

REMAINDER OF  
PORTION 19 OF FARM  
RUYGTE VALLY NO.205

## Departure, Consent Use & SDP Approval Applications



Planning  Space  
Town and Regional Planners

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# INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

## COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

|                                              | DEPARTURE | CONSENT USE | SDP APPROVAL | ANNEXURE REFERENCE |
|----------------------------------------------|-----------|-------------|--------------|--------------------|
| Completed & signed application form          | √         | √           | √            | T2                 |
| Power of Attorney / Owner's consent (1)      | √         | √           | √            | Annexure A         |
| Resolution (2)                               | -         | -           | -            | N/A                |
| Proof of registered ownership (3)            | √         | √           | √            | Annexure B         |
| Bondholder's consent (if any)                | -         | -           | -            | N/A                |
| Written motivation (4)                       | √         | √           | √            | Main document      |
| S.G. diagram / Extract of general plan       | √         | √           | √            | Annexure C         |
| Locality plan                                | √         | √           | √            | Diagram 1          |
| SDP / conceptual layout plan                 | √         | √           | √            | Diagram 4          |
| Subdivision plan [incl. street name(s) & no] | -         | -           | -            | Not required       |
| Proof of payment of application fees         | √         | √           | √            | Attached           |
| Copy of title deed                           | √         | √           | √            | Annexure B         |
| Conveyancer certificate (7)                  | -         | -           | -            | Not required       |
| Minutes of pre-application meeting (8)       | √         | √           | √            | Annexure F         |

## SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED

|                                      |   |   |   |              |
|--------------------------------------|---|---|---|--------------|
| Zoning plan                          | √ | √ | √ | Diagram 3    |
| Phasing plan                         | - | - | - | Not required |
| Consolidation plan                   | - | - | - | Not required |
| Proof of lawful use right            | - | - | - | Not required |
| Proof of failure of HOA (9)          | - | - | - | Not required |
| Copy of original approval letter (s) | - | - | - | N/A          |

## ADDITIONAL INFORMATION

|                                      |   |   |   |            |
|--------------------------------------|---|---|---|------------|
| Approved Building Plans              | √ | √ | √ | Annexure D |
| Previous Departure Approval          | √ | √ | √ | Annexure E |
| South Cape District Council Approval | √ | √ | √ | Annexure G |
| SANRAL Comment (December 2013)       | √ | √ | √ | Annexure H |

# 1. INTRODUCTION

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Planning Space Garden Route Pty Ltd has been appointed by **LYDIA SALOMINA RAS**, the owner of the Remainder of Portion 19 of Farm Ruygte Vally No. 205, to prepare and submit the following applications to Knysna Municipality in terms of Section 15 (2) and Chapter IV of the Knysna Spatial Planning and Land Use Management By-Law 2021 (See Power of Attorney attached as **Annexure A**):

