

KNYSNA ERF 21001

APPLICATION FOR: PERMANENT DEPARTURES & CONSENT USE



CLIENT: HUDSON GUEST SERVICES (PTY)LTD
PREPARED BY: MARIKE VREKEN URBAN & ENVIRONMENTAL PLANNERS



June 2026

CONTENTS

(I) TABLE OF CONTENTS

SECTION A : BACKGROUND	1
1. BACKGROUND	1
1.1. Pre-Application Consultation	2
2. THE APPLICATION.....	2
3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP.....	3
SECTION B : DEVELOPMENT PROPOSAL	4
4. DEVELOPMENT SPECIFICATIONS	4
4.1. Mezzanine.....	4
4.2. Granny Flat	Error! Bookmark not defined.
4.1. Access	6
5. STATUTORY SPECIFICATIONS	6
5.1. Permanent Departure	6
5.2. Knysna Municipality Zoning Scheme By-law (2020)	8
6. SERVICES INFRASTRUCTURE	9
SECTION C : CONTEXTUAL INFORMANTS	10
7. LOCALITY	10
8. CURRENT LAND USE AND ZONING	11
8.1. Land Use	11
8.2. Zoning.....	11
9. CHARACTER OF THE AREA	12
10. EXISTING POLICY FRAMEWORKS	12
10.1. Western Cape Provincial SDF (2014)	12
10.2. Draft Garden Route Regional Spatial Development Framework (2019)	13
10.3. Knysna Spatial Development Framework (2025).....	14
10.4. Knysna Integrated Development Plan (2023).....	16
SECTION D : MOTIVATION.....	18
11. ASSESSMENT OF APPLICATIONS.....	18
11.1. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)	18

11.2. Knysna Municipality: Spatial Planning and Land Use Management By-law, 2021	18
12. CONSISTENCY WITH SPATIAL PLANNING POLICIES.....	19
13. NEED FOR PERMANENT DEPARTURE.....	20
14. CONSISTENCY WITH THE SURROUNDING AREA	20
15. NO IMPACT ON EXISTING RIGHTS.....	21
16. DESIRABILITY OF THE PROPOSAL.....	21
17. WESTERN CAPE LAND USE PLANNING ACT, 2014 (ACT 3 OF 2014)	23
17.1. Spatial Justice.....	23
17.2. Spatial Sustainability	24
17.3. Spatial Efficiency	25
17.4. Spatial Resilience.....	26
17.5. Good Administration	26
18. CONCLUSION	27

(II) ANNEXURES

ANNEXURE A.	Pre-Application consultation minutes dated 29 Jan 2025
ANNEXURE B.	Signed Company Resolution & Signed POA dated 4 March 2026
ANNEXURE C.	Application Form dated 9 March 2026
ANNEXURE D.	Title Deed (T43285/2023)
ANNEXURE E.	SG Diagram 1301/2019

(III) PLANS

PLAN 1.	Locality Plan
PLAN 2.	Site Development Plan
PLAN 3.	Approved Building plans July 2023
PLAN 4.	Endorsed Subdivision and Consolidation Plan, Dated 22 April 2025
PLAN 5.	Additional Dwelling Building Plans

(IV) TABLE OF FIGURES

Figure 1: Locality of Knysna Erf 21001	1
Figure 2: Existing Dwelling House.....	4
Figure 3: Tiny Home (Granny Flat) to be moved to the property as a second dwelling.5	
Figure 4: Extract From The SDP	5
Figure 5: Access to The Application Area	6
Figure 6: Locality	10
Figure 7: Existing Dwelling.....	11
Figure 8: Site for the proposed additional dwelling	11
Figure 9: Store Room	11
Figure 10: Proposed Additional dwelling.....	11
Figure 11: Extract Knysna Zoning Map.....	12
Figure 12: Policies Applicable to the Proposed Development	13
Figure 13: Extract - Knysna SDF 2025.....	15

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

Knysna Erf 21001 is located in the approved Entabeni Farming Estate in Welbedacht Lane (Eastford), Knysna. The property is currently zoned "Agriculture Zone II" (small holding) in terms of the Knysna Municipality Zoning Scheme By-law (2020) and is currently 2,9293 ha in extent.

Knysna Municipality approved an application for subdivision and consolidation during April 2025, to amend the communal property boundaries between Knysna Erf 20295 & 21001, and the application being, that once the new, amended property boundaries have been registered in the Deeds Office, Erf 21001 will only be 7909m² in extent.



FIGURE 1: LOCALITY OF KNYNSNA ERF 21001

The existing dwelling house on Erf 21001 was approved as a farm manager's house on the former Knysna Erf 4015, before Erf 21001 was registered; hence at the time when the building plans for this dwelling house were approved, there was no western lateral building line applicable.

During 2025, Knysna Municipality approved the amendment of farm boundaries, and the size of Erf 21001 was reduced to ±7909m². The current prescribed building lines for Knysna Erf 21001 (smallholding >2ha) are 20m. This will, however, only be applicable until the new, approved amended property boundaries are registered in the Deeds Office. Once the new boundaries have been registered, only a 10m building line will be applicable.

The Applicant proposes the installation of an internal mezzanine level within the existing, approved primary dwelling. While this addition remains within the building's current footprint, its position results in an encroachment into the existing 20m statutory building line, necessitating a permanent departure application for a building line relaxation. It is noted that upon the final registration of pending new property boundaries, the applicable building line will be reduced to 10m; however, this application proactively addresses the current 20m restriction to ensure immediate compliance.

