



# Backyarding:

## An Important Urban Housing Solution

Practice Brief 1: 2020

## Acknowledgements

**This document is produced as part of the project Backyard Matters: Enabling People, Place and Policy.**

Backyard Matters is a partnership project initiative between Development Action Group (DAG), Isandla Institute and Violence Prevention through Urban Upgrading (VPUU). The project is aimed at strengthening the backyard rental market and contributing towards well-managed, quality rental stock that provides affordable, dignified and safe housing solutions. Backyard Matters is funded by Comic Relief.

Cover image: Isandla Institute / Shaun Swingler. Image taken in Langa.

## Executive Summary

Backyard housing (colloquially referred to as backyarding) has long been a feature of South Africa's housing landscape. Contrary to initial assumptions about the sector, backyarding is neither temporary nor transient. Rather, backyarding is a rapidly growing sector in South Africa, meeting the housing needs of a large number of people who would otherwise be excluded from the provisions of formal housing. However, the sector is associated with concerns regarding the safety of structures, access to basic services and perceptions and experiences of exploitative market relations.

This practice brief explores case studies of state interventions in backyarding to understand the limitations and potential in the sector and suggests what more supportive interventions for backyard dwellers could look like. It draws on a model that distinguishes areas of intervention based on the status of land ownership and the intention of the intervention. In so doing, the practice brief offers a reflection on the complexities of responding adequately to the unique needs and challenges that rise in the backyard housing sector, with particular attention given to backyard rental accommodation.

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*Isandla Institute acknowledges the contributions made by representatives from Development Action Group (DAG), Violence Prevention through Urban Upgrading (VPUU), People's Environmental Planning (PEP), Community Organisation Resource Centre (CORC) and Ubuhle Bakha Ubuhle (UBU) during the Local Community of Practice Learning Event held on 19 February 2020.*

## Introduction

**In many developing countries, backyarding is an urban feature. In these contexts, as in South Africa, it is the flexibility and informality of backyard housing that makes it a valuable and accessible housing strategy for many urban dwellers, whose housing needs are otherwise unmet by housing subsidies or the formal housing market<sup>1</sup> (SALGA, 2014).**

**backyard housing has been a steadily growing urban housing sector, even increasing at a faster pace than informal settlements.**

Despite existing as part of the housing landscape for many years, backyarding has to a large extent been 'invisible' and subsequently remained overlooked by policy and research for a long time (Scheba & Turok, 2020). This invisibility has been attributed to the location of backyard housing as largely existing 'behind' formal, more visible houses. Unlike informal settlements that grab attention because of the immediate visibility of poor shelter conditions and evident adverse health and safety risks, backyarding realities are less perceivable. Also, informal settlement residents have historically been more involved in collective bargaining and mobilisation compared to people living in backyard accommodation (Banks, 2007). Furthermore, it was long assumed that backyard housing was transitional and would disappear with the introduction of low-cost housing (Scheba & Turok, 2020). Consequently, backyard housing has received little attention from policy makers, practitioners and academics alike.

However, backyard housing has been a steadily growing urban housing sector, even increasing at a faster pace than informal settlements. Yet relatively little is known about the sector as many of the studies are either dated or too small to be widely generalised. Interventions – historically largely aimed at eradication or gentrification – have only fairly recently begun to move towards more supportive measures (Gardner & Rubin, 2016). But not all backyard housing realities are treated equally by the state: the issue of land ownership (whether backyard accommodation

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<sup>1</sup> Formal accommodation and home ownership are typically presented as preferential housing solutions. However, rental accommodation options in urban areas are emerging as useful and sometimes even preferred housing solutions, meeting the needs of people across different social groups. These include but are not limited to persons on the waiting list for subsidised housing, people who fall into the 'gap market', migrant workers, students and female-headed households (see SALGA, 2014 and Banks, 2009)

<sup>2</sup> Isandla Institute hosted a local community of practice (LCoP) learning event on 19 February 2020 themed 'Backyard rental accommodation as a vital housing solution'. This practice brief reflects contributions from Development Action Group (DAG), Violence Prevention through Urban Upgrading (VPUU), People's Environmental Planning (PEP), Community Organisation Resource Centre (CORC) and Ubhule Bakha Ubhule (UBU).

occurs on state-owned or privately-owned land) is a key factor determining state interventions.