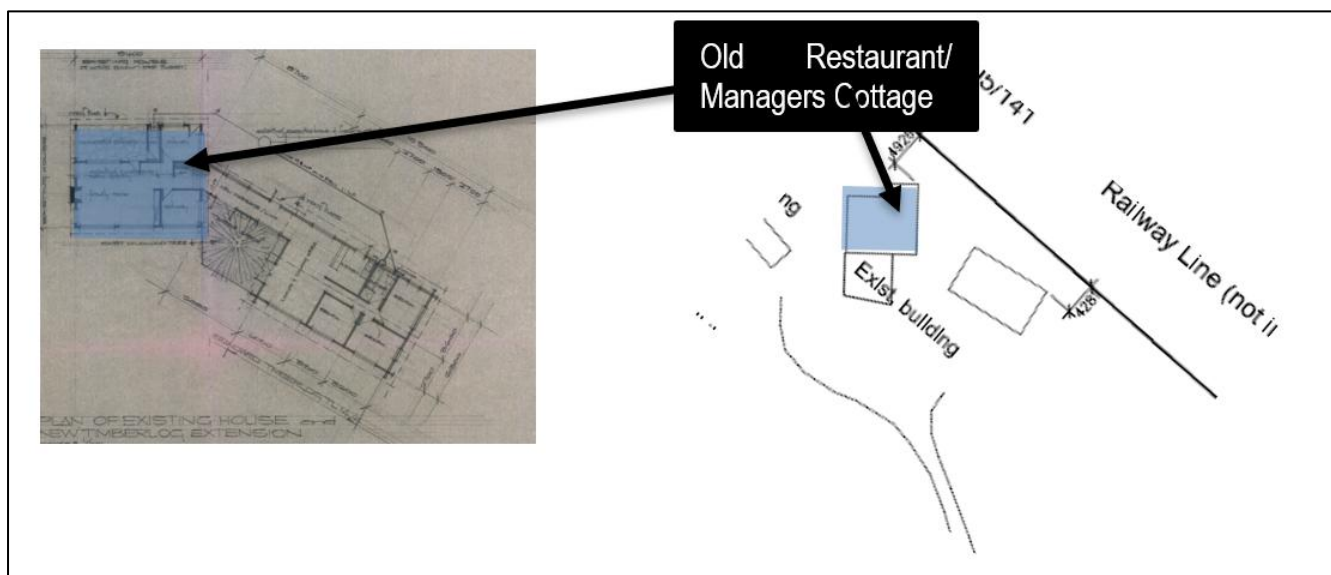
- i. Section 15 (2) (o): Application for Council's Consent to permit an existing additional dwelling unit.
- ii. Section 15 (2) (b): Application for a departure from the provisions of the Knysna Zoning Scheme By-Law for a building line relaxation along the:
  - a) Western lateral boundary from 30m to 10m in order to permit the existing additional dwelling unit.
  - b) Northern lateral building line (adjacent to the railway reserve) from 30m to 4m, in order to allow the existing main house, additional dwelling unit, farm manager's cottage, garage, and a storeroom/workshop.
- iii. Section 15 (2) (g): Application for the approval of a Site Development Plan No. 13-11-A1.0, attached hereto as Diagram 5.

These applications are submitted to regularise existing land uses and structures on the property and to ensure compliance with the applicable planning and zoning regulations.

# 2. BACKGROUND

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The Remainder of Portion 19 of Farm Ruygte Vally No. 205 is zoned Agriculture Zone I. The original dwelling house on the property was constructed in 1960, with building plans for extensions approved in 1983. These approved plans depicted a two-building complex connected by a deck and passage surrounding an existing milkwood tree, as well as a garage (refer to Annexure D). However, the deck was never constructed, and instead, two separate timber structures were erected on the property.



**Figure 1: Extracts from the approved Building Plans and proposed Site Development Plan.**

In June 2000, the former South Cape District Council granted consent in terms of Ordinance 15 of 1985 for the operation of a restaurant, tea garden, and coffee shop on the property, subject to specific conditions (see Annexure G). The restaurant was accommodated in a section of the previously approved dwelling house (see Figure 1 above). In 2002, the owner applied for an extension of the validity period of this approval due to delays in implementation, primarily arising from conditions imposed by SANRAL. The restaurant subsequently operated successfully for a number of years.

In 2003, a notice of non-compliance was issued in respect of Condition 4.5 of the Consent Use approval, relating to an advertising signboard. This matter was resolved through the removal of the signboard. Although the restaurant is no longer in regular commercial operation, the structure remains in use and is currently occupied by the farm manager.

In 1993, the property around the railway line that bisects the land was expropriated, and a new land parcel, being Portion 141 of Farm 205, was created, effectively creating a new boundary line with a new 30m building line.

In 2014, the Municipality approved a departure application in terms of the Land Use Planning Ordinance, 1985 (LUPO) (see Annexure E). This approval permitted the following building line relaxations:

- The western lateral building line from 30m to 10m; and
- The northern lateral building line (adjacent to the railway reserve) from 30m to 15m.

These relaxations were granted to accommodate an existing additional dwelling unit. However, Condition (ii) of the approval required that a consent use application for the additional dwelling unit be submitted and approved, and that

building plans for the structure be submitted for scrutiny and record purposes prior to approval. These requirements were not fully complied with at the time, and the approval has subsequently lapsed, even though the building was in existence at the time of the approval, which has necessitated the current application.

