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PART 1: FREQUENTLY ASKED QUESTIONS WITH REGARDS TO BUILDING PLANS

In the next 3 MC2Agents the most frequent questions pertaining to building plans will be discussed, this is part 1 in the 3 part series.

- What happens if any structures are built over a servitude?

A servitude is a right by which property owned by one person, is subject to a specified use or enjoyment of another, which can either benefit or burden the owner of the property.

Your property may have services laid under it by the municipality, such as storm water, sewerage, electricity etc.

Although the general rule is that no structures may be built on a servitude, the municipality will sometimes allow you to encroach on such servitudes.

An encroachment application must be lodged at the municipality which must be approved by the legal department. The approval is totally at their discretion. If rejected the structures on the servitude will have to be removed.

- Who pays for any rectifications during the plan approval process?

The current owner of the property will be liable for the payment of any rectifications during the plan approval process, unless otherwise agreed to between the seller and purchaser.

- Is it necessary for a wendy house to be on the building plans?

In short, yes, the wendy house must be on the building plans. Whether it is temporary or permanent, a wendy house is a fixed construction and needs to be included in the building plans.

- Does a carport need to be on building plans?

A carport is defined as a structure with walls on no more than two sides that is intended to provide cover for a vehicle, caravan, or boat under the National Building Standards Act (Act 103 of 1977).

Thus, it is a structure and must be on the building plans.

No matter what type of carport you erect on your property, plans are required.