, Brenton-on-Sea, tailored to integrate seamlessly with the coastal character of the area. The approved dwelling house will be converted into a six-bedroom guest house, designed to cater to the local tourism market while maintaining a residential scale.

The proposal is to convert a portion of the approved dwelling into a 6-bedroom guest house, with a separate catering kitchen and living quarters for the guest house owner / manager. The guest house will include a guest lounge, games room and bar, and an administrative office.

Access to the dwelling and guest house will be from the first floor, and then with an interval staircase, one can enter the dwelling house / manager's unit.

The total size of the approved dwelling is $\pm 621\text{m}^2$, and the proposed second dwelling will be 116m^2 in extent.

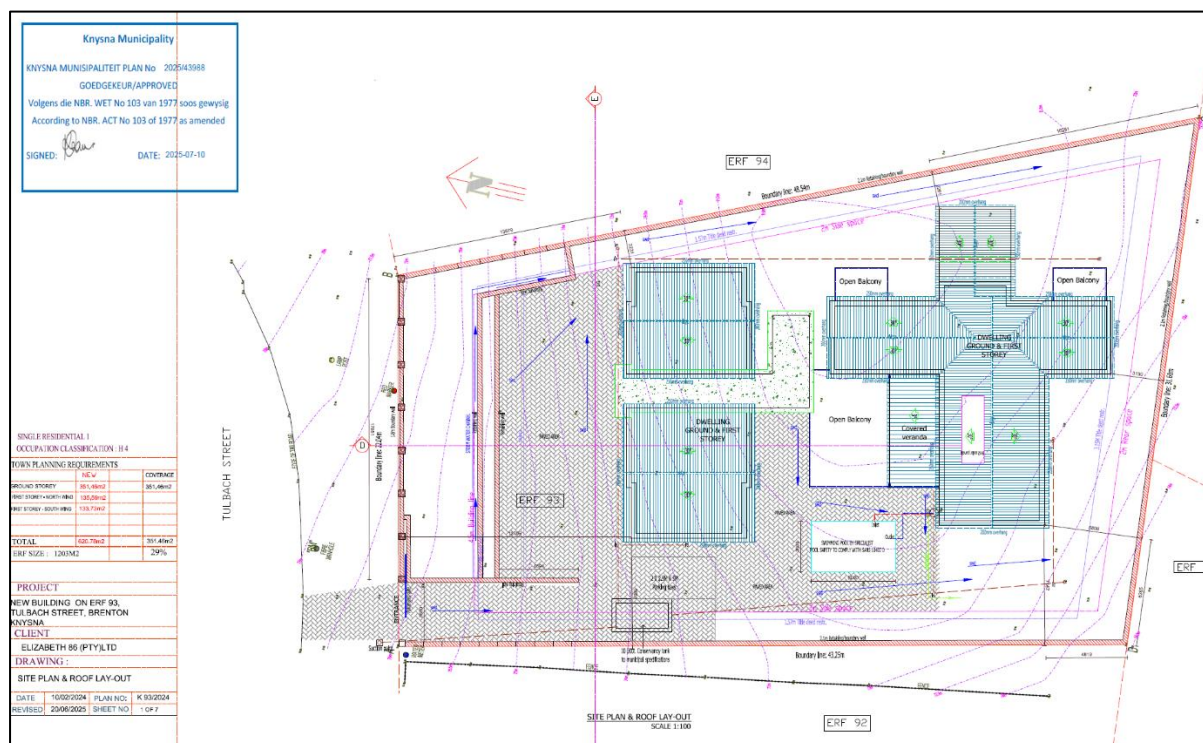


FIGURE 2: EXTRACT FROM THE APPROVED BUILDING PLANS

4.1. Proposed Second Dwelling

The proposed land use for the property is to remain fundamentally unchanged, as it will retain its status as a primarily residential erf. However, an application is made for a Consent Use to allow for a second dwelling in order to allow two kitchens for the dwelling: one kitchen for the owner/resident manager, and a catering kitchen for the proposed guest house.

Both of which are permitted within a Single Residential Zone, subject to municipal approval. To support this, the application further includes the Removal of Restrictive Title Deed Conditions pertaining to dwelling density. The result is a development that remains residential in nature while providing for specialised guest house accommodation in line with local planning policy.