Other existing structures include two outbuildings used for the garaging of motor vehicles, storage, and a workshop. The one garage has been indicated as existing on the 1983 building plan, while the other structure has no building plans. With the additional 30m building lines imposed as a result of the railway expropriation, all the structures on the site encroach over the northern building line along the railway line boundary.

An application for the determination of an administrative penalty has been submitted simultaneously in respect of the existing unauthorised additional dwelling unit and building line encroachments, in order to ensure full compliance with current governing legislation.

### 3. PROPERTY INFORMATION

#### 3.1 LOCALITY

The Remainder of Portion 19 of Farm Ruygt Vally No. 205 is situated approximately 2.5 km east of Sedgefield and approximately 19 km west of Knysna.



Figure 2: Extract indicating the locality of the subject property.

The property is located to the north of the N2. Access to the property is obtained directly from the N2 via an approved shared driveway serving both the Remainder of Portion 19 of Farm No. 205 and the Remainder of Portion 18 of Farm No. 205.

### 3.2 PROPERTY DETAIL

|                                |                                                                                                                       |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Title Deed Description</b>  | Remainder of Portion 19 of Farm No.205 Ruygte Vally is situated in the Municipality Division of Knysna, Western Cape. |
| <b>21 Digit code</b>           | C03900000000020500019                                                                                                 |
| <b>Title Deed Number</b>       | T000065558/2014 (Attached as <b>Annexure B</b> )                                                                      |
| <b>SG Diagram No</b>           | SG No. 1450/1930 (attached as <b>Annexure C1</b> )                                                                    |
| <b>Title Deed Restrictions</b> | None                                                                                                                  |
| <b>Property Size</b>           | 4.8985ha                                                                                                              |
| <b>Property Owner</b>          | Lydia Salomina Ras                                                                                                    |
| <b>Bonds</b>                   | None                                                                                                                  |
| <b>Zoning</b>                  | Agriculture Zone I                                                                                                    |
| <b>Land Use</b>                | Rural Residential                                                                                                     |

## 4. PROPOSAL

### 4.1 AGRICULTURAL WORKERS ACCOMMODATION

A portion of the originally approved main dwelling unit, which was previously utilised as a restaurant, is proposed to be converted into workers' accommodation. The building measures approximately  $\pm 75.7\text{m}^2$ . The restaurant has not been formally operating for more than two years, and as per the conditions of approval, the rights of the consent use have lapsed. The unit currently serves as a manager's residence for an individual appointed to oversee the day-to-day maintenance, security, and general management of the property in the absence of the owner, who is a senior citizen currently residing in town.



**Figure 3: Previous restaurant building.**

The appointed manager will be responsible for ensuring that all buildings and infrastructure on the property are properly maintained and remain in a good state of repair. The property is primarily used by the owner's family for residential purposes during holiday periods and is not actively utilised for bona fide agricultural activities. This is largely due to the site's physical constraints, including steep topography and the presence of a railway reserve traversing the property, which limits its agricultural potential. The larger part of the property sits to the north of the railway and is mainly functioning as natural veld, which in itself requires maintenance and regular alien clearing.

The structure forming the subject of this application is part of the existing built environment on the property and is reflected in previously approved building plans (refer to Annexure D). The proposal, therefore, does not introduce new development or additional rights, but rather seeks to formalise and regularise the use of an existing structure that previously operated as a restaurant.

In terms of the Knysna Zoning Scheme By-Law, properties zoned "Agriculture Zone I" may accommodate agricultural workers' accommodation, which may include a manager's house as a primary right.

#### **4.2 CONSENT FOR AN ADDITIONAL DWELLING**

There is an existing additional dwelling unit on the farm that does not benefit from approved building plans. The existence of the dwelling has been documented and acknowledged since 2014, when an application for a building line relaxation was approved to regularise this existing structure (see Annexure E). There seems to be evidence that a consent use for an additional application was also submitted for the second dwelling, but municipal records did not deliver concrete approval, nor approved building plans. The dwelling is rented out to permanent occupants to provide some additional income to the farm. The house measures  $\pm 124\text{m}^2$ .