Backyarding realities are complex and varied, straddling between different forms of formality and informality (including backyarding in informal settlements). Recognising the contribution of backyard housing to meeting the needs of those affected by South Africa's housing crisis, this practice brief considers definitions and conceptualisations of backyarding and how these classifications impact on interventions from the state and other actors. It provides case studies that give insight into past and current interventions in the sector, noting some of the underlying considerations and challenges of these interventions. It argues that responding effectively to the backyarding sector requires a multi-stakeholder approach that takes into account the complexities of the sector. These responses include facilitating the provision of basic services, pursuing considered top-structure upgrades, and supporting actors that support the provision of appropriate and affordable backyard accommodation options.

This practice brief is intended for use by practitioners, municipal officials and policy advisors. It draws on literature and reflections from the local community of practice learning event held on 19 February 2020.<sup>2</sup>

**Backyarding realities are complex and varied, straddling between different forms of formality and informality.**

## THE SCALE OF BACKYARDING IN SOUTH AFRICA

It is clear that the expectation of backyarding as a transitional reality was misguided. Data suggests that the proportion of households occupying backyard dwellings are growing at a faster pace compared to those in informal settlements (Census, 2011). From the data and existing studies, it is evident that backyard accommodation is an important housing option, yet not enough is known about its exact nature as there are few in-depth studies on the topic, many of which are dated (Scheba & Turok, 2020).

### From the Census 2011 data we can deduce that:

Increase in households renting accommodation:

2001  
**19%** 

Households rented

2011  
**25%** 

Households rented

Backyard structures are not necessarily 'makeshift' structures:

**57%**

Informally constructed

**43%**

Formally constructed

**1.14m**

Reside in backyard rooms or shacks



## Definitions Matter

**Unlike the name suggests, backyard housing does not solely refer to structures existing behind a main house or main dwelling unit. Rather, backyard housing is a sub-sector that captures a broad range of housing options in the informal housing sector** (Lategan, 2013).

**There are also significant variances in the physical and social nature of backyard housing depending on the location, material used and levels of formality or informality.**

Backyard structures may be thought of as secondary dwelling units that may exist at the back (and occasionally the front) of a house. Some definitions of backyard housing include rooms inside a main house or flat, wendy houses, granny flats, backyard shacks or formal backyard structures. They occur across a range of neighbourhoods from suburbs to townships, as well as informal settlements which are often less explored. There are also significant variances in the physical and social nature of backyard housing depending on the location, material used and levels of formality or informality. In essence, there are significant structural variances in the definition and conceptualisation of backyard housing (Shapurjee et al, 2014).

Backyard housing challenges strict binaries between formality and informality; between good and bad. The line between formal and informal is quite blurry in this sector; take for instance a formally constructed backyard structure governed by an informal verbal rental agreement. Or alternatively, an informal backyard shack that provides a low-income household with access to essential services and residence in a well-located area that would otherwise not be possible. Context, both social and economic, impacts on the conceptualisation of backyard accommodation. This also means that because of socio-economic nuances, various typologies of backyarding exist throughout the country (Gardner & Rubin, 2016).

In middle to higher income areas, backyard housing options are seen in a more positive light – as a stream of income, housing to support elderly family members or as an accommodation option for persons employed

### Core defining elements of backyarding (SALGA, 2014):

- Predominantly used for residential purposes;
- Generally occurs as a small-scale activity with only a few units per property;
- May exist on state-owned or privately-owned land;
- Managed and procured by private individuals;
- Occupied by separate households or extended family;
- Governed by private agreements – contracts may be written or verbal;
- Rent paid monetarily or in kind.