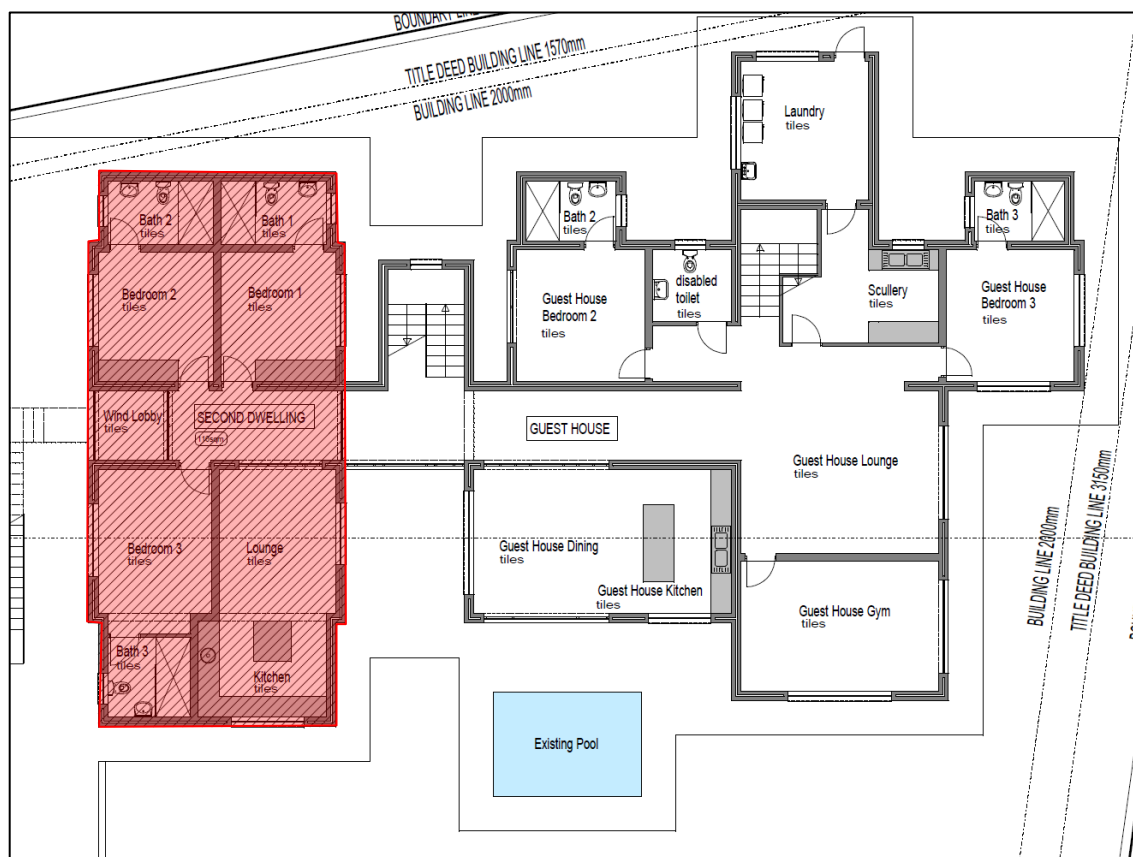


FIGURE 3: PROPOSED SECOND DWELLING – 116M²

4.2. Proposed Guest House

The proposal is to convert a portion of the approved dwelling house into a guest house. The guest house will include 6x guest rooms, a catering kitchen; a dining area, a private gym, and a games room and entertainment area.

Meals at the guest house will be for bonafide guest only.

4.3. Access

The primary access to the application area is obtained via Tulbagh Street.



FIGURE 4: EXITING ACCESS POINTS FROM TULBAGH STREET

4.4. Parking

The proposed development has been designed to strictly adhere to the parking requirements set out in the Knysna Zoning Scheme By-law (2020). For a guest house establishment, the by-law prescribes a minimum of one bay per guest room (i.e. 6 bays total) plus one bay for the resident manager.

As illustrated in the Site Development Plan (SDP) and Figure 5 below, the proposal provides a total of 8 on-site parking bays, exceeding the minimum prescribed parking requirement. This allocation includes 6x parking bays dedicated to the guest house, and 2 bays for the guest house manager/owner.

The proposed Site Development Plan therefore, complies with the prescribed parking requirement.

According to the Knysna Zoning Scheme Bylaw, the minimum width of a combined entrance/access way should be 5m, and the Site Development Plan shows the width of the access way as 5m wide.

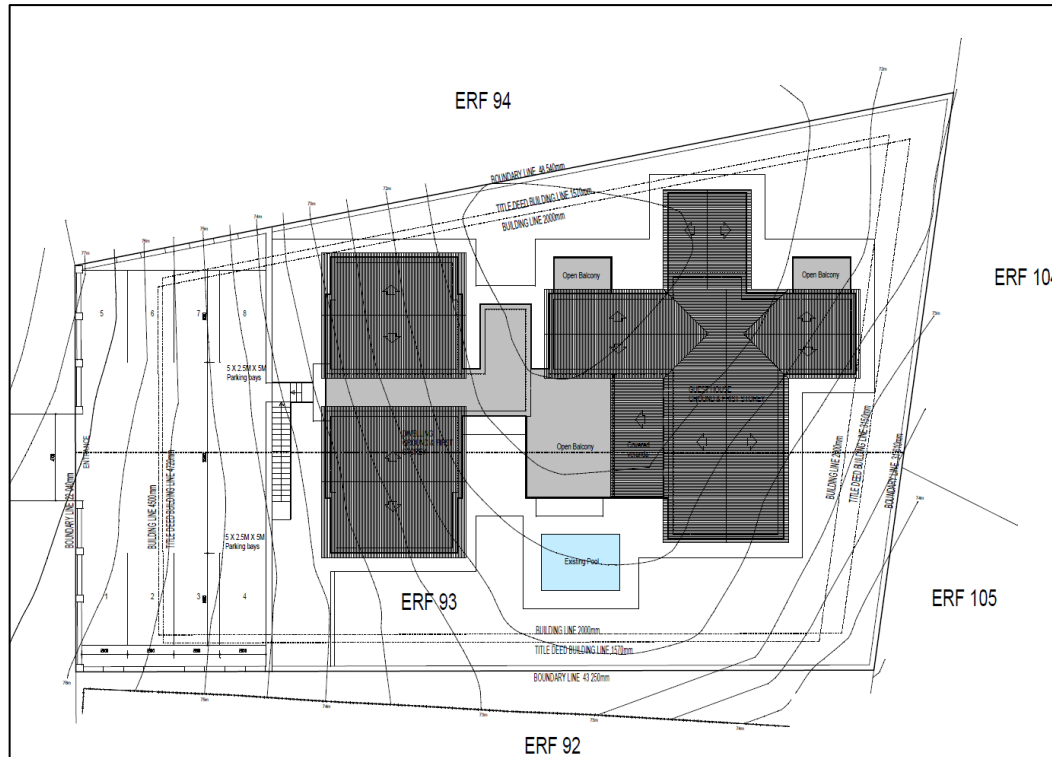


FIGURE 5: PARKING LAYOUT

5. STATUTORY SPECIFICATIONS

The following land development application is lodged in terms of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), to achieve the desired outcome.

5.1. Consent Use

The Knysna Municipality Zoning Scheme By-Law, 2020, only allows for one "Dwelling House" on a "Single Residential Zone I" zoned property as a primary land use right. A second dwelling larger than 60m² and a "Guest House" with accommodation for more than 4 guests / 2 guest rooms, are allowed as consent uses.

Application is therefore made in terms of Section 15(2)(0) of the Knysna Municipality By-Law on Municipal Land Use Planning (2021) for a consent use to allow for a second dwelling of 116m² on Brenton Erf 93, and for a consent use to allow for a Guest House with six (6x) guest rooms.

5.2. Removal of Restrictive Title Deed Condition

Condition D6(b) from the Title Deed T41435/2023 of Brenton Erf 93 prescribes that no more than one building with supporting outbuildings is permitted on the property, and therefore prohibits the building of a second dwelling.

