

**TAFLEN BENDERFYNIAD AELOD CABINET  
CABINET MEMBER'S DECISION NOTICE**

PWNC/SUBJECT: Cais am ganiatâd i ail-werthu cyn dŷ Cyngor o dan cymal Adran 157 Deddf Tai 1985 (yn flaenoroal Adran 19 Deddf Tai 1980) –4  
Marian Terrace, Pennal  
*Application to give consent to the re-sale of former Council Property under section 157 Housing Act 1985 (formally section 19 Housing Act 1980) – 4  
Marian Terrace, Pennal*

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AELOD CABINET/CABINET MEMBER Cynghorydd Ioan Thomas

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PENDERFYNIAD/DECISION

Rhoi caniatâd i berchenog 4 Marian Terrace, Pennal werthu'r eiddo i'r darpar brynwr neilltuol yma.

*Consent given to the owner of 4 Marian Terrace, Pennal to sell the property to this particular prospective buyer.*

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RHESYMAU DROS Y PENDERFYNIAD/REASONS FOR THE DECISION

Pwrpas cyfyngiad o dan adran 157 a'r gyn tai cyngor yw ceisio cadw'r stoc tai yma i bobl leol eu prynu, drwy roi amodau person lleol ar y weithred. Mae gan Gyngor Gwynedd bolisi i ddelio gyda cheisiadau gan berchnogion sydd yn byw ar ffin y sir, fel nad ydynt o dan anfantais i gymharu gyda gweddill perchnogion y sir. Mae'r policy yma yn galluogi i'r cyngor rhoi hawl i'r perchennog werthu eu heiddo, os yw'r darpar brynwr wedi byw neu weithio am dair blynedd cyn gwneud y cais, o fewn radiws o 20 milltir i'r eiddo, ond mewn sir arall. Mae'r darpar brynwr hyn yn cydymffurfio gyda'r canllawiau gan ei bod yn byw ym Mhenegoes ers 19 mlynedd a chyn hynny ym Machynlleth. Mae'r ddau eiddo yma yn llai na radiws o 20 milltir o'r eiddo.

*The purpose of the restriction under section 157 on former council housing stock is to try to keep these houses for local people to buy, by placing local person conditions on the deed. Gwynedd Council has a policy to deal with requests by the owners who live on the border of the county, so as not to disadvantage them as compared with owners within the county. This policy enables the Council to consent to the owner to sell their property, if the prospective buyer has lived or worked for three years before making the application, within a 20 mile radius of the property, but in another county. The prospective buyer complies with these guidelines as she has been living in Penegoes for the past 19 years and before that at Machynlleth. Both properties are less than 20 miles radius from the property.*

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YSTYRIAETHAU PERTHNASOL

O dan Adran 157 o Ddeddf Tai 1985, gall y Cyngor gynnwys mewn trawsgludiad o dy wedi ei leoli yn y Parc Cenedlaethol neu mewn Ardal Wledig a ddynodwyd, gyfamed yn cyfyngu ar ryddid y tenant (ac unrhyw olynnydd mewn teitl) i ganiatáu tenantiaeth neu drwydded lle nad yw'r eiddo yn parhau i fod yn brif gartref i'r prynwr (neu unrhyw olynnydd mewn teitl) neu i

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werthu'r eiddo heb ganiatâd ymlaen llaw gan yr Awdurdod Lleol. Polisi Cyngor Gwynedd oedd gosod cyfamod o'r fath mewn achosion ble'r oedd yn bosibl gwneud hynny.

Pan wneir cais am ganiatâd i'r Cyngor gall atal ei ganiatâd, oni bai fod prynwr yr ymgeisydd trwy gydol y cyfnod o dair blynedd yn union cyn y cais am ganiatâd:-

- a) wedi cael eu man gweithio mewn ardal wedi ei dynodi gan orchymyn gan yr Ysgrifennydd Gwladol ac sydd o fewn ardal y Parc Cenedlaethol, neu Ardal Wledig ddynodedig lle lleolir yr eiddo.
- b) wedi cael eu hunig neu eu prif gartref mewn ardal o'r fath.