Isandla Institute / Masixole Femi. Well-built communal apartments in Dunoon.

in the area. Evidence suggests that definitions of backyard housing have directly impacted on the interventions geared towards the sector - this is most notable in low-income areas (Banks, 2007). Low-income backyard units have historically had a bad reputation (Gardner & Rubin, 2016); typically associated with unsafe, makeshift structures (SALGA, 2014). For example, in the 1950s, backyarding began to attract more attention from the state due to the perception that backyard dwellings were “reproducing slum-like conditions”. The apartheid state then began the pursuit of “large-scale slum clearance programmes” in all main cities with the aim of ‘recreating’ the urban African and ‘new townships’ (Banks, 2007:206).

The examples above demonstrate the impact of definitions on the types of interventions that are pursued by the state and other stakeholders. It is thus important to note that at present one of the key challenges for state responses is the lack of conceptual clarity on backyarding. Variations in typologies, contexts and definitions make the sector complex, rendering it difficult to settle on a single definition of backyarding. It is therefore useful to draw on the core elements of backyarding as a basis for formulating an overall conceptualisation of backyarding.

In summary, there is no single definition of backyarding given the varieties that exist. Rather, it is useful to demarcate the particular type of backyarding one is referring to, as well as consider the issue of land ownership in policy, programming and research.

In this document, backyard housing refers to secondary dwellings or secondary residential units in low-income areas on state-owned or privately-owned land. These dwellings are considered additional structures to the main house and may range between different levels of formality and informality; these include backyard shacks, wendy houses and formal backyard structures with varied levels of access to basic services.

**Evidence suggests that definitions of backyard housing have directly impacted on the interventions geared towards the sector**

## State Interventions: Past and Present

**Literature shows that the backyarding sector has been operating fairly well with little to no state intervention.**

**Municipal responses have included efforts that have resulted in eradication, gentrification, or ignoring the sub-sector altogether (SALGA, 2014)**

The sector provides affordable housing to a significant proportion of the population, and for many has meant attaining better access to basic services (compared to informal settlements) and the opportunity to reside in relatively well-located areas for socio-economic opportunities. It is nonetheless important that we acknowledge the shortcomings of the sector, particularly as relating to the structures that pose risks for health and safety, the influence of high population density on bulk infrastructure, and continued perceptions and experiences of exploitative market relations (SALGA, 2014).

State interventions have historically been about enforcing norms and standards in this sub-sector that was primarily perceived as non-compliant and prohibited. The high number of structures contravening municipal by-laws were seen as necessitating intervention due to poorly constructed structures, insufficient living spaces, and limited access to essential services (Govender et al, 2011). Increasing backyard housing in existing neighbourhoods further led to densification. While densification is often pursued as an urban objective, in this case it may result in the overburdening of bulk infrastructure.

### State approaches to backyard interventions: Opportunities and challenges

**Urban management by law-enforcement:** Enforcing adherence to building norms and standards. This approach has had the unintended consequence of gentrification in some areas. In other areas, non-adherence persisted as people continue to build despite attempts at urban management.

**Eradication and rebuilding:** Upgrading existing backyard structures to increase the physical integrity and safety of backyard structures and help mitigate against other health and safety risks. However, as evidenced in the Gauteng Backyard Rental Pilot Project (2008), these interventions have the potential to decrease rental stock and/or relocate residents due to unaffordability.

**Service provision in a municipal area:** Provision of basic services to backyard dwellings on municipal land. A key risk is that this can be perceived as 'double-dipping', with landlords being the primary beneficiaries from the upgrade, rather than tenants.

**Greenfields interventions:** New public housing projects that make provision for additional service points to accommodate backyard structures. Poses the risk of 'double dipping' where beneficiaries of state housing receive both a BNG house as well as the income opportunity offered by a backyard rental.





Isandla Institute / Shaun Swingler. State-subsidised housing with backyard structures.