In order to allow the consent use for a second dwelling, a simultaneous application for the removal of this restrictive title deed condition is required.

Reason for the removal:

The removal of Condition D6(b) from Title Deed T41435/2023 is necessary to resolve the legal conflict between the old, original township establishment conditions of Brenton on Sea and the recent spatial planning policy that encourages densification and the development of second dwelling units. Whilst the 1957 township establishment conditions development to a single dwelling, the Knysna Zoning Scheme By-law (2020) specifically identifies a second dwelling and a guest house as compatible land uses within a Single Residential Zone via Consent Use.

The removal of this restriction is in the public interest as it promotes the optimal and efficient use of land within the Brenton urban edge without detracting from the established residential character of the area. Furthermore, the proposed development supports the local tourism economy, a key strategic objective for the Knysna Municipality, while ensuring the site remains governed by contemporary development parameters.

This removal will not result in any prejudice to the surrounding neighbourhood, as the development will still adhere to the municipal height and building line regulations, ensuring that the densification remains appropriate and sustainable for the Brenton context.

5.3. Knysna Municipality Zoning Scheme By-law (2020)

A summary of the prescribed development parameters for "Dwelling house" and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter		Proposal	Compliance
Primary Use:	'Dwelling house'	'Second dwelling'	<i>Consent Use Required</i>
		'Guest house'	<i>Consent Use Required</i>
Size of 2 nd Dwelling	175m ²	116m ²	<i>Comply</i>
Coverage:	50%	29%	<i>Comply</i>
Floor Factor:	1	0.51	<i>Comply</i>
Height:	The highest point of a building may not exceed 8.5m metres above NGL	Three stories (Highest point = 8.41m)	<i>Comply</i>
Building Lines:	Street building line (north): 4.5m	4.5m	<i>Comply</i>
	Side building line (east): 2m	2m	<i>Comply</i>
	Side building line (south): 2m	3.15m	<i>Comply</i>
	Side building line (west): 2m.	2m	<i>Comply</i>

Prescribed Development Parameter		Proposal	Compliance
Parking:	1x parking bay per bedroom	Parking bays required: 7x Parking Bays provided: 8x	<i>Comply</i>
	1x parking bay per owner's home/ manager's flat		
Entrance Way Width	5m	5m	<i>Comply</i>

From the above it is clear that the proposal complies with all prescribed development parameters for a guest house and second dwelling unit.

6. SERVICES INFRASTRUCTURE

The subject property is located within the established urban fabric of Brenton-on-Sea and is already served by the existing municipal infrastructure network. Given that the erf is situated in a fully developed residential node, connection points for water, electricity, and waterborne sewerage are readily available in the adjacent street reserve. The proposed development of a primary residence and guest house is of a residential scale that falls within the original design capacity of the local service network; therefore, no additional bulk supply upgrades are anticipated.

Furthermore, the proposal will not negatively impact existing municipal services. By developing an infill site, the application promotes the efficient use of existing infrastructure, ensuring that the densification of the property contributes to the municipal rates base without requiring the expansion of the current service footprint.

SECTION C :**CONTEXTUAL INFORMANTS****7. LOCALITY***(Plan 1: Locality Plan)*

Knysna Erf 93 is located at 93 Tulbagh Street, Brenton-on-Sea. The application area is located in the demarcated urban edge of Brenton, only one street south of the main road into Brenton-on-Sea, State President C R Swart Road. The coordinates to the centre of the property are located at 34° 4'13.77"S and 23° 1'27.73"E.

**FIGURE 6: LOCALITY****8. CURRENT LAND USE AND ZONING****8.1. Land Use**

The application area is currently vacant but is zoned for residential purposes. It is located within a residential suburb of Brenton-on-Sea, and all the neighbouring properties are used for residential purposes as well.

The applicant has approved building plans for a dwelling house (attached as ANNEXURE A), and the proposal is to convert a portion of the approved dwelling house into a guest house.



FIGURE 7: EXISTING LAND USES

8.2. Zoning

The Application area is currently zoned as **Single Residential Zone I** in terms of Knysna Municipality: Zoning Scheme By-Law, 2020.

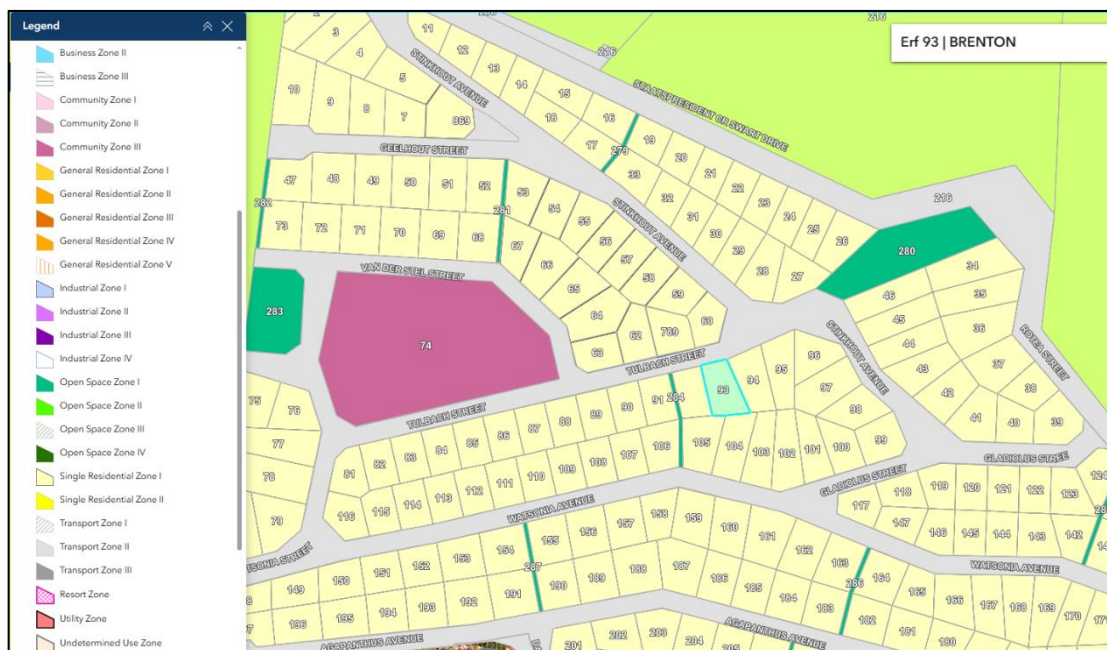


FIGURE 8: EXTRACT ZONING MAP

9. SITE CHARACTERISTICS

The application area consists of a vacant residential erf that remains in its natural state. The site is characterised by the sloping topography typical of the Brenton-on-Sea coastal ridge, which offers significant views but requires a design that is sensitive to the natural contours of the land.

