



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 14 May 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Pieters and Another v Stemmet and Another (Case no 079/2024) [2025] ZASCA 60 (14 May 2025)

Today, the Supreme Court of Appeal (SCA) upheld an appeal by Mr and Ms Pieters against an order of the Land Claims Court (the LCC) that dismissed their application for protection under the Extension of Security of Tenure Act 62 of 1997 (ESTA).

The appellants have resided on the respondents' property, located in Joostenberg Vlakte in the Western Cape, since 1988. The respondents instituted eviction proceedings against them in the Bellville Magistrate's Court under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE). The appellants opposed the eviction and brought an application declaring that their tenure was protected under ESTA (the ESTA application).

The Magistrate Court dismissed the ESTA application and granted the eviction order under PIE. The appellants appealed both orders. By agreement between the parties, the appeal against the eviction order was postponed pending the outcome of an appeal against the ESTA order before the LCC.

In terms of s 2(1)(a) of ESTA, land situated within or entirely surrounded by a township, is excluded from the application of ESTA, unless it has been designated for agricultural purposes in terms of any law. The central question before the LCC was whether the property in question was situated within a township, and if so, whether it had been designated for agricultural purposes.

The LCC dismissed the appeal, finding that the property was located within a township and was not designated for agricultural purposes. It concluded that the appellants were accordingly not entitled to the protections afforded by ESTA

The SCA confirmed that, in terms of s 2(1)(a) of ESTA, land situated within a township still qualifies for ESTA protection if it is designated for agricultural purposes in terms of any law.

The Court held that the property, although registered as an erf and located within subdivided land with public roads, was zoned as “rural” under the City of Cape Town’s Development Management Scheme. Rural zoning permits agricultural use and thus qualifies as designation for agricultural purposes. The Court rejected the argument that rural zoning lacked agricultural character, finding that such a distinction was artificial and unsupported by law.

The Court found that the appellants were long-term occupiers who had resided on the property with the consent of the respondents, and that the property was subject to the provisions of ESTA. As a result, any eviction proceedings were required to comply with the procedural safeguards prescribed by ESTA.

The appeal was upheld with costs. The SCA set aside the order of the LCC and declared that the property falls within the ambit of ESTA, entitling the appellants to the protections afforded under the Act.

-----oOo-----