Such challenges are noted as contributing to persistent negative perceptions of backyarding by municipalities despite the solutions the sector presents. As a result, interventions from municipalities have typically been negative. Municipal responses have included efforts that have resulted in eradication, gentrification, or ignoring the sub-sector altogether (SALGA, 2014).

In the past, backyard housing was not a priority for state intervention. However, the ever-increasing demand for backyard housing options has resulted in a greater recognition of appropriate responses to the sector. Backyarding is here to stay. The need for an appropriate response emerges from a recognition of the sectors' positive contribution to the housing challenge as well as evidence demonstrating the rapid rate at which the subsector is increasing. Evidence also shows that the market is fragile and sensitive to interference, therefore there is a need for conceptual clarity and an understanding of the socio-economic dynamics of the subsector before any particular intervention is pursued (Gardner & Rubin, 2016). An appropriate, context-relevant response thus requires a recognition of the particular nuances that make the subsector unique. In essence, interventions aimed at the backyard subsector should follow the 'Do no harm' principle (SALGA, 2014).

However, there is currently no national policy for rental housing or backyarding (Lategan, 2013). The National Housing Code does not make provision for subsidies specifically designed to support formalisation of backyarding either through top-structure development or the provision of services. In the absence of national policy, provincial and local government responses have been programmatic and/or ad-hoc at best.

To date most state interventions have been geared towards reducing densities in areas where backyarding is prevalent, or towards upgrading existing structures as a means to mitigate against potential challenges presented by the sector. Though these interventions have their merits, these responses do not always adequately meet the needs of the sector and have often led to regressive, unintended consequences, such as gentrification, displacement and unaffordability due to the highly sensitive nature of the sector (SALGA, 2014). Examples of such interventions are noted on the left.

**The national Housing Code does not make provision for subsidies specifically designed to support formalisation of backyarding either through top-structure development or the provision of services.**

## Identifying areas of intervention

### A key factor for intervention in the backyarding sector is the issue of land ownership.

Simply put, where backyarding occurs on state land, the argument is made that the state has a responsibility to improve basic service provision and possibly even the quality of rental structures. Where backyarding occurs on private land, however, the responsibilities and possibilities for intervention by the state are seen to be more limited. Typically, private actors such as home-owner landlords, small-scale entrepreneur landlords, and micro-financiers play a more direct role in providing backyard accommodation on privately owned land.

Focusing on the role of the state in backyard interventions, SALGA (2014) differentiates between two different intentions informing state intervention: to improve the situation of people currently living in backyards, and to increase the supply of decent, affordable rental units in backyards. It further correlates these different intentions to the issue of land ownership, i.e. whether it concerns state-owned or privately owned land, as these present different possibilities and limitations for the state. Demonstrated by Figure 1, the next section applies the model proposed by SALGA to a number of case studies<sup>3</sup> to help concretise some of the opportunities, challenges, limitations and lessons from backyard interventions more broadly. These case studies, though focused mostly on state interventions, show the intersections and potential of approaches between the state and private actors.

**FIGURE 1: AREAS OF INTERVENTION IN THE BACKYARD RENTAL MARKET**

	To improve the situation of tenants currently living in backyards	To increase supply of decent affordable rental units in backyards
On state-owned land	<b>A:</b> City of Cape Town Backyarders' Programme	<b>C:</b> Alexandra K206 Project
On privately-owned land	<b>B1:</b> Urban management in Cosmo City <b>B2:</b> Backyard Rental Pilot Project	<b>D:</b> Small-scale developers and micro financiers

<sup>3</sup>Case studies in this section are drawn from Gardner and Rubin (2016).

## CASE STUDY A

## City of Cape Town Backyarders' Programme

The City of Cape Town faces an ever-increasing housing backlog. The demand for housing in the city is growing alongside the exponential growth of backyard accommodation. It is evident that in the absence of adequate housing provision, backyarding has offered a viable alternative. Over the years there has been an increase in positive perceptions of formal backyarding. However, informal backyarding has also been increasing, including on state-owned land. The City of Cape Town Backyarders Programme was instituted in 2014 to improve the conditions of backyard housing on municipality owned housing stock. (The Programme excluded interventions to improve the conditions of backyard housing on privately owned land.)