Currently, the site is entirely undeveloped and contains but contain services connections. The property is covered by natural coastal vegetation and has remained undisturbed since the establishment of the suburb. While the site is currently "greenfield," it is located within the built-up urban fabric of Brenton, with municipal service connections available from the street reserve.

An OSCAER Permit was issued for the construction of the dwelling house, and the Department of Environmental Affairs confirmed in writing that no NEMA Authorisation is required for the construction of the dwelling house (refer **ANNEXURE G**). Also, the conversion of a portion of the approved dwelling house into a guest house will also not require environmental authorisation.

10. CHARACTER OF THE AREA

(Plan 2: Land Use Plan)

The Application area is located within the established residential suburb of Brenton-on-Sea, an area characterised by its unique coastal topography and a diverse mix of permanent and seasonal residential uses. The surrounding neighbourhood is predominantly comprised of single-residential properties; however, there is a well-established trend of supplementary land uses within the immediate vicinity (see Figure 9 below).



FIGURE 9: SNIPPET FROM THE LAND USE PLAN

The character of the area is defined by a blend of primary residences, short-term rental homes, Airbnb's (as seen in the figure below), and formal guest house accommodations. This mix of uses demonstrates that the suburb serves as a key node for both local residents and the tourism sector. The proposed development of a primary dwelling and a secondary guest house component is therefore entirely consistent with the existing fabric of the neighbourhood.

By maintaining a residential scale and aesthetic, the proposal ensures that the local "sense of place" is preserved while aligning with the vibrant, hospitality-oriented character that defines Brenton-on-Sea



FIGURE 10: SURROUNDING LAND USES

11. EXISTING POLICY FRAMEWORKS

11.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the province's spatial planning agenda".

The PSDF sets out a policy framework within which the Western Cape Government will carry out its spatial planning responsibilities. Each of the three spatial themes contributes to the achievement of the Western Capes strategic objectives. These policies are categorised into three themes, namely:

- **Resources:** Sustainable use of spatial assets and resources
- **Space Economy:** Opening up opportunities in the Space Economy
- **Settlement:** Developing Integrated and sustainable settlements.

The proposed development complements the SDF's spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy.
- (ii) More inclusive development in the urban areas.
- (iii) Strengthening resilience and sustainable development.



FIGURE 11: WC PSDF POLICY FRAMEWORK

However, it is important to note that some of the key policies laid down by the Western Cape PSDF have a bearing on this application.

POLICY S1: PROTECT, MANAGE AND ENHANCE SENSE OF PLACE, CULTURAL AND SCENIC LANDSCAPES

Policy Statement	Development's Response
2. Promote smart growth, ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill, intensification, and redevelopment within settlements.	(i) The proposal will allow for more efficient use of land. (ii) The development area is located within the urban edge and is suitable for urban development. (iii) The proposed development promotes smart growth by making efficient use of a vacant erf within an established urban residential area. By prioritising infill development on a serviced property, the proposal utilises existing infrastructure and contributes to the consolidation

	<i>of the urban fabric. The development avoids urban sprawl by focusing growth within the existing settlement, while intensifying and optimising the use of land in a manner that is compatible with the surrounding residential environment.</i>
3. Respond to and enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns.	<i>i) The proposal is in line with the existing character of the area and will not deviate from the existing aesthetics of the application area and the surrounding neighbours.</i> <i>(ii) The proposal reinforces the role and character of this urban node by consolidating residential development within the existing town, consistent with historical settlement patterns, and by making efficient use of available land and services.</i>

Planning Implication:

The proposed development on Brenton Erf 93 is directly aligned with the Western Cape Provincial Spatial Development Framework (PSDF), specifically Policy S1, which prioritises "smart growth" through the intensification of existing urban areas. By utilising a vacant erf within the established urban edge, the proposal serves as a prime example of sustainable infill development.

The application for a Consent Use for a second dwelling and guest house accommodation represents a responsible intensification of land, ensuring that existing municipal infrastructure is used efficiently rather than contributing to urban sprawl. This approach optimises the utility of the property while remaining within the built-up fabric of Brenton-on-Sea, thereby supporting the provincial mandate to contain settlement footprints and prioritise the redevelopment of serviced land.

Furthermore, the proposal responds to the specific settlement hierarchy and character of Brenton-on-Sea by reinforcing its role as a key residential and tourism node. The request for the Removal of Restrictive Title Deed conditions is a necessary planning intervention to modernise the property's land-use rights, replacing archaic density limitations with a development model that supports the local hospitality economy.

Because the dwellings are designed as two-story structures that respect the natural topography and aesthetic of the neighbourhood, the project enhances the "sense of place" envisioned by Policy S1. Ultimately, the application facilitates a diverse and economically viable use of the site that is both socially and spatially compatible with the surrounding residential and tourism-oriented environment.

11.2. Knysna Municipal Spatial Development Framework (2025)

Knysna Municipality has adopted and implemented a new Spatial Development Framework during December 2025, a copy of the final approved SDF is not yet in the public domain. The purpose of the Knysna SDF is to provide relevant background information regarding the biophysical, economic and social context of Knysna Municipality. The Knysna Municipality

Spatial Development Framework serves as a policy framework for spatial development within the local municipality.

The Spatial Vision of the municipality is to create a long-term, sustainable land use pattern and building on the Knysna Municipality's integrated development vision to be Inclusive, Innovative and Inspired, the complementary spatial planning vision leading the Knysna MSDF is to:

"...Establish Knysna as an authentic place that works for all of its residents and continues to attract visitors. Build an equitable and inclusive society within a sustainable and resilient ecosystem..."