In terms of the Knysna Zoning Scheme By-Law, properties zoned "Agriculture Zone I" may accommodate certain consent uses without the need for rezoning. One such consent use is an "additional dwelling unit."

An "*additional dwelling unit*" is defined as a dwelling that may be erected on an agricultural land unit, with the consent of the Municipality, in addition to a primary dwelling house and/or agricultural worker accommodation, subject to specific conditions and thresholds. The number of additional dwellings can be permitted in the following ratio:

| AREA OF A LAND UNIT   | NUMBER OF UNITS |
|-----------------------|-----------------|
| Smaller than 10ha     | 1               |
| Between 10ha and 20ha | 2               |
| Between 20ha and 30ha | 3               |

|                       |   |
|-----------------------|---|
| Between 30ha and 40ha | 4 |
| More than 40ha        | 5 |

Based on the size of the subject property (being smaller than 10 hectares), one additional dwelling unit can be applied for, subject to compliance with the stipulated development parameters for additional dwellings.

The proposed unit complies with the applicable provisions of the Zoning Scheme By-Law for the following reasons:

- The structure has a floor area of approximately 124m<sup>2</sup>, including the deck and storeroom below, which is below the maximum permissible floor area of 175m<sup>2</sup> for an additional dwelling unit.
- The height of the structure is approximately 6m, which is within the allowable height restriction of 8.5m applicable to dwelling units within the agricultural zone.
- The structure is compatible in scale and character with the existing built form on the property.
- The property is not located within 1 km of the high-water mark of the sea or a tidal river; therefore, the relevant coastal restrictions are not applicable. The only notable water body in the vicinity is Groenvlei Lake, which is not classified as a tidal water body.
- No subdivision or separate alienation of the additional dwelling unit is proposed.



**Figure 4: Existing Additional Dwelling Unit.**

Accordingly, it is submitted that the proposed regularisation of the existing structure is consistent with the intent and provisions of the Zoning Scheme By-Law. The Council is therefore requested to consider the Consent Use application.

### 4.3 DEPARTURE

An application for departure is hereby submitted to regularise existing building line encroachments on the property. These encroachments relate to the main dwelling, additional dwelling unit, farm manager's cottage, garage, and storeroom/workshop:

- The western lateral boundary setback from 30m to 10m; and
- The northern lateral boundary setback (adjacent to the railway reserve) from 30m to 4m.

These relaxations are required to accommodate the existing structures. It must be noted that a similar Departure was previously approved in 2014 (refer to Annexure E). However, the approval lapsed because building plans were never approved, as required by the conditions of approval.

The main house was constructed in the early 1980s, and at the time complied with building lines. The railway line was cadastrally defined in the early 1990s, effectively bisecting the property, which resulted in a new boundary and a new 30m building line. So, although the house and the manager's house technically encroach on the northern building line, these plans were approved before this boundary was created.

The current application is therefore a resubmission aimed at regularising the existing development and enabling the submission of building plans for formal approval. This is undertaken notwithstanding that no formal notice of non-compliance has been issued, and reflects a proactive effort by the owner to ensure full compliance with applicable legislation.

The existing dwelling has not been altered since the previous approval and remains consistent with the structure originally authorised.

Due to the unavailability of the approved plans within the Municipality's records, the owner intends to formally resubmit building plans to ensure that all documentation is accurately recorded. This approach demonstrates a commitment to good governance, administrative transparency, and regulatory compliance.

Given that the encroaching structures were previously approved and have been existing for several years, the requested building line relaxations are not expected to result in any additional impact on surrounding properties or the rural character of the area.

The Council is therefore respectfully requested to consider the relaxation of the western and northern building lines to regularise the existing structures.

## **4.4 SDP APPROVAL**

In terms of the Knysna Zoning Scheme By-Law, a Site Development Plan (SDP) is required for developments within the “Agriculture Zone I” to ensure that all structures and land uses are appropriately planned and coordinated.