Rental residential units owned by the City of Cape Town have been reported to have significantly high density populations raising concerns common to backyarding such as overcrowding and poor or restricted access to water and sanitation. Increased population densities further raised concerns regarding pressure on bulk infrastructure in neighbourhoods which led to regular infrastructure failures. The Backyarders' Programme addressed these issues by providing basic services to backyarder tenants, ensuring access to minimum services for all residents. This was achieved through the Promulgation of a Special Residential 2 zone that allows for informal structures on properties with formal structures. This provided the legal mechanism for the provision of basic services in backyards in line with national norms and standards. The Urban Settlement Development Grant was used to fund the programme, which is in line with SALGA (2014) recommendations. The programme was halted in 2018 due to challenges related to resistance to the installation of backyarder services because of the impact on rental income (City of Cape Town, 2020).

### Quadrant A: Approaches for improving the situation of tenants currently living in backyards on state-owned land

Improving living conditions for tenants on state-owned land is arguably one of the more obvious areas of intervention for the state. In such instances, the eviction and displacement of backyard tenants by municipalities is discouraged, particularly as municipalities would have the responsibility of providing alternative housing options in an already strained housing context. Rather, in light of the housing need met by backyard accommodation it is recommended that state efforts be geared towards improving existing backyard housing structures and living conditions. Interventions are, however, complicated by policy and programmatic limitations, particularly related to the allocation of funds (SALGA 2014). Pursuing the upgrade of top-structures may also limit backyard residents' prospect of accessing housing subsidies. To mitigate this risk, municipalities may prioritise the provision of basic services to backyard structures. The City of Cape Town Backyarder's Programme serves as an example of a municipal intervention to improve backyard accommodation on municipal housing stock by improving access to basic services through upgrading infrastructure systems and capacity.

**Interventions are, however, complicated by policy and programmatic limitations, particularly related to the allocation of funds (SALGA 2014).**

**CASE STUDY B1****Urban management and by-law enforcement in Cosmo City, Johannesburg**

Situated in north-western Johannesburg, Cosmo City is described as a well-located housing development. The Cosmo City housing development was pursued by the City of Johannesburg and private developers as part of a joint public-private endeavour to address the housing backlog and to promote integrated housing for people of mixed social and economic backgrounds. However, through the provision of BNG houses in Cosmo City, informal backyard accommodation continued to grow. A direct approach to managing urban development was then pursued by the developers, achieved by instituting community liaison officers, building inspectors, and the provision of training for all new owners regarding the conditions for housing upgrades and the construction of backyard accommodation. Evidence suggests that such efforts have resulted in the gradual increase in decent backyard housing options, particularly in the areas with BNG housing (Chetty, 2017).

Beneficiaries of state subsidised BNG housing have generally established backyard accommodation as a means of generating secondary income, especially for older residents who otherwise would not be able to afford living in that area. However, these efforts of urban management have also had the unintended consequence of straining the market as rentals become more expensive for poorer residents, thereby making this well-located area out of reach for the more marginalised. This case study shows that interventions from the municipality have the potential to yield positive outcomes if there is appropriate and consistent support.

**Quadrant B1: Approaches for improving the situation of tenants currently living in backyards on privately-owned land in government subsidised housing developments**

Where backyarding occurs on privately owned land, the state would require permission from landlords to make any improvements to top-structures or to install or upgrade basic services. For government subsidised housing developments such as RDP houses or BNG developments, this is further complicated by the risk of issuing double subsidies to recipients of the BNG housing subsidy.

Settlement control has been used by the state as a process by which controlled urban management is enforced by requiring approved plans prior to the development of secondary structures. Applied in formal settlements, both new and old, these plans are intended to ensure compliance with local development by-laws. The approach is aimed at increasing formal backyard units, which in turn directly discourage building with temporary materials or building without providing access to services. Non-compliance could result in demolition. As illustrated in the case of Cosmo City, the idea is to have a proactive process of city-planning and building control.