According to the Knysna Municipality Spatial Development Framework (SDF),

- The application area is located inside the urban edge.
- The application area is located within the 'Knysna CBD'
- The application area is within the identified 'Business Zone II'

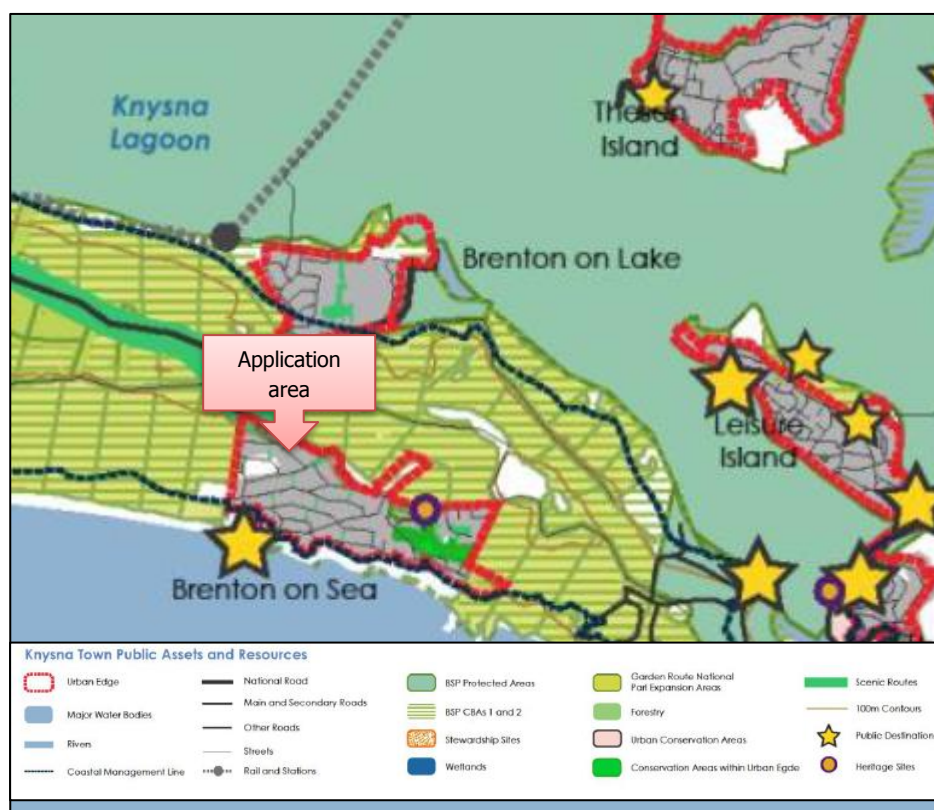


FIGURE 12: EXTRACT: KNYSNA SDF

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. It is important to note some of the key policies of the SDF have a bearing on this application.

Policy No	Policy	
B	Manage the growth of urban settlement in Knysna to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets and functional ecosystems services	
		Policy Guideline
B1	Hold the urban edge as the development boundary as identified for settlements in the Knysna Municipal Area	i. In the short term, direct new development to vacant, underutilised or recycled land within the urban edge as defined in this MSDF for Knysna town, Sedgfield, the specialised coastal centres and village

Alignment with 2025/2026 SDF: CBD Vitality and Mixed-Use Integration

The proposed development of Brenton Erf 93 is fundamentally aligned with the strategic objectives of the Knysna MSDF, specifically Policy B1, which prioritizes managed urban growth through the intensification of land use within the existing urban edge. By developing a vacant erf with a primary residence and a second dwelling/guest house, the project fulfils the Guideline (i) mandate to promote infill development and contain urban sprawl. This approach ensures the optimal and efficient use of existing municipal infrastructure and services, allowing for sustainable densification on a serviced property without encroaching on the ecologically sensitive greenbelts surrounding Brenton-on-Sea.

Furthermore, the application supports the MSDF's goal of fostering a resilient local economy by diversifying the residential utility of the site to include tourism accommodation. The request for a Consent Use and the concurrent Removal of Restrictive Title Deed Conditions serve as the necessary legal mechanisms to unlock the site's potential for "smart growth" as envisioned by the municipality. By maintaining a two-story residential scale, the proposal ensures that this intensification remains compatible with the established "Sense of Place," providing economic benefits through guest housing while strictly adhering to the spatial logic and development boundaries defined in the MSDF.

Planning Implication:

The primary planning implication of Policy B1(i) is the transition of the subject property from an underutilised vacant erf to an optimised residential and tourism asset. By directing growth toward the intensification of existing urban land, the policy provides a strong planning rationale for the requested Consent Use and the Removal of Restrictive Title Deed Conditions. Effectively, the MSDF mandates that properties within the urban edge should contribute to a more compact and efficient town structure; therefore, maintaining the archaic "one dwelling" restriction would be contrary to the municipality's strategic goal of sustainable densification and smart growth.

Furthermore, this policy alignment implies that the development is inherently "desirable" from a spatial planning perspective. Because the proposal utilises a serviced infill site, it reduces the long-term fiscal burden on the Knysna Municipality by maximising the utility of

existing infrastructure. The planning implication is that the project serves as a model for "managed growth"—providing necessary guest accommodation and residential density within the current urban footprint, thereby protecting the surrounding natural landscapes from the pressures of outward expansion.

11.3. Knysna Integrated Development Plan (2025/2026)

The IDP is the planning instrument that drives the process to address the socio-economic challenges, as well as the service delivery and infrastructure backlogs experienced by communities in the municipality's area of jurisdiction.

Knysna Municipality approved the 4th generation IDP in May 2025. According to this IDP, the municipality's vision is to:

- Encourage all members of society to participate in and support the municipal governance structure and to create opportunities for dialogue.
- Conserving and managing the natural resources.
- Planning for the growth and development of quality municipal services to support the community.
- Creating an enabling environment to foster the development of our people and enabling them to contribute.
- Supporting and encouraging the development of investment, business and tourism and emerging industries.