Yn unol â'r polisi i ddelio â cheisiadau o'r fath, fe fydd angen i'r Cyngor ystyried os yw'r ffactorau a ganlyn yn berthnasol cyn dod i benderfyniad:

- (a) Bod y darpar brynwr wedi cael eu man gweithio neu eu hunig neu brif gartref yn sir Gwynedd neu o fewn radiws o 20 milltir o'r eiddo y bwriedir ei brynu, fel arall yn cydymffurfio gyda'r cyfamod.
- (b) Bod gan y darpar brynwr (neu un ohonynt yn achos cyd-brynwr) gysylltiad lleol cryf. Byddai cysylltiad lleol yn cael ei fodloni pe byddai'r ymgeisydd yn wŵr/wraig briod, cyn wŵr /gwraig briod, yn rhiant, yn blentyn, yn frawd neu chwaer i unigolyn sydd yn cydymffurfio yn llawn gyda'r cyfamod.
- (c) Lle fo'r darpar brynwr yn aelod o'r lluoedd arfog ac y byddai yn flaenorol wedi cydymffurfio gyda thelerau'r cyfamod.
- (ch) Unrhyw amgylchiadau allweddol eraill fyddai yn cyfiawnhau caniatáu'r cais.

Mae cais felly, am ganiatâd i drosglwyddo'r eiddo yn cael ei ystyried gan y Cyngor ac mae angen roi sylw i'r wybodaeth ganlynol cyn dod i benderfyniad:-

**(a) Cysylltiadau lleol y darpar berchennog:-** Mae'r darpar brynwr yn byw ym Mhenegoes ers 19 mlynedd, a chyn hynny ym Machynlleth. Mae'r ddau eiddo yma yn llai na radiws o 20 milltir o'r eiddo.

**(b) Y pris o'i gymharu â thai cyffelyb –** Yn dilyn ymholiadau gyda gwerthwyr tai lleol, nodir bod yna tai rhes gyda dwy loft ar werth ym Mhennal gyda'r pris gofyn yn amrywio o £95,260m i £110,000. Gwerthwyd rhif 3 Marian Terrace ym mis Tachwedd 2014 am £90,000.

**(c) Cyfnod bu'r eiddo ar y farchnad –** Rhoddwyd yr eiddo ar y farchnad ym mis Medi 2014 gyda phris gofyn o £97,500 ac erbyn hyn, mae'r pris gofyn wedi ei ostwng i £92,500. Mae'r gwerthwr wedi derbyn cynnig am yr eiddo yn

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amodol i ganiatâd gan y Cyngor i'r Trosglwyddiad. Hwn yw'r unig gynnig sydd wedi cael ei roi ar yr eiddo yn ystod y cyfnod y mae'r eiddo wedi bod ar y farchnad.

**(ch) Rhesymau dros werthu a phrynu** - Dywed y perchennog bod ei rhieni wedi byw yn yr eiddo ers 1953, cyn ei brynu gan y Cyngor yn 1987. Trosglwyddwyd yr eiddo i'r perchennog a'i brawd bum mlynedd yn nol. Bu'r perchnogion rhentu'r eiddo allan i bobl leol hyd Ebrill 2014, pan symudont hwy allan. Ers hynny, dywed y perchnogion eu bod wedi ceisio ail osod yr eiddo, ond heb gael unrhyw lwyddiant. Penderfynodd y perchnogion werthu'r eiddo yn hytrach na cheisio ei osod allan. Dywed y darpar brynwyr ei bod yn dymuno prynu'r eiddo fel ei chartref parhaol, gan fod yr eiddo yn berffaith i'w gofynion. Dywed y darpar brynwyr ei bod yn gyfarwydd gyda Phennal a bod ganddi nifer o ffrindiau yn byw yn yr ardal.

**(d) Unrhyw effeithiau ar y gymuned leol:-** Dywed y darpar brynwr bod ganddi ddiddordeb mewn chwaraeon sydd ar gael yn y gymuned leol a'i bod yn edrych ymlaen at gymryd rhan ym mywyd cymdeithasol y pentref.

Wedi ystyried yr uchod, ystyrir ei fod yn briodol i roddi caniatâd i'r perchnogion werthu'r eiddo i'r darpar brynwr.