**CASE STUDY B2****Backyard Rental Pilot Project, Gauteng Provincial Government**

The Gauteng Provincial Backyard Rental Pilot Project (2008) was launched in Orlando, Soweto by the Gauteng Department of Local Government and Housing. Governed by the Gauteng Provincial Backyard Rental Policy, the project was intended to directly intervene in the backyard sector through a process of formalising backyard rental units. To achieve this, informal backyard units were eradicated and replaced with state-subsidised formal backyard units with shared ablutions. A special grant, the Affordable Rental Housing Grant, was made available for the upgrade of these units. The process of eradicating informal units and replacing them with new formal structures fitted with formal services is accompanied by formal lease agreements between landlord and tenants.

By 2016, it was recorded that between 2,000-3,000 rooms were made available through this pilot project. However, a comparable number of rooms were eradicated. This project thus improved the quality of structures, but unfortunately less backyard units became available. Furthermore, despite issuing policies regulating rent charges as well as prohibiting the eviction of tenants in favour of family members, this still occurred as resources to monitor adherence to policy were limited.

**Quadrant B2: Approaches for improving the situation of tenants currently living in backyards on privately-owned land in non-subsidised housing developments**

Owners of privately-owned land have long been providing backyard accommodation. These backyard structures, however, do not always comply to building norms and standards, posing health and safety risks. Recognising the contribution of backyarding to providing housing options, the Gauteng Rental Pilot Project of 2008 was geared at improving such structures through a process of top-structure formalisation and improvement to basic services. The case study above shows that this approach improved the quality of accommodation, but it inadvertently contributed to gentrification and the displacement of tenants.

## CASE STUDY C

**Urban management and by-law enforcement in Cosmo City, Johannesburg**

Situated in north-western Johannesburg, Cosmo City is described as a well-located housing development. The Cosmo City housing development was pursued by the City of Johannesburg and private developers as part of a joint public-private endeavour to address the housing backlog and to promote integrated housing for people of mixed social and economic backgrounds. However, through the provision of BNG houses in Cosmo City, informal backyard accommodation continued to grow. A direct approach to managing urban development was then pursued by the developers, achieved by instituting community liaison officers, building inspectors, and the provision of training for all new owners regarding the conditions for housing upgrades and the construction of backyard accommodation. Evidence suggests that such efforts have resulted in the gradual increase in decent backyard housing options, particularly in the areas with BNG housing (Chetty, 2017).

Beneficiaries of state subsidised BNG housing have generally established backyard accommodation as a means of generating secondary income, especially for older residents who otherwise would not be able to afford living in that area. However, these efforts of urban management have also had the unintended consequence of straining the market as rentals become more expensive for poorer residents, thereby making this well-located area out of reach for the more marginalised. This case study shows that interventions from the municipality have the potential to yield positive outcomes if there is appropriate and consistent support.

**Quadrant C: Approaches for increasing the supply of decent, affordable backyard rental units on state-owned land (greenfields interventions)**

Backyarding is a common occurrence in greenfields housing areas, as it responds to both a housing need and the need for subsistence income for households that are often cash poor. Yet, the quality of structures and the added burden on local infrastructure are often of concern. The state can respond to this in at least two manners. One is to support this through plot design and the provision of additional service connections to enable occupants of greenfields houses to invest in home extensions that can provide rental income (an option currently under consideration by the Western Cape Human Settlements Department). The other is for the state to invest in an additional backyard structure as part of a greenfields housing project. In the case of the Alexandra K206 Project, it can be argued that the state attempted to pursue a dual approach of providing home ownership as well quality backyard accommodation for beneficiaries. However, this example demonstrates the complications regarding the demarcation of land and, importantly, the complications in the selection of beneficiaries as tenants and owners of houses.