The Knysna IDP identified seven Strategic objectives that are aligned to the national strategic focus areas as well as the Provincial Strategic Goals of the Western Cape Government. None of these is directly applicable to the proposed development

The application area is located in Ward 5 of the Knysna Municipality. None of the issues raised in the community for Ward 5 applies to the proposed development.

Planning Implication:

The primary planning implication of the Knysna IDP is the requirement for development to act as a catalyst for local economic development (LED) and job creation. By incorporating a five-bedroom guest house component, the application directly responds to the IDP's strategic objective of strengthening the tourism sector, which is the backbone of the Knysna economy. The proposal transforms a vacant site into a revenue-generating asset that contributes to the municipal rates base and provides potential employment opportunities within the hospitality and maintenance sectors. This shifts the project from a purely private residential development to one that provides broader socio-economic benefits to the Brenton community and the greater Knysna area.

SECTION D :**MOTIVATION****12. ASSESSMENT OF APPLICATIONS****12.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Section 42 of SPLUMA prescribes certain aspects that have to be taken into consideration when deciding on an application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land
- (3). National and provincial government policies the municipal spatial development framework, and take into account: —
 - (i) the public interest;
 - (ii) the constitutional transformation imperatives and the related duties of the State;
 - (iii) the facts and circumstances relevant to the application;
 - (iv) the respective rights and obligations of all those affected;
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and
 - (vi) any factors that may be prescribed, including timeframes for making decisions.

12.2. Knysna Municipality: Spatial Planning and Land Use Management By-law 2021

The Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021 as promulgated by G.N 8492 dated 17 September 2021 states in Section 65 the general criteria necessary for considering an application by the municipality.

It must be noted that the application has not undergone the notice phase of the application process and that the information below is the necessary information required by the municipality to process the application. The following criteria must be considered when evaluating the desirability of this land development application:

Criteria	Reference in Report
The impact of the proposed land development on municipal engineering services .	Par.6
The integrated development plan , including the municipal spatial development framework.	Par. 11.3

Criteria	Reference in Report
The applicable local spatial development frameworks adopted by the Municipality.	Par.11.2
The applicable structure plans .	Par.4
The applicable policies of the Municipality that guide decision-making .	Par.12.2
The provincial spatial development framework .	Par.11.1
where applicable, a regional spatial development framework contemplated in section 18 of the Act and a provincial regional spatial development framework.	<i>n/a</i>
The policies, principles and the planning and development norms and criteria set by the national and provincial governments;	Par.12.1
The matters referred to in Section 42 of the Act; Principles referred to in Chapter VI (6) of the Western Cape Land Use Planning Act ; and	Par.17
applicable provisions of the zoning scheme	Par.5.2
any restrictive condition applicable to the land concerned	Par.3

13. REMOVAL OF TITLE DEED RESTRICTION

According to Section 33(5) of the Knysna Municipality By-law on Municipal Land Use Planning, the municipality must have regard to the following, when considering the removal, suspension or amendment of restrictive title deed conditions:

a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person, as the owner of a dominant tenement.

Response:

The rights that are enjoyed by this condition are in favour of all properties in Brenton-on-Sea. The purpose of building lines is to retain view lines, to accommodate space for infrastructure services, ventilation and privacy. It is the considered opinion that there is no financial value associated with the restrictive title deed restrictions, as the Knysna Zoning Scheme By-law (2023) prescribes building lines that remain applicable for Brenton Erf 93. The only value associated with the restrictive title deed condition was to maintain a uniform township, as no zoning schemes were in place at that time when Brenton-on-Sea was developed (i.e. 1957), and title deeds contained the properties in a specific area's specific development parameters and guidelines. This restriction is outdated as the latest bylaws support densification, and several precedents exist in the area (see Brenton Erven, 111, 116, 220, 273).

b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

Response:

The holder of the rights is the entire community of this township and the Administrator. SPLUMA (2013) replaces the "Administrator" with the local municipality (Knysna Municipality). The benefits were to create and maintain a uniform neighbourhood prior to zoning schemes being implemented.

Legalising the existing and proposed structures ensures that the land use on the application area is consistent with the applicable zoning scheme parameters of the municipality, ensuring no illegal and unlawful land uses. The proposal will also not have an impact on any of the surrounding property owners and is consistent with the character of the area. The approval of the application will have no benefits (or negative impacts) on the community of this township.

c) The personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is amended, suspended, or removed.

Response:

The personal benefit which accrues to the person seeking to remove the condition will allow the landowner to be sure that the land use on their property is legal, and it will allow the applicant to develop their property to their liking, ensuring development remains within the urban edge and thus limiting urban sprawl. The relaxation will enable the applicant to develop a second dwelling in such a way that does not influence the surrounding properties.

d) The social benefit of the restrictive condition remaining in place in its existing form.

Response:

There are no social benefits to maintaining this restrictive title deed condition in place. This restriction is outdated, and several precedents already exist in the area. The conditions were imposed at a time when a Town Planning Scheme was not yet available. Should the restrictive condition remain in place, it will prohibit the landowner from developing the property to their liking, even if it complies with the applicable development parameters (except building lines) and has no impact on the surrounding area. Therefore, it will have no social benefit if it remains in place.

e) The social benefit of the removal, suspension or amendment of the restrictive condition.

Response:

The conditions were imposed before any zoning schemes existed or were applicable to this area. The purpose of this title deed condition was to ensure that a uniform neighbourhood was created. The surrounding property owners in this neighbourhood will not be negatively affected by the removal of the title deed restriction in any way whatsoever, as the zoning scheme has development parameters that ensure no rights are encroached on.

As mentioned, several precedents exist in the area, and it would be unfair to restrict the landowner from complying with the Title Deed Restrictions if other owners were able to relax these conditions.

The social benefit of the removal of these conditions that conflict with the Zoning Scheme Bylaw is that there will be only one set of development rules to apply with, and no more confusion about adhering to a double set of rules. Further, it will allow the landowner to be at ease, knowing that all proposed structures on the application area are legal.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

Response:

The beneficiaries of these rights are the entire community of Brenton-on-Sea and the Knysna municipality (Administrator). Nowadays, the Knysna Zoning Scheme Bylaw prescribes development rules and development parameters, and these have to be enforced by the Knysna Municipality. It should be noted that any land development on the application area must still comply with the prescribed development parameters of the Knysna Zoning Scheme By-law (2023). Therefore, the beneficiaries of these conditions are still protected by means of the provisions of the Zoning Scheme Bylaw.

g) Whether the removal would be in the public interest.