In conjunction with the internal alterations, a container-based "tiny home", currently situated on Erf 21266, is to be relocated to Erf 21001 to serve as a "granny flat." As an additional dwelling is a consent use under Agricultural Zone II, the proposal is consistent with the property's existing land use rights. Given the constrained, narrow configuration of Erf 21001, the placement of the tiny home will also fall within the prescribed 20m building line, requiring a permanent departure.

The application currently seeks a permanent departure from the existing 20m building line to accommodate both the mezzanine and the additional dwelling. However, it is important to note that a boundary adjustment process is currently underway. Upon registration of the new boundaries, the statutory building line will shift to 10m. At that juncture, the mezzanine will become fully compliant with the 10m setback, and the departure will remain applicable only to the additional dwelling (granny flat) proposed 3m from the western lateral building line.

1.1. Pre-Application Consultation

The required pre-application consultation was conducted with Knysna Municipality on 22 January 2026 for the proposed application. The pre-application consultation panel did not highlight any red flags or major concerns regarding the intended application. A copy of the pre-application consultation meeting minutes is attached as **ANNEXURE A**.

2. THE APPLICATION

Marika Vreken Urban and Environmental Planners have been appointed by **Hudson Guest Services (Pty)Ltd** to prepare and submit the required application documentation (refer to **ANNEXURE B**: Signed Company Resolution & Signed POA and **ANNEXURE C**: Application form) for:

- (i) 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 relaxation of the western lateral building line from 20m to 3m to allow a mezzanine in the main, approved dwelling, and to allow a new granny flat on Erf 21001.
- (ii) A consent use in terms of Section 15(2)(o) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for an additional dwelling on Erf 21001.

3. PROPERTY DESCRIPTION, SIZE AND OWNERSHIP

A copy of the Title Deed (T43285/2023) that includes the information outlined below is contained in **ANNEXURE D**. The SG Diagram No. 2141/2025 for the application area is contained in **ANNEXURE E** and the extent of the Remainder of 21001 is indicated in the Endorsed Subdivision and Consolidation Plan, **Plan 4**.

Title Deed Description:	Erf 21001 (A Portion of Erf 4015) Knysna in the Municipality and Division of Knysna, Province of Western Cape
Title Deed No:	T43285/2023
Property Owner:	Hudson Guest Services Proprietary Limited.
Property Size:	7909m ² (Seven Thousand Nine Hundred and Nine) Square Metres. Refer to Plan 4 . 2,9293 ha according to the title deed. Once the approved amended property boundaries have been registered in the deed's office, the property size will be 7909m ² .
Title Deed Restrictions:	No restrictive title deed conditions
Servitudes:	The application area is entitled to a right of access from Welbedacht Road via Trunk Road 2 (T2) in coordination with the Provincial Administration.
Bonds:	There is no Bond registered over the property.

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

(Refer to **Plan 2: SDP** and **Plan 3: Building Plans**)

4.1. Mezzanine

The proposal includes the internal addition of a mezzanine level within the existing footprint of the primary dwelling (the former manager's residence). While the structure's external envelope remains unchanged, the intensification of floor area currently falls within the 20m statutory building line applicable to the property's present configuration. Consequently, a permanent departure is sought to allow the mezzanine within the prescribed building line.

It is important to note that this departure is a proactive measure; upon the final registration of the approved boundary adjustments, the statutory building line will be reduced to 10m. At that stage, the mezzanine will be fully compliant with the new 10m building line, and no departure application will be required.

As the property is zoned Agriculture Zone II and remains bordered by a nature conservation area (butterfly reserve) to the west, and the Entabeni housing estate to the north, east and south. The internal encroachment of the mezzanine poses no impact on the character of the area. There is no increase in the building's height or external bulk, ensuring that the visual amenity and privacy of the surrounding landscape are fully preserved. The departure is localised to the existing built environment and does not necessitate any outward expansion toward the property boundaries.



FIGURE 2: EXISTING DWELLING HOUSE

4.2. Additional dwelling

The application includes the relocation of an existing "Tiny Home" from Erf 21266 to Erf 21001 to serve as an additional dwelling (Granny Flat) (refer to **Plan 5**). The Additional dwelling will be 60m² with a verandah that is 28m², bringing the total size of the additional

dwelling to 88m² and under the allowed size of 175m². The specific spatial constraints and narrow configuration of Erf 21001 necessitate its placement within the prescribed 20m building line.

The Additional will be situated 3.0m from the western boundary, requiring a permanent departure for the building line encroachment. Given the slim nature of the property, this positioning is the only viable option to allow for functional site circulation and the clustering of services. As the site borders a nature conservation area, the placement of this modest, low-profile structure will have no impact on the privacy or visual amenity of the surrounding area. The relocation represents a non-permanent structural footprint that respects the rural-residential character of the former agricultural site.



FIGURE 3: TINY HOME (GRANNY FLAT) TO BE MOVED TO THE PROPERTY AS A SECOND DWELLING.