## Quadrant D: Approaches for increasing the supply of decent, affordable backyard rental units on privately-owned land

Owners of private land have long been at the forefront of providing informal rental accommodation. Research suggests that informal rental accommodation, including backyard accommodation, is often developed incrementally due to financial limitations as well as delays rising from planning and building approvals and the high cost associated to this. Studies show that in practice, development of backyard housing occurs despite delays or inability to comply with building standards and regulations. Instead of the state playing a role here, these building processes are often led or supported by small-scale developers and micro-financiers through the provision of services.

When exploring possibilities for intervention in the backyarding sector, much attention is given to the role of the state in establishing governing frameworks and providing resources toward improving existing structures, providing/expanding infrastructure and/or supplying new backyard housing opportunities. This practice brief, too, has largely focused on the potential of state interventions. There is increasing recognition of the need for inputs from multiple stakeholders from both the public and private spheres in order to have more gainful interventions. Small-scale developers and micro-financiers have emerged as important new actors in low-income rental accommodation, and it is evident that their role in the backyarding sector is important.

**Research conducted in townships in Cape Town<sup>4</sup> shows that it may be useful to distinguish between two types of micro-developers:**

1. Enterprise-developers, who pursue the construction of small-scale housing projects for the purpose of generating a profit. Capital to pursue these business ventures are typically secured through personal loans or use of own equity.
2. Homeowner-developers, who develop rental units on their property to supplement household income. Profits generated from this are typically marginal, sufficing mostly for subsistence.

Small-scale developers and micro-financiers are instrumental in the building of housing opportunities, provision of building skills and providing finance opportunities. Their services add to local economic development, the provision of affordable housing and improving the quality of rental housing structures (McGaffin et al, 2018). As a form of intervention in the backyarding sub-sector that has resulted in noticeable gains, the role of micro-developers and micro-finance institutions is worth investigating for appropriate policy assistance and assistance from financial institutions (McGaffin et al, 2018). Yet, little is known about their development process regarding the actors in this space. Investing in understanding the sector and exploring avenues of support (and possibly regulation) would be an appropriate initial response.

**Studies show that in practice, development of backyard housing occurs despite delays or inability to comply with building standards and regulations.**

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<sup>4</sup> This draws on the McGaffin et al (2018) study on the development process of five Delft South and five Ilitha Park (Khayelitsha) small-scale rental developments.

## Lessons and Recommendations

**A number of lessons and recommendations can be drawn from the literature review and discussions at the local Community of Practice meeting in February. These are summarised as follows:**

### Prioritise provision of basic services rather than top-structure upgrades

Inadequate structures present health and safety concerns for backyard residents. Intuitively, upgrading of top-structures seems to be the more obvious response. This requires consideration of the implications of subsidising upgrades to backyard structures. By providing basic services instead of top structure upgrades it is possible to mitigate the potential of double subsidy for home owners, or the potential ineligibility of backyard tenants for alternative housing subsidies. SALGA (2014) recommends an amendment to the USDG policy to allow for funds to be made available for this. Providing basic services to backyard residents, particularly on privately owned land, would certainly require clarity regarding ownership of infrastructure, responsibility for maintenance of the structures, as well as consideration of the implications regarding the payment of basic services.

### Upgrades to bulk infrastructure and overcrowding

Overcrowding as a result of increased backyard housing raises concerns of increased burden on infrastructure which may result in inadequate access to basic services not only for backyard residents but for entire neighbourhoods. Reducing the number of backyard structures or the number of tenants may not be a suitable solution considering the risk of displacement for existing tenants. The extent of backyarding in some neighbourhoods requires upgrading at both individual and neighbourhood level through the provision of basic services to households as well as upgrading of bulk infrastructure.

### Lease agreements

In some instances rental options are more practical than home ownership. In such cases, it may be helpful to imagine ways in which to assist in securing rental tenure, particularly for backyard tenants who do not have a formal lease agreement with their landlords. A formal lease agreement, however, may not be an appropriate solution to tenure insecurity as it hampers on the flexibility afforded by informal agreements and may threaten to disrupt the market. A possibility instead could be the development of a rental management system to meet the needs and queries of both tenants and landlords. To ensure access to services, approaches that allow for the increase of service points are useful.