Response:

The removal of the restrictive condition will have no influence on the public interest, as this will allow this member of the public to construct the proposed extensions, and to legalise the existing non-conforming, whilst still being consistent with the character of the area and have no impact on the existing land use right currently enjoyed by any of the surrounding property owners or any member of the public.

The fact that several similar examples in the surrounding area confirm that a precedent has been set to deviate from these imposed conditions.

14. NO IMPACT ON EXISTING RIGHTS

The proposal will not impact any existing land use right currently enjoyed by neighbouring properties, will not prevent any surrounding landowner from exercising their existing land use rights and will not disturb or negatively influence the character of the area.

15. CONSISTENCY WITH THE SURROUNDING AREA

The proposed development is inherently consistent with the established residential and hospitality character of Brenton-on-Sea. The area is defined by a diverse mix of large-scale primary residences and a well-integrated network of short-term rental properties, Airbnb's, and formal guest houses. By maintaining a double-storey architectural profile and a residential aesthetic, the proposal ensures that the building massing remains proportionate to the neighbouring properties and the surrounding coastal landscape. The inclusion of a second dwelling and guest house component does not introduce a foreign land use; rather, it reinforces the existing functional fabric of the suburb, which has long served as a key destination for both permanent residents and the tourism market.

16. THE NEED FOR THE PROPOSAL

Tourism is one of the main economic drivers of the Knysna Municipality. The need for this proposal is driven by the growing demand for diverse and high-quality tourism accommodation within the Knysna Municipal area, specifically in the coastal node of Brenton-on-Sea. As a premier destination within the Garden Route, there is a documented requirement for guest house facilities that offer a more personalised, residential-scale experience compared to traditional hotels. By providing a five-bedroom guest house component, the development addresses this market gap, supporting the local tourism value chain and contributing to the town's seasonal and permanent economic resilience.

Furthermore, the provision of a second dwelling addresses the need for compact, efficient housing solutions that allow for multi-generational living or additional long-term rental stock, which is essential for maintaining a vibrant and sustainable local community.

The need is further justified by the scarcity of developable land within the Brenton-on-Sea urban edge. Utilising an existing, vacant serviced erf for a dual residential and hospitality purpose is a direct response to the necessity for "smart growth" and the optimal use of municipal resources. Rather than placing pressure on undeveloped peripheral land, this proposal meets the demand for residential and commercial expansion by intensifying an existing site. This ensures that the growth of the hospitality sector in Knysna occurs in a controlled, sustainable manner that utilises existing infrastructure while satisfying the clear market preference for accommodation that is integrated into the unique natural beauty of the Brenton ridge.

17. DESIRABILITY

The concept "desirability" in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned. This section expresses the desirability of the proposed rezoning, taken in conjunction with the development principles and criteria set out through the statutory planning framework, as well as the degree to which this proposal may be considered within the context of broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

The proposed development is considered desirable as it is not in conflict with the spatial development policies, does not negatively impact the provision of services or any surrounding landowners' rights. Furthermore, the approval of the application will not have a negative impact on the character of the area, accessibility and functionality of the area, nor will it negatively impact any member of the public.

The following key considerations are considered to determine the desirability of the proposed land use:

Elements for Consideration	Key Questions to Ask	Proposal's Desirability
Economic impact	Positive or Negative impact on neighbourhood/settlement?	Positive economic impact (employing workers and educating workers and their families). No

Elements for Consideration	Key Questions to Ask	Proposal's Desirability
		<i>impact on surrounding property owners or their rights.</i>
Social impact	Greater social justice, equity of access to opportunity	▪ <i>The surrounding property owners will not be negatively affected by the proposal, and the proposal complies with all the development parameters.</i> ▪ <i>The proposal will also allow for additional opportunities in form of accommodation.</i> ▪ <i>The operation of the guest accommodation has provided opportunities for workers to receive training and develop additional skills in the hospitality sector, thereby contributing to the development of a skilled workforce.</i> ▪ <i>See Par. 13, 15, 16 & 17.</i>
Scale of capital investment	> capital investment - > positive impact	▪ <i>Landowner's investment to expand on the current land use.</i> ▪ <i>More worker that are trained at the cost of the landowner.</i> ▪ <i>Additional cost for cleaning products and food bought in the local economy.</i>
Compatibility with surrounding land uses		▪ <i>See Par.9 & Par.13</i>
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	▪ <i>See Par.6</i>
Impact on safety, health & well-being of the surrounding community		▪ <i>See Par.13, Par.14, Par.15 & Par. 17.</i> ▪ <i>No visual impact</i>
Impact on heritage		▪ <i>No heritage impacts</i> ▪ <i>No heritage value</i>
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	▪ <i>Within urban edge.</i> ▪ <i>No NEMA-listed activities triggered.</i> ▪ <i>The positioning of the two new guest suites takes into consideration the biophysical characteristics of the site by locating the units in disturbed areas between the trees.</i>

Elements for Consideration	Key Questions to Ask	Proposal's Desirability
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	- Ample parking is provided. See Par.4.3 & Par.4.4 - Ample and safe access to the application area.
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		- No negative impact on the quality of life. - No views will be obscured. - Fits within the character of the area.
Timing – need to densify or protect urban edges	The best option for the site at this point?	- Within urban edge. - Complies with all the development parameters of the zoning scheme, except one building line departure. - Full utilisation of the site and easily able to accommodate the additional second dwelling within the prescribed development parameters as per the zoning scheme. - The acceptable scale of densification.
Cumulative impacts	Unacceptable cumulative impacts?	Only positive impacts. No impact on any of the surrounding property owners or the Municipality.
Opportunity costs	Any unacceptable opportunity costs?	- Private investment. - No municipal funding is required.
Alignment with SDF's		Refer to Par.11 & Par.