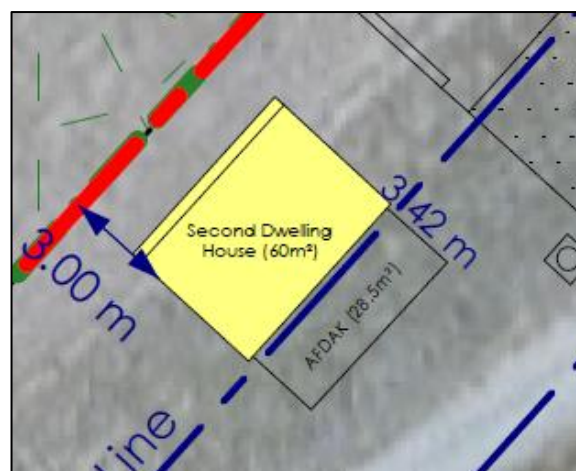


FIGURE 4: EXTRACT FROM THE SDP

4.1. Access

Access to the application area is via the Entabeni estate combined entry and exit way along the western boundary of Erf 20999. This right-of-way servitude provides access to Welbedacht Lane via the Trunk Road 2 (T2).



FIGURE 5: ACCESS TO THE APPLICATION AREA

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. Permanent Departure

The Knysna Municipality Zoning Scheme By-law (2020) prescribes a building line of 10m, from any boundary for "Agriculture Zone II (AII)" erven that are smaller than 2Ha.

The Knysna Municipality Zoning Scheme By-law (2020) allows “smallholding” as a primary use under “Agriculture Zone II”. See figures below from the Knysna Municipality Zoning Scheme By-law (2020):

“smallholding” Land use description: <i>“smallholding”</i> means an extensive landholding, including a dwelling house that is primarily a place of residence on which small scale agricultural activities may take place. Development parameters: Development parameters applicable to “agriculture” apply, except that the following building lines apply: (a) 10 metres from any boundary in respect of properties smaller than 2 hectares; (b) 20 metres from any boundary in respect of properties smaller than 4 hectares; and (c) 30 metres from any boundary in respect of properties larger than 4 hectares.
“dwelling house” Land use description: <i>“dwelling house”</i> means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including: (a) a storeroom and garaging; (b) a second dwelling or additional dwelling, with a floor area which does not exceed 60 m²; provided that application for consent use must be submitted if the second dwelling or additional dwelling is larger than 60m²; (c) a braai room; (d) renewable energy structures for household purposes; (e) home occupation; (f) letting to lodgers; (g) a bed and breakfast establishment; and (h) home childcare.

“building line” means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of buildings or structures are completely or partially prohibited.

The applicant proposes the internal construction of a mezzanine level within the primary dwelling on Erf 21001. While the primary dwelling is an established structure, the proposed improvements fall within the current 20m statutory building line. Due to the exceptionally narrow lateral configuration of the property, an encroachment into this setback is necessary to ensure the functional and clustered placement of these improvements.

It is noted that a subdivision and boundary adjustment process is currently underway, which will eventually reduce the statutory setback to 10.0m. However, to ensure immediate compliance under the present property configuration, an application is made for 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 relaxation of the north-western lateral building line from 20.0m to 3.0m. This relaxation will accommodate the internal mezzanine intensification and the placement of the second dwelling.

5.2. Consent Use

The Knysna Municipality Zoning Scheme By-law (2020) allows for an additional dwelling as a consent use under Agriculture Zone II as long as the additional dwelling does not exceed 175m². See figures below from the Knysna Municipality Zoning Scheme By-law (2020):

"additional dwelling unit"

Land use description: "additional dwelling unit" is a dwelling unit that may be erected on an agricultural land unit with the consent of the Municipality, in addition to a primary dwelling house or agricultural worker accommodation for bona fide agricultural workers, or both, provided that –

- (a) the number of additional dwellings can be permitted in the following ratio:

Area of land unit	Number of unit/s
Smaller than 10ha	1
Between 10ha and 20ha	2
Between 20ha and 30ha	3
Between 30ha and 40ha	4
More than 40ha	5

- (b) an additional unit may not be erected within 1 km of the high-water mark of the sea or a tidal river except where a proclaimed township is situated between the additional dwelling unit and the sea or tidal river;
- (c) one additional dwelling unit may be erected within the 1km high water mark of the sea or a tidal river, provided that the additional dwelling unit is attached to the main house and does not exceed a floor area of 60m²; and
- (d) no alienation of additional dwelling units will be permitted whether by cadastral subdivision or sectional title.

Agricultural Zone II (All)		
<i>The objective of this zone is to accommodate larger residential properties, which may be used for limited agriculture, but primarily serve as places of residence for people who seek a rural lifestyle. Such properties are often found close to towns and villages, and new smallholding areas should only be permitted within an acknowledged, demarcated urban area.</i>	Smallholding	Additional Dwellings Agriculture industry (excluding a sawmill) Animal care centre Aqua-culture Farmer's market Farm Shop Freestanding base telecommunication station Guest house Guest lodge Intensive animal farming Intensive horticulture Plant nursery Renewable energy structure Riding school Rooftop base telecommunication station Tourist facilities Utility service

The applicant proposes the relocation of a container-based tiny home, to serve as an additional dwelling (granny flat), on Erf 21001. While the primary dwelling is an established structure, the proposed granny flat falls within the current 20m statutory building line. Due to the exceptionally narrow lateral configuration of the property, an encroachment into this setback is necessary to ensure the functional and clustered placement of these improvements.