### Top-structure upgrades

Public investment in top-structure upgrades of backyard structures on state-owned land or in greenfields housing projects poses the risk of providing double subsidies to the same household. Loan schemes such as those adopted by the



Gauteng Department of Human Settlements<sup>5</sup> may mitigate against such risk. In some cases, by-law requirements restricting the number of backyard units in a yard have contributed to displacement, unaffordable rent increases and gentrification. Assistance for top-structure upgrades, in the form of financial subsidies or education on how to pursue incremental top-structure upgrades, could be accompanied by policies governing rental charges to ensure tenure security of tenants. This would, however, require a mechanism for monitoring adherence to these policies.

### Typologies for incremental opportunities and pre-approved development rights

Building of, or structural improvements to, backyard structures and service provision can be expensive. As such, these are generally pursued by landlords and small-scale developers incrementally. The cost for building plan applications are high, considered unaffordable for many, and turnaround times often take too long. It is suggested that municipalities can support incremental building and upgrading through the provision of pre-approved building plans and simplification of administrative approval processes.

### Relaxation of land use rules and building regulations

Zoning can be implemented through the demarcation of special zones where certain planning and land-use rules and regulations are relaxed to allow for the building of backyard accommodation. Such a process would include pre-approved development rights mentioned above. This may also involve rethinking building regulations that are fit for purpose and match the backyarding context.

### Transparency regarding allocations of home-ownership and rentals

In instances where the state chooses to pursue interventions to increase the number of backyard accommodation, issues related to the allocation of ownership and rental rights/opportunities needs to be carefully considered. The rationale regarding the determination of eligibility for home ownership versus selection as a tenant for backyard renting must be clear, considerate and fair. Secondly, the social dimension of backyarding must be considered as some landlords prefer to choose their own tenants or house relatives.

### Supporting micro-developers and micro-financiers

The growing role of micro-developers and micro-financiers needs to be carefully considered. On the one hand, these actors operate in a domain where the state considers it has no direct role to play to support home owners and/or tenants. As such, they play an important role in enabling the construction of quality backyard structures that mitigate health and safety risks for tenants. But this role is challenged by regulatory requirements and barriers to economic infrastructure, such as access to finance (Spiropolous, 2019). At the same time, some regulation and oversight may be required to avoid exploitative practices and/or sub-standard construction.

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*<sup>5</sup>One of the ways by which the Gauteng Provincial Government assists with funding options is through public-private partnership. An example of this is the partnership with INDLU Urban to jointly pursue investment, job creation, housing provision and SMME development in the township economies of Gauteng. One of the products on offer is the provision of loans to backyard landlords for upgrades and expansions. Loans are repaid over a period of five years through a portion of the income generated.*

## Conclusion

Backyard housing is increasingly being recognised for its contribution towards providing shelter in light of the greater human settlements challenge. Despite this, not enough is known about backyarding owing to the broad contextual differences it presents.

Backyarding typologies and definitions vary with context, and appropriate interventions are thus challenging to pursue. At present, there is no overarching national policy governing backyarding. Historical approaches to backyard interventions have proved to have their limitations, often having the unintended consequences of gentrification, unaffordability and disruption of the backyard rental market. In rethinking approaches to interventions, this practice brief highlights the implications of land ownership and the concerns it poses around permissions and restrictions of interventions.

Case studies were used to illustrate complexities regarding by-law compliance, improvements to top-structures, ownership of infrastructure, affordability and by-law compliance, gentrification, and provision for backyarding in new housing developments. This practice brief is offered as a contribution to begin to unpack potential state interventions and for municipal officials to apply some of these reflections in their localised responses to backyarding. It is clear that responding adequately to the challenges presented by the sector requires participation from multiple stakeholders.

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