NDLAMBE MUNICIPALITY

MEDIA STATEMENT

OUTCOME OF APPEAL RELATING TO "THE BACK YARD", ERF 2715, KENTON-ON-SEA

The Ndlambe Municipality wishes to inform the public of the outcome of the appeal relating to land use rights for *The Back Yard*, situated on Erf 2715, Kenton-on-Sea. On 21 November 2025, the Community Noise Forum (CNF) lodged an appeal against the decision of the Ndlambe Municipal Planning Tribunal (MPT) to approve an application for a Permanent Departure to allow a tourist facility, including the relaxation of parking requirements, on the above-mentioned property. The application sought to regularise land use rights in order to lawfully host events traditionally held at The Back Yard, particularly during the festive season.

Following the submission of the appeal, the property owners requested that the matter be expedited, citing significant financial commitments had already been made, and other non-refundable logistical arrangements associated with scheduled events. In response, and in accordance with the provisions of the Ndlambe Municipality Spatial Planning and Land Use Management By-law, 2016, the Appeal Authority convened an urgent Special Sitting on 17 December 2025 to consider the appeal.

After careful consideration of all submissions, applicable legislation, and relevant planning considerations, the Appeal Authority resolved to dismiss the appeal, having found no lawful or substantive grounds that justify the review or setting aside of the decision of the Tribunal. The approval of the application remains subject to strict conditions, which were imposed specifically to mitigate potential impacts and address concerns raised by affected residents, including matters relating to noise, traffic management, and general nuisance.

The Municipality recognises the important role that tourism and events play in supporting the local economy, particularly during peak periods such as the festive season. At the same time, the Municipality remains committed to protecting the rights and well-being of residents. The conditions attached to the approval are intended to strike a reasonable balance between these interests.

The Municipality emphasises that the appeal process was conducted lawfully, transparently, and procedurally, in full compliance with the applicable legislative framework. It is also important to indicate that decision of the Appeal Authority was based on planning merit and statutory considerations.

Further monitoring and enforcement of the conditions of approval will be undertaken to ensure compliance and to minimise any undue impact on surrounding properties.

NOTICE NUMBER: 276/2025 **ADV. ROLLY DUMEZWENI**
18 DECEMBER 2025 **MUNICIPAL MANAGER**