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

A summary of the prescribed development parameters for "Agriculture Zone II" "Smallholding" and a comparison of the proposed development's parameters are shown in the table below:

Prescribed Development Parameter:			Compliance
	Allowed	Proposed	
Primary Land Use	'smallholding'	'smallholding'	Comply
Consent use	'additional dwelling' not exceeding 175m ²	88m ²	Comply
Building Lines	North-western lateral building line: 10m	20m	Comply
	South-western lateral building line: 10m	20m	Comply
	South-eastern lateral building line: 10m	20m	Comply
	North-eastern lateral building line: 10m	3m	Departure
Height	The height of a dwelling house may not exceed 8,5 metres	<8.5m	Comply
Site Development Plan	The municipality may request that an SDP be submitted	Provided	Comply
Access	Between 5m and 8m	Between 5m and 8m	Comply

6. SERVICES INFRASTRUCTURE

Knysna Erf 21001 are currently connected to the municipal services infrastructure. The property is fully serviced (water, electrical, sewer, roads, and fibre) and is a member of the Entabeni Farm village HOA, contributing equal levies.

The additional dwelling is permitted under a consent use and is 88m². No additional infrastructure services are required to allow the additional dwelling unit.

No infrastructure services whatsoever run in the prescribed building line, hence, the proposal will not have any impact whatsoever on any infrastructure services.

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

Entabeni Farm Village is strategically situated on the northern shore of the Knysna Estuary, positioned along Welbedacht Road and directly south of the Oakhill Sports Campus. The application area is located within the defined Urban Edge of Knysna, falling under the residential suburb of Eastford. The application area specifically occupies the westernmost portion of the estate, with the centroid coordinates recorded at 34° 1' 36.06"S and 23° 0' 7.35"E.

The property is surrounded by other agricultural and residential zoned properties; the Eastford Area is characterised by low-density residential estates. The southern boundary of the property runs along the N2 road. The eastern boundary is identified as the Welbedacht Road. The expropriated future bypass route runs alongside the north-eastern portion of the property. The property is effectively wedged between the existing N2, the new bypass and the Welbedacht road

**FIGURE 6: LOCALITY**

8. CURRENT LAND USE AND ZONING

8.1. Land Use

Knysna Erf 21001 is currently used for rural residential purposes (smallholding) and within the Entabeni Farm Village. The uses/structures on the application area include retaining walls and a shed, and the proposed additional dwelling (granny flat) within the prescribed building lines of the application area.



FIGURE 7: EXISTING DWELLING



FIGURE 8: SITE FOR THE PROPOSED ADDITIONAL DWELLING

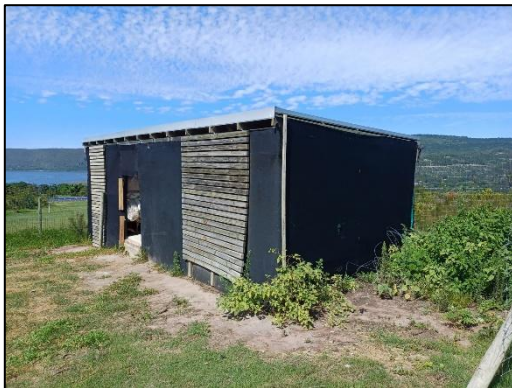


FIGURE 9: STORE ROOM



FIGURE 10: PROPOSED ADDITIONAL DWELLING

8.2. Zoning

Knysna Erf 21001 is currently zoned as "Agriculture Zone II (AII)" in terms of Knysna Municipality Zoning Scheme By-Law, 2020.