The Site Development Plan submitted as part of this application (refer to Diagram 5) reflects the layout and positioning of all existing structures on the property. These structures have largely remained unchanged for more than a decade and represent an established development footprint. The structures include a main house, an additional dwelling unit, a farm manager's house, a garage, and a storeroom/workshop, all permitted within the Agriculture I Zoning.

The SDP provides a representation of the property, including building footprints, access arrangements, and spatial relationships between structures. Its approval will assist in formalising the existing development footprint and ensuring alignment with municipal planning requirements.

Accordingly, the Council is respectfully requested to consider the submitted Site Development Plan as an accurate reflection of the existing structures/development on the property, and as a basis for ongoing compliance and future management of the site.

## **5. FACTORS TO CONSIDER**

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### **5.1 REGULATORY COMPLIANCE**

The owner has elected to proactively regularise the existing land uses and structures on the property, without the necessity of a formal notice of non-compliance being issued by the Municipality. This approach reflects a commitment to responsible land use management and sound administrative practice. Although there is clear evidence that the owners did attempt to comply with regulations (e.g., submitting departure and consent use applications to various authorities), there seems to be a lack of record-keeping, rather than disregard for rules.

In this regard, this application demonstrates adherence to good governance principles, including the voluntary submission of required applications, the regularisation of historical approvals, and the provision of outstanding documentation for municipal scrutiny and record purposes. It further indicates a willingness on the part of the owner to cooperate fully with the Municipality, promote transparency, and ensure that all development is authorised in accordance with the applicable legislative and policy framework.

This proactive compliance approach is supported in planning practice, as it facilitates orderly development and reduces the administrative burden associated with enforcement procedures.

## **5.2 PREVIOUS APPROVALS**

A building line relaxation applicable was previously granted in terms of the Land Use Planning Ordinance, 1985. Although this approval has since lapsed due to non-implementation within the prescribed timeframe, it remains a material planning consideration.

The previous approval confirms that the Municipality has already assessed the proposal and found it to be acceptable in principle. Importantly, the circumstances relating to the property, the surrounding area, and the nature of the development have not materially changed since the granting of that approval.

The current application is therefore not introducing a new or intensified land use, but rather seeks to formalise an existing and previously supported development.

The conversion of an existing building previously used as a restaurant into a small home for the manager will have less impact than what was originally approved. The restaurant was a traffic generator and had more impact than a small dwelling house.

As such, the application remains consistent with sound planning principles, including continuity, consistency, and administrative fairness.

## **5.3 EXISTING STRUCTURES & INFRASTRUCTURE**

The existing structures on the subject property have remained unchanged since their original construction and form part of an established development footprint.

The property is serviced by on-site infrastructure, including rainwater harvesting systems and a septic tank installation, both of which have been operational for many years. The continued use of these systems ensures that the property functions independently of municipal engineering services.

Therefore, the proposal will not result in any additional demand on municipal infrastructure or services and is therefore aligned with principles of sustainable and self-sufficient rural development.

## **5.4 SANRAL**

The restaurant and the additional dwelling application were approved by SANRAL, subject to the condition that all future development proposals on the property be submitted to SANRAL for review and comment. The current application will not result in any further development and merely serves to reinstate the rights for the additional dwelling that was previously accepted by SANRAL and to convert the previously approved restaurant into a manager's house. The application will nonetheless be circulated to SANRAL for confirmation of their previous comment.

## **5.5 COMPLIANCE WITH SPATIAL DEVELOPMENT FRAMEWORKS (SEDFIELD LSDF & KNYSNA SDF)**

According to the Sedgfield Local Spatial Development Framework (2026) and the Knysna Spatial Development Framework (2025), the subject property is located outside the designated Urban Edge. Neither the Sedgfield LSDF nor the Knysna SDF explicitly promotes or provides policy support for second dwellings beyond the Urban Edge, as such land uses are generally site-specific in nature, particularly within rural contexts, and are not directly regulated within Spatial Development Frameworks.