#### RELEVANT CONSIDERATIONS

*Under Section 157 of the Housing Act 1985, the Council may include in a conveyance of a house that is located in the National Park or a designated Rural Area, a covenant limiting the freedom of the tenant (and any successor in title) to grant a tenancy or license where the property will continue to be the main home to the purchaser (or any successor in title) or to sell the property without prior permission from the Local Authority. Gwynedd Council's policy was to impose such a covenant in cases where it was possible to do so.*

*When a request for permission is made to the Council it may withhold its consent unless the buyer candidate throughout the three year period immediately preceding the application for permission:-*

*a) has been working in an area designated by an order of the Secretary of State and which is within the National Park area, or a designated Rural Area where the property is located.*

*b) have had their only or main home in such an area.*

*In line with the policy to deal with such requests, the Council will need to consider if the following factors are relevant before making a decision:*

*(a) That the prospective buyers have had their place of work or their only or principal home in Gwynedd or within a radius of 20 miles of the property*

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*proposed to be purchased, otherwise comply with the covenant.*

*(b) That the prospective buyers (or one of them in the case of joint purchasers) have a strong local connection. Local connection would be satisfied if the applicant is a husband / wife spouse, ex-husband / wife spouse, parent, child, brother or sister of a person who is fully compliant with the covenant.*

*(c) where the potential buyer is a member of the armed forces and would have previously complied with the terms of the covenant.*

*(d) Any other key circumstances which would justify granting the application.*

*An application for permission to transfer the property is to be considered by the Council and there is a need to address the following information before making a decision: -*

*(a) **The prospective owner's local connection:** - The prospective buyer has lived at Penegoes for the last 19 years and before that at Machynlleth. Both properties are within a radius of 20 miles from the property.*

*(b) **The price compared to similar houses** – Following enquiries with local estate agents, it is noted that there are terraced properties with two bedrooms on sale at Pennal with the asking price ranging between £95,260 and £110,000. Number 3 Marian Terrace was sold in November 2014 for £90,000.*

*(c) **Period property has been on the market** - The property was placed on the market in September, 2014 with the asking price of £ 97,500, but by now the asking price has been reduced to £92,500. The seller has accepted an offer subject to approval by the Council to the transfer. This is the only offer that has been made on the Property during the period it has been on the market.*

*(d) **Reasons for the sale and purchase** – The owner states her parents lived in the property from 1953 and bought the property from the Council in 1987. The property was transferred to the owner and her brother five years ago. The owners originally rented out the property to local people until April 2014, when they moved out. Since then, the owners state that they have tried again to rent out the property, but without success. The owners have decided to sell the property rather than to try to rent it out again. The prospective buyer states that she wishes to purchase the property as her permanent home, since it is perfect for her requirements. The prospective buyer states that she is familiar with Pennal and that she has several friends living in the area.*

*(e) **Any impacts on the local community:** - The prospective buyer states that she has an interest in sports which are available in the local community*

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*and that she is looking forward to taking part in the social life of the village.*

*Having considered the above, it is considered appropriate to give permission to the owners to sell the property to a prospective buyer.*

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BARN Y SWYDDOGION STATUDOL/VIEWS OF STATUTORY OFFICERS

1. Y Prif Weithredwr/Chief Executive:-

Dim i'w ychwnaegu./Nothing to add.

2. Swyddog Monitro/ Monitoring Officer:-

Mae'r daflen wedi ei pharatoi gan y Gwasnaeth Cyfreithiol felly dim sylwadau i'w hychwanegu o safbwynt priodoldeb.

*The notice was prepared by the Legal Services, therefore no further observations to be added from the propriety perspective.*

3. Prif Swyddog Cyllid/Chief Finance Officer:-

Dim gwrthwynebiad o safbwynt priodoldeb ariannol.  
*No objection from the perspective of financial propriety.*

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BARN YR AELOD LLEOL/VIEW OF LOCAL MEMBER

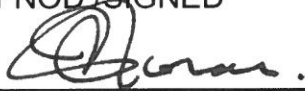
Y Cyngorydd/ Councillor Dewi Owen

Rwyf yn hapus i'r person yma cael caniatâd i brynu tŷ 4 Marian Terrace  
Pennal

*I agree that this person should be given consent to buy the property 4 Marian  
Terrace, Pennal*

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LLOFNOD /SIGNED



DYDDIAD/DATE

3/2/16.

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