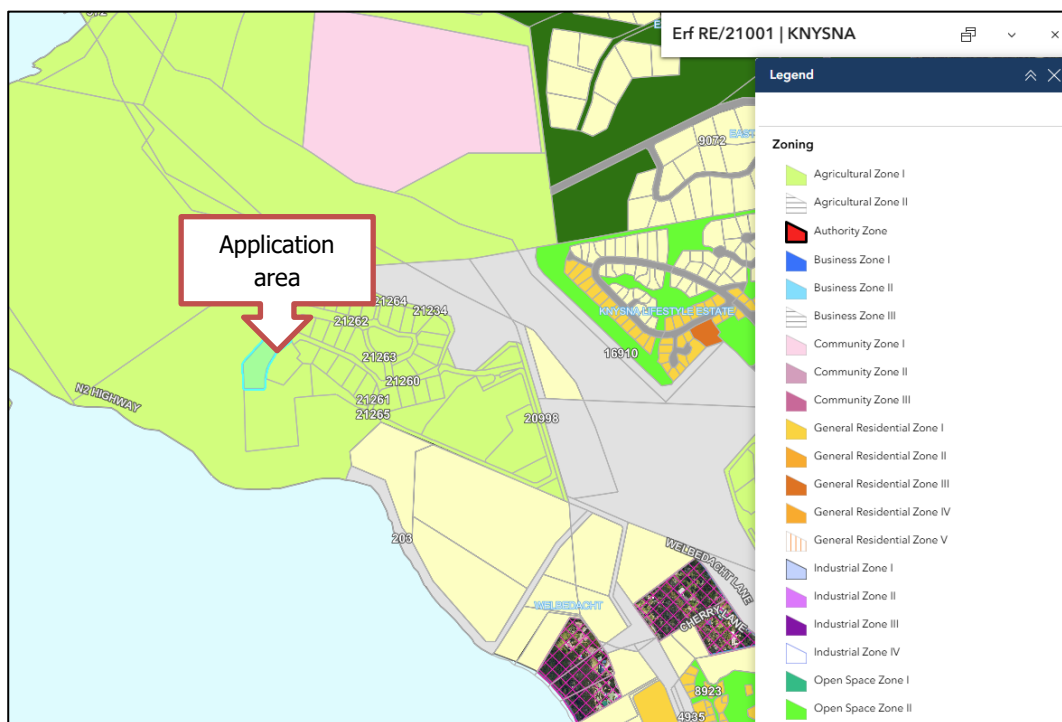


FIGURE 11: EXTRACT KNYSNA ZONING MAP

9. CHARACTER OF THE AREA

The application area is situated within Entabeni Farm Village, where both the subject property and its immediate surroundings are zoned Agriculture Zone II. As the proposal introduces no land-use changes and strictly maintains the residential/smallholding nature of the site, the character of the area remains unaffected. The application for a building line departure is a localised spatial adjustment necessitated by the site's narrow configuration and does not alter the low-density rural-residential fabric of the Eastford precinct.

10. EXISTING POLICY FRAMEWORKS

10.1. Western Cape Provincial SDF (2014)

The Western Cape Provincial SDF serves as a strategic spatial planning tool that “communicates the provinces 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.

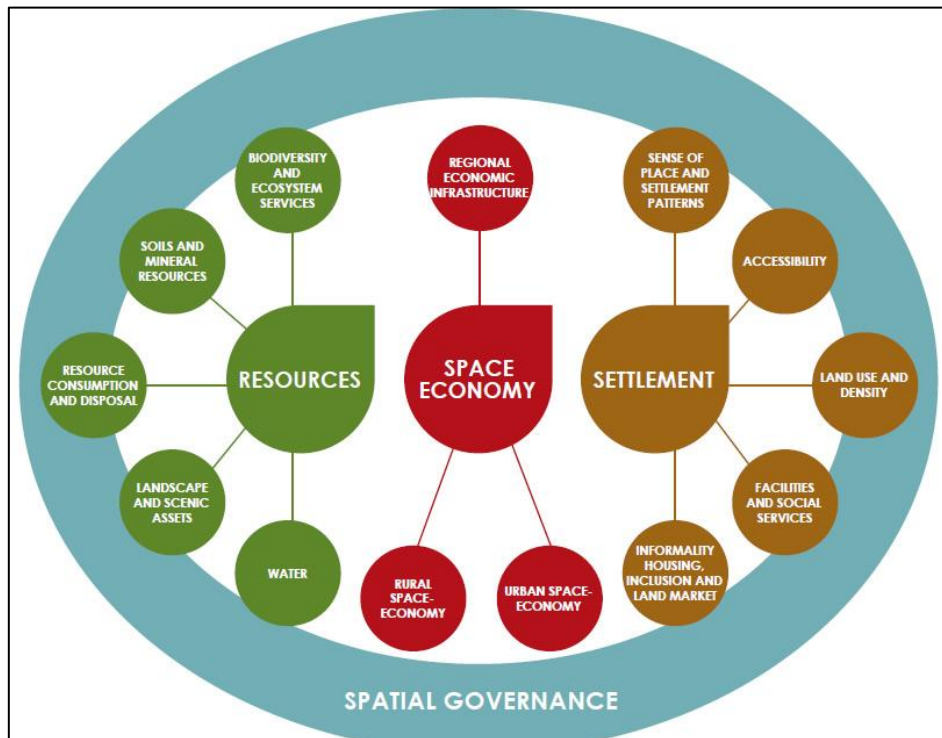


FIGURE 12: POLICIES APPLICABLE TO THE PROPOSED DEVELOPMENT

The proposed departures complement 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 urban areas; and
- (iii) Strengthening resilience and sustainable development.

The scale of this permanent departure application is so small that it does not fall within the ambit of the Provincial scale SDF. Also, the fact that no additional land use rights are being applied for, and no additional units are created, results in an insignificant relevance to the provincial scale SDF.

10.2. Draft Garden Route Regional Spatial Development Framework (2019)

The draft Garden Route (Southern Cape) Regional Spatial Development Framework provides development guidelines for the Garden Route District, aligning with the 2014 Provincial Spatial Development Framework. This framework emphasises three urban priority regions in the Western Cape: the Greater Cape Functional Region, the Greater Saldanha Region, and the Southern Cape Region. The Southern Cape, identified as a provincial leisure and tourism coastal belt, includes key regional centres like Mossel Bay, George, Knysna, and Plettenberg Bay.

The Southern Cape Regional Plan aims to stimulate inter-municipal growth, support integrated sustainable development, and manage urban and rural areas. Its core objectives include fostering regional development opportunities, promoting a regional approach to

sustainable development, and improving urban and rural area management practices. The plan outlines specific roles for identified towns to drive coordinated infrastructure investment and contribute to the provincial economy.

The plan addresses various aspects:

- Provides a coherent spatial vision for the Southern Cape functional region, considering environmental, social, and economic factors.
- Offers guidance on rational and predictable infrastructure, economic, and land use planning within the region.
- Takes a regional approach to address environmental management, human settlement provision, economic development, infrastructure, transport, landscape character, sense of place preservation, and heritage.
- Expresses the Provincial Spatial Development Framework at the regional level, elaborating on the role of specific towns in the growth and development of the region.
- Addresses environmental perspectives.
- Considers social perspectives.
- Examines economic perspectives.