Based on the available spatial mapping and its interpretation, the proposed development is considered to be consistent with the broader spatial vision and development principles of both the Sedgfield LSDF (2026) and the Knysna SDF (2025). The proposal does not extend beyond the property's existing primary development rights and associated secondary consent uses.

Furthermore, the identified buffer areas and Critical Biodiversity Area (CBA) designations will remain unaffected, as all existing structures are confined to previously disturbed areas of the site. The proposal is therefore aligned with key policy directives of the Sedgfield LSDF, including principles relating to environmental harmony and ecological responsibility, as well as self-sufficiency and reduced reliance on municipal services, as contemplated under the off-grid developments policies.

## **5.6 ANTICIPATED IMPACTS ON THE NEIGHBOURS & SURROUNDING PROPERTIES**

### **5.6.1 Impact on the Neighbours**

The existing structures have been present on the property for several years and are well-integrated into the surrounding rural environment. Dense, established vegetation provides effective visual screening from neighbouring properties and the N2, thereby minimising any potential visual impact.

To the east of the property is a cement product manufacturing plant and retail outlet that will not be negatively impacted by the additional dwelling or the building line relaxations. To the south is the N2. To the west is a vacant piece of land.

The proposal does not introduce new structures or intensify land use, and is therefore not expected to negatively affect the character of the area or the amenity of neighbouring properties.

### 5.6.2 Traffic Impact

Access to the property is obtained via an existing shared access point from the N2, which also serves the adjoining property (Remainder of Portion 18 of Farm No. 205). This access arrangement has been in place for many years and has functioned without reported issues.

The access was originally approved in association with the restaurant's use, and the proposed use as a manager's residence will generate significantly less traffic than the previously approved restaurant use. SANRAL has previously approved the restaurant and the second dwelling.

As such, the proposal is not expected to result in any material increase in traffic volumes or impact on the surrounding road network.

## 5.7 COMPATIBILITY WITH SPLUMA DEVELOPMENT PRINCIPLES

In terms of Chapter II of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), as well as Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), all land use applications must be assessed against applicable development principles.

SPLUMA provides a framework of broad principles, including spatial justice, spatial sustainability, spatial efficiency, spatial resilience, and good administration. While these principles are generally applied at a broader spatial planning level, they remain relevant as guiding considerations.

Given the limited scale and site-specific nature of the proposal, it does not directly contribute to large-scale spatial restructuring or redress. However, the proposal is consistent with these principles in the following ways:

- **Spatial Sustainability:** The development makes use of existing structures and infrastructure, thereby minimising environmental impact.
- **Spatial Efficiency:** The proposal optimises the use of an already developed property without requiring additional land or services. Re-purposing of the restaurant building to accommodate a permanent presence on the property presents an efficient use of an existing structure.

- **Spatial Resilience:** The continued use and maintenance of the property supports its long-term viability.
- **Good Administration:** The owner's proactive efforts to regularise the development strongly align with this principle.

It can therefore be concluded that the proposal is not in conflict with, and is broadly supportive of, the SPLUMA development principles.

## 6. CONCLUSION

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Council is respectfully requested to consider the proposed consent use, departure, and approval of a Site Development Plan.

The rationale for approving the proposal can be summarised as follows:

- The application is to rectify existing buildings and land uses that have been in existence for more than 10 years without any complaint.
- The development footprint is confined to previously disturbed areas and does not encroach on environmentally sensitive land.
- The proposal is consistent with the spatial policies of the Knysna Spatial Development Framework and the Sedgefield Local Spatial Development Framework.
- The application facilitates the regularisation of an existing additional dwelling and the re-purposing of a restaurant building whose rights have expired.
- The property owner will be able to submit Building Plans for endorsement.
- The proposal will not result in any adverse environmental impacts.
- It will not negatively affect the character of the surrounding rural area or neighbouring properties.
- The buildings on the property were previously approved in principle, and the circumstances underpinning that approval remain unchanged.

In light of the above, the application represents a logical, low-impact, and policy-aligned intervention aimed at achieving compliance and improving land use management.