Note: LUPA (Land Use Planning Act) does not refer to a lack of desirability, nor does it require there to be a positive advantage (i.e. the absence of a positive advantage should not automatically lead to a decision to refuse).

From the table above, it is clear that the proposed consent uses are desirable.

18. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)

The purpose of this Provincial legislation is to consolidate legislation in the Province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions; to make provision for provincial spatial development frameworks; to provide for minimum standards for, and the efficient coordination of, spatial development frameworks; to provide for minimum norms and standards for effective municipal development management; to regulate provincial development management; to regulate the effect of land

development on agriculture; to provide for land use planning principles; to repeal certain old-order laws, and to provide for matters incidental thereto.

Section 59 of this Act prescribes the Land Use Planning Principles that apply to all land development in the province. These are summarised in the tables below. The tables below aim to summarise how the proposed development on Brenton Erf 93 complies with these principles.

18.1. Spatial Justice

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Past spatial and other development imbalances must be redressed through improved access to and use of land.	N/A	<i>This policy is not applicable to the application area.</i>
Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation.	N/A	▪ <i>This policy is not applicable to the application area.</i> ▪ <i>Not a Spatial Development Framework or Policy.</i>
Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons.	N/A	<i>This policy is not applicable to the application area.</i>
Land use management systems should include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements.	N/A	<i>This policy is not applicable to the application area.</i>
Land development procedures must include provisions that accommodate access to, and facilitation of, the security of tenure and the incremental upgrading of informal areas.	Applicable to Knysna Municipality	<i>The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>
A competent authority contemplated in this Act or other relevant authority considering an application before it, may not be	Applicable to Knysna Municipality	<i>The municipality must process this application within the prescribed guidelines of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property will be affected by the outcome of the application.		
The right of owners to develop land in accordance with current use rights should be recognised.	N/A	<i>The proposal reinforces the owner's right to develop the land in accordance with its Single Residential Zone I status, as the requested second dwelling and guest house are explicitly recognised as permissible consent uses within this zone. By aligning the property's development with these established rights, the application ensures legal certainty and honours the transition of the site from a vacant erf to its intended urban use.</i>

18.2. Spatial Sustainability

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority.	Comply	▪ <i>The proposal is resource-frugal, as all activities make use of the existing services.</i> ▪ <i>The application area is within the urban edge of Knysna and within an established urban environment.</i>
Ensure that special consideration is given to the protection of prime, unique and high-potential agricultural land.	N/A	<i>Not Agricultural land</i>
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	▪ <i>The application area is located within an existing urban area and does not trigger any environmental listed activities in terms of the National Environmental Management Act (1998).</i>
Promote and stimulate the effective and equitable functioning of land markets.	Comply	▪ <i>The proposed development is consistent with the character of the surrounding area. It will not negatively impact the value of its surrounding properties.</i>
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	▪ <i>The existing infrastructure is adequate, and no upgrade is required. See Par.6.</i>
Promote land development in locations that are sustainable and limit urban sprawl.	Comply	▪ <i>No urban sprawl will be created because of this application.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Result in communities that are viable.	Comply	- The proposal will create employment opportunities in the residential area. Hence new, additional employment opportunities within walking distance of residences. - Contributes to a more viable community by allowing the property owners to fully utilise the land and allow for a more efficient operation.
Strive to ensure that the basic needs of all citizens are met in an affordable way.	N/A	<i>This principle is not applicable to the applicant or this development.</i>
The sustained protection of the environment should be ensured.	Comply	- In line with all Environmental policy documents and legislation. - The application area is located within the existing urban area of Knysna and within the existing urban fabric. - The proposal does not trigger the need for Environmental Authorisation in terms of NEMA.

18.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development optimises the use of existing resources and infrastructure.	Comply	<i>The proposal ensures that the land is used to its full potential.</i>
Integrated cities and towns should be developed.	N/A	<i>This policy is applicable to township developments, and therefore, utilising a vacant erf contributes to the development of cities.</i>
Policy, administrative practice and legislation should promote speedy land development.	Applicable to Knysna Municipality	<i>The municipality should process this application within the prescribed time frames of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

18.4. Spatial Resilience

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks	Comply	- The proposal is consistent with the various applicable spatial plans, policies and land use management systems. - It will have no negative impact on the livelihood of the community. - The proposed application complies with the requirements of the Knysna Municipality:

		<i>Spatial Planning and Land Use Management By-law (2021).</i>
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18.5. Good Administration

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
All spheres of government should ensure an integrated approach to land use planning.	Applicable to Knysna Municipality	<i>This principle has no direct bearing on the application; however, the Knysna Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</i> <i>What is however important is that all decision-making is aligned with sound policies based on national, provincial and local development policies.</i>
All government departments must provide their sector inputs and comply with any other statutory requirements during the preparation or amendment of spatial development frameworks.		
The requirements of any law relating to land development and land use must be met timeously.		
The preparation and amendment of spatial plans, policies, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them.		
The legislation, procedures and administrative practice relating to land development should be clear, and promote predictability, trust and acceptance in order to inform and empower members of the public.		
A spatial development framework, zoning scheme or policy should be developed in phases and each phase in the development thereof should include consultation with the public and relevant organs of state and should be endorsed by the relevant competent authority.		
Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts.		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Development application procedures should be efficient and streamlined, and timeframes should be adhered to by all parties.		
Decision-making in all spheres of government should be guided by and give effect to statutory land use planning systems.		

19. CONCLUSION

In light of this motivation, and the information contained in the foregoing report, it is clear that the application for:

- (i) A Consent Use to allow for Additional Dwelling on Brenton Erf 93, in terms of Section 15(2)(o) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021);
- (ii) Consent Use to allow for a Guest House with 6x guest rooms on Brenton Erf 93, in terms of Section 15(2)(o) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021);
- (iii) Removal of restrictive condition D(6)(b) from Title Deed No T41435/2023 to allow for a second dwelling on Brenton Erf 93, in terms of Section 15(2)(f) of Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).

Meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021), is desirable, and it is therefore recommended that the application be supported by the relevant authorities and approved by the Knysna Municipality.

Marika Vreken Urban and Environmental Planners
February 2026