Planning Implication:

The scale of the permanent departure application is so small that it does not fall within the ambit of the regional scale SDF. Also, the fact that no additional land use rights are being applied for, and no additional units are created, results in an insignificant relevance to the regional scale SDF.

10.3. Knysna Spatial Development Framework (2025)

Knysna Municipality has adopted and implemented a new Spatial Development Framework (June 2020). 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 regulatory framework for spatial development within the local municipality.

The SDF is the primary spatial tool for guiding development within the municipal area. The SDF echoes the principles laid down by the provincial SDF including densification, the importance of compact settlements and walkability and the promotion of a mixture of uses in close proximity to one another. 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 subject property is:

- The application area is located inside the urban edge of Knysna
- The application area is suitable for urban development.
- The application area is located inside the earmarked regional services centre.
- The application area is situated inside an area identified as a Coastal Destination.

The Spatial policies and policy guidelines guide decision-making on resource allocation, sector planning, land use management and land development programmes. The proposal is on such a small scale that it will not influence any of the key policies of the SDF.

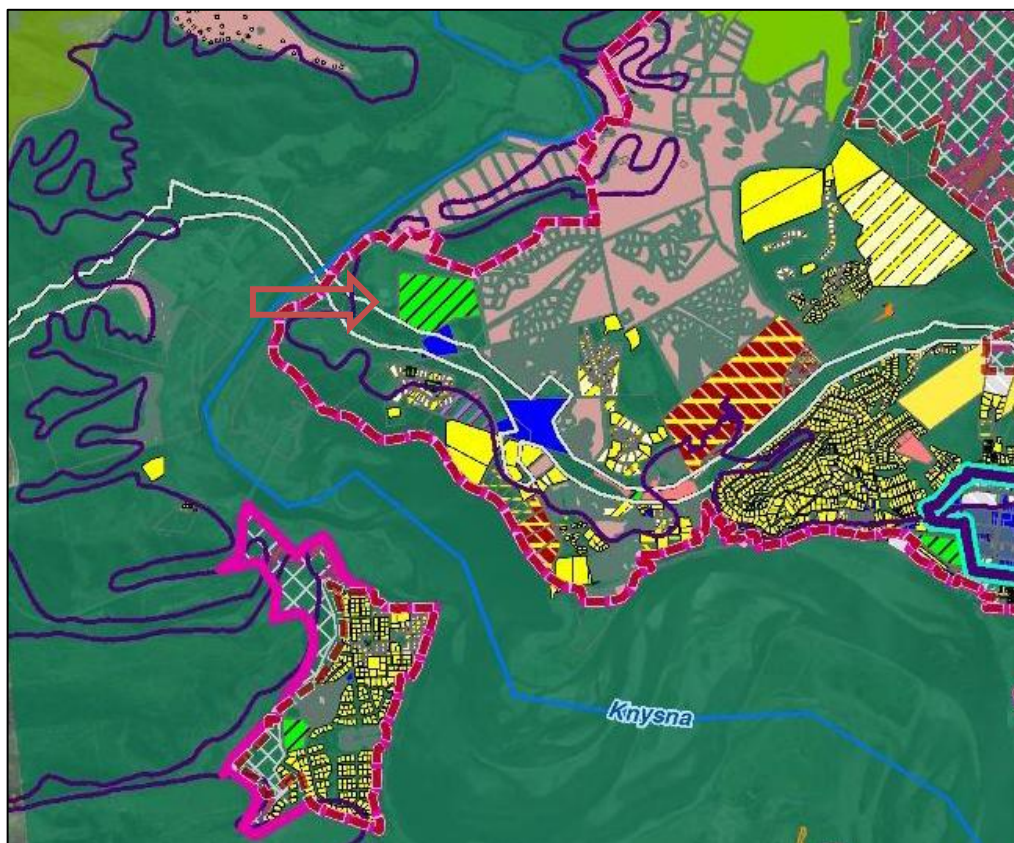


FIGURE 13: EXTRACT - KNYSNA SDF 2025

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 ecosystem services.		
		Policy Guideline	
B1	Hold the urban edge as the development boundary as identified for settlements in the Knysna Municipal Area.	iii.	Promote densification and infill on land within the identified urban area for Knysna town.

Planning Implication:

The application is inherently aligned with Sub-policy B1, which seeks to maintain the urban edge as a definitive development boundary. The proposal focuses on the densification and optimisation of an existing smallholding (Erf 21001) rather than the expansion of built-up areas into untouched agricultural or natural assets. By utilising the existing building envelope for a mezzanine and relocating a compact container-based unit to an already developed site, the project supports the municipality's goal of preventing urban sprawl.

The proposed application will also be in line with the existing character of the area, and the current service supply for Knysna Erf 21001 is adequate. The proposal is consistent with the spatial pattern of the area and is therefore in line with the Knysna SDF.

10.4. Knysna Integrated Development Plan (2023)

The IDP is a legislative requirement in terms of the Municipal Systems Act, Act 32 of 2000, section 25. The residents, businesses and investors communicate to the municipality their needs using municipal processes from where the municipality develops a long-term vision, and how the municipality plans to achieve it. The local government, Municipal Systems Act, Act 32 of 2000, requires the IDP, the principal strategic planning instrument be the guide for all municipal planning and development within the area of jurisdiction.

The singular strategy of the municipality is guided by section 35 of the MSA, which directs the IDP as 'the principal strategic planning instrument' which guides and informs all planning and development with regard to planning, management and development in the municipality with the aim of-

- Providing household infrastructure and services where it is most needed;
- Create loveable local towns and rural areas;
- Building vibrant and inclusive local economies; and

- Facilitating community empowerment and development

According to the IDP, the Vision for Knysna Municipality is to:

- ✚ Inclusive – The strive towards a more spatially integrated and inclusive municipality
- ✚ Innovative
- ✚ Inspired

The application area is located in **Ward 10** of the Knysna Municipality. None of the issues raised in the community for Ward 10 applies to the proposed development.

SECTION D :**MOTIVATION****11. ASSESSMENT OF APPLICATIONS****11.1. 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.

11.2. 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.10.4
The applicable local spatial development frameworks adopted by the Municipality.	Par.10.3
The applicable structure plans .	<i>n/a</i>
The applicable policies of the Municipality that guide decision-making .	Par.11.2
The provincial spatial development framework .	Par.10.1
where applicable, a regional spatial development framework contemplated in section 18 of the Act and a provincial regional spatial development framework.	Par.10.2
The policies, principles and the planning and development norms and criteria set by the national and provincial government;	Par.11.1
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.5.3
any restrictive condition applicable to the land concerned	<i>n/a</i>

12. CONSISTENCY WITH SPATIAL PLANNING POLICIES

As described in **Par. 10** of this report, the proposal is consistent with the relevant spatial planning policies for the following reasons:

- (i) The Western Cape SDF promotes revitalised urban spaces that are efficient, convenient, and attractive, while respecting surrounding character and property rights.
- (ii) The subject property is within the Knysna urban edge, and since the PSDF applies at a provincial scale, the small-scale proposal has limited relevance to it.
- (iii) The Southern Cape Regional Plan promotes sustainable development and growth by balancing environmental, social, and economic factors.
- (iv) The proposed application is too small to directly link to regional strategic objectives but does not contradict the Garden Route Regional SDF or Knysna's vision.
- (v) The application fits the existing character of Knysna, service provision is sufficient, and the proposal aligns with the Knysna SDF.
- (vi) The IDP directs municipal funding to strategic objectives, but the small-scale proposal neither contributes to nor deviates from these priorities, while remaining non-contradictory.

13. NEED FOR PERMANENT DEPARTURE

The primary necessity for this application arises from the restrictive geometry and narrow lateral width of Erf 21001. While the property enjoys the primary land-use rights of "Agriculture Zone II," the current 20m statutory building line effectively sterilises a significant portion of the usable mid-section of the erf. Given the "slim" nature of the site, adhering to a 20m building line would leave an impossibly narrow building corridor, rendering the placement of an additional dwelling (granny flat) and the internal intensification of the primary dwelling (mezzanine) functionally unviable.

Furthermore, the departure is required to allow for a logical and clustered development footprint. By relaxing the north-western building line from 20m to 3m, the owner can situate the relocated container-based tiny home in a manner that preserves the remaining open space for agricultural use, rather than fragmenting the land. It is noted that upon the final registration of the pending subdivision, the applicable building line will naturally reduce to 10m; however, the current 20m restriction necessitates this proactive application to ensure the immediate and legal placement of these improvements.

As the property is bordered by a nature conservation area, the proposed 3m building line for the 88m² additional dwelling does not infringe upon the privacy, sunlight, or "sense of place" of any neighbouring residential dwellings. The departure and consent use is therefore a practical and sensitive solution to site-specific constraints, allowing the owner to exercise their primary residential rights without impacting the character of the surrounding Eastford area.

14. CONSISTENCY WITH THE SURROUNDING AREA

The area surrounding Erf 21001 is characterised by a rural-residential fabric of low-density smallholdings and agricultural land. The proposed improvements are designed to be highly consistent with this established character, maintaining the open, low-density atmosphere of the Eastford precinct.

The internal mezzanine level involves an intensification of residential floor area within the existing building envelope. While this currently falls within the 20m statutory building line, it creates no outward expansion or change to the external building massing. Upon the registration of the new property boundaries, the statutory line will be reduced to 10m, at which point the mezzanine will become fully compliant with the surrounding spatial standards.

Similarly, the proposed additional dwelling is permitted as a consent use under Agriculture Zone II. By utilising a relocated container-based tiny home, the development introduces a modest, low-profile structure that respects the scale and aesthetic of existing improvements in the area. The placement of the additional dwelling at the 3m mark is a direct response to the property's narrow configuration, allowing for a clustered development footprint that preserves most of the site for open agricultural use. Given the proximity to expansive agricultural land, the 3m setback ensures the proposal remains compatible with the broader character of the Knysna agricultural zone without impacting the privacy or "sense of place" of neighbouring properties.

15. NO IMPACT ON EXISTING RIGHTS

The proposed permanent departure will have no negative impact on the existing land-use rights of surrounding property owners. The primary dwelling on Erf 21001 will remain residential in nature, and the additional dwelling (granny flat) is a consent use under the current Agriculture Zone II zoning. The proposal will not generate any noise pollution; it will not prevent any surrounding landowner from exercising their legal land use rights, nor will it result in any nuisances or invasion of privacy in any way whatsoever.

Because the neighbouring properties consist of expansive agricultural land rather than dense residential dwellings, the 3m building line provides a more than sufficient buffer to ensure that there is no "overlooking" or invasion of privacy.

It can be concluded that the proposed permanent departure is both desirable and sustainable. The application does not seek to grant new rights, but rather to allow for the reasonable exercise of existing primary rights that are currently constrained by the narrow lateral configuration of the property. By relaxing the building line to 3m, the owners can utilise Erf 21001 to its full potential without compromising the spatial integrity of the area.

Ultimately, the proposal represents a low-impact intensification of a residential smallholding. Given the internal nature of the mezzanine and the modest scale of the relocated container home, the departure will not result in any "externalities" such as overshadowing, loss of privacy, or noise for neighbouring agricultural properties. The existing rights of the surrounding landowners remain fully intact, and the application serves as a logical solution to the site-specific physical constraints of the erf.

16. DESIRABILITY OF THE PROPOSAL

The following key considerations are taken into account to determine the desirability of the proposed land use.

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Economic impact	Positive or Negative impact on neighbourhood/settlement?	Positive economic impact - increase in property value. No impact on surrounding property owners or their rights.
Social impact	Greater social justice, equity of access to opportunity	The surrounding property owners will not be negatively affected by the proposal, and the proposal complies with all the other development parameters.
Scale of capital investment	> capital investment - > positive impact	Investment by landowners. No additional development is proposed.

Elements for Consideration	Key Questions to Ask	Proposal (Desirability)
Compatibility with surrounding land uses		The proposal is in line with the character of the area and compatible with the rural residential area. See Par.9 & Par.14.
Impact on external engineering services	How much must the developer contribute to municipal costs incurred?	- No impact on existing service infrastructure. Existing services are sufficient - Rainwater will be collected, and sewage will be dealt with on site via septic tanks, increasing the application area's sustainability. - Refer to Par. 6
Impact on safety, health & well-being of the surrounding community		Refer to Par.14 & Par.15
Impact on heritage		- No heritage impacts - No heritage value
Impact on the biophysical environment	Are there negative impacts? Are they adequately mitigated?	- Within urban edge and approved development footprint. - Outside any CBA areas.
Traffic impacts, parking access, other transport considerations	Support for densification & functional public transport system?	- No additional traffic. - Access from the existing road network.
Impact on quality of life (incl. views, sunlight, privacy, visual impact, character)		- 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. - No impact on the urban edge, as proposal does not require the expansion of the urban edge.
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. - Increased property values, resulting in increased revenue for the local authority.
Alignment with SDF's		Refer to Par. 10

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).

17. 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 Knysna Erf 21001 complies with these principles.

17.1. 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>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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 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.	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>
The right of owners to develop land in accordance with current use rights should be recognised.	Comply	<i>The owner is seeking to develop the property to their liking, and the development does not entail a change in the land use of the property.</i> <i>The proposal complies with all the current land use rights, but an application is made for a departure from the building lines and coverage.</i>

17.2. 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</i> <i>No additional service capacity is required to enable the proposal.</i>
Ensure that special consideration is given to the protection of prime, unique and high potential agricultural land.	Comply	<i>The proposal preserves the integrity of high-potential agricultural land by utilizing a clustered development footprint on a physically constrained, narrow Erf, thereby ensuring that the majority of the property remains open and unfragmented for its intended agricultural use</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Uphold consistency of land use measures in accordance with environmental management instruments.	Comply	The application area is located within an existing urban area and does not trigger any environmentally listed activities in terms of the National Environmental Management Act (1998).
Promote and stimulate the effective and equitable functioning of land markets.	Comply	- The proposal is consistent with the character of the surrounding area. - The legalisation of the additional dwelling will not negatively impact the value of its surrounding properties.
Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments.	Comply	- The existing infrastructure is adequate, and no upgrade is required. See Par.0. - Any future costs will be at the cost of the applicant or as determined by the municipality.
Promote land development in locations that are sustainable and limit urban sprawl.	Comply	- The application area is located within an existing urban area. - No new developments are proposed, and no urban sprawl will be created
Result in communities that are viable.	Comply	The application will legalise the proposed additional dwelling on the property, and the result will contribute to a more viable residential community.
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.

17.3. Spatial Efficiency

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
Land development optimises the use of existing resources and infrastructure.	Comply	The proposal will fully utilise the existing municipal infrastructure. Development complies with the primary land use, and the service provision is for a dwelling house. No upgrades to the existing infrastructure will be required. See Par.0.
Integrated cities and towns should be developed.	N/A	<i>This policy is applicable to township developments.</i>

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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>

17.4. 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	▪ <i>The proposal is consistent with the various applicable spatial plans, policies and land use management systems.</i> ▪ <i>It will have no negative impact on the livelihood of the community.</i> ▪ <i>The proposed application complies with the requirements of the Knysna Municipality: Spatial Planning and Land Use Management By-law (2021).</i>

17.5. 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 nation, 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, policy, 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,		

CRITERIA	COMPLIANCE	PLANNING IMPLICATION
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.		
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.		

18. CONCLUSION

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

- (i) 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 relaxation of the western lateral building line from 20m to 3m to allow a mezzanine in the main, approved dwelling, and to allow a new granny flat on Erf 21001.
- (ii) A consent use in terms of Section 15(2)(o) of the Knysna Municipality: Spatial Planning and Land Use Management By-Law (2021), for an additional dwelling on Erf 21001.

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
June 2026