

**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 Maesteg, 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 Maesteg, Pennal

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AELOD CABINET/CABINET MEMBER Cyngorydd Ioan Thomas

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PENDERFYNIAD/DECISION

Rhoi caniatâd i berchnogion 4 Maesteg, Pennal werthu'r eiddo i'r darpar brynwr neilltuol yma.

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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 20 milltir i'r eiddo, ond mewn sir arall. Mae'r darpar brynwr hyn yn cydymffurfio gyda'r canllawiau gan eu bod wedi byw ym Machynlleth, Powys am dros dair blynedd.

*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 20 miles of the property, but in another county. The prospective buyers comply with these guidelines as they have lived in Machynlleth, Powys for over three years.*

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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, gyfamod 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 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.

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Pan wneir cais am ganiatâd i'r Cyngor gall atal ei ganiatâd, oni bai fod prynwr

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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 brynwyr wedi cael eu man gweithio neu eu hunig neu brif gartref yn sir Gwynedd neu o fewn 20 milltir o'r eiddo y bwriedir ei brynu, fel arall yn cydymffurfio gyda'r cyfamod.
- (b) Bod gan y darpar brynwyr (neu un ohonynt yn achos cyd-brynwyr) 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 caniatâu'r cais.

## **Cymdeithas Tai**

(1) O dan yr holl amgylchiadau eraill dylai'r cais gael ei gyfeirio at Gymdeithas Dai sydd yn gweithredu yn yr ardal dan sylw er mwyn canfod os fyddai'r Gymdeithas Dai yn barod i brynu'r eiddo. (Gweler (ch) isod).

(2) Mae'r Gymdeithas Dai perthnasol wedi nodi yn ysgrifenedig yn yr achos yma nad yw'n medru neu nad yw'n barod i brynu'r eiddo. Mae cais felly am ganiatad i drosgwyddo'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 ar hyn o bryd yn byw ym Machynlleth sydd yn llai na 20 milltir o'r eiddo. Mae'r prynwr arfaethedig wedi cyflwyno hysbysiad Treth y Cyngor gan Gyngor Sir Powys am y tair blynedd ddiwethaf, fel tystiolaeth ei bod wedi byw yn y cyfeiriad yma. Dywed y darpar brynwr ei bod wedi byw a gweithio ym Machynlleth ers dros 10 mlynedd ac mae wedi cyflwyno llythyr gan ei chyflogwr presennol sydd yn datgan bod y darpar brynwr wedi cael ei chyflogi ganddynt i weithio o'i

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swyddfa yng Nghymru sydd wedi ei leoli ym Machynlleth ers Mehefin 2011.

**(b) Y pris o'i gymharu â thai cyffelyb** - Ar hyn o bryd, does yna ddim tai tair llofft tŷ pâr ar werth ym Mhennal, a'r unig dy gellid ei gymharu gydag yn dŷ teras dwy loft yn £105.000. Ni ystyrir fod hyn yn gymhariaeth gyffelyb, ac felly ni ddylid rhoi pwysau sylweddol ar yr agwedd yma.

**(c) Cyfnod bu'r eiddo ar y farchnad** - Rhoddwyd yr eiddo ar y farchnad yn Ionawr 2015 gyda phris gofyn o £139,950. Mae'r gwerthwr wedi derbyn cynnig yn amodol i ganiatâd gan y Cyngor i'r Trosglwyddiad. Derbyniwyd tri chynnig ar yr eiddo gan ddarpar brynwyr nad oeddynt yn cydymffurfio yn unol gyda'r cyfarnod

**(ch) A gynigwyd y Tŷ i Gymdeithas Tai-?** Dywed y gwerthwr eu bod wedi cynnig gwerthu'r eiddo i Gartrefi Cymunedol Gwynedd sydd wedi gwrthod y cynnig. Darparwyd copi o e-bost i'r gwerthwr gan Gartrefi Cymunedol Gwynedd sydd yn cadarnhau hyn.

**(d) Rhesymau dros werthu a phrynu** - Dywed y gwerthwr eu bod eisiau symud i eiddo mwy ym Mhennal oherwydd ychwanegiad i'r teulu; mae ganddynt nawr ddau o blant bach. Dywed y darpar brynwyr mai hwn oedd y cyfle cyntaf iddi gael prynu ei chartref cyntaf yn yr ardal, er ei bod wedi ymgartrefu yno drwy y rhan fwyaf o'i bywyd fel oedolyn. Dywed y darpar brynwr ei bod hi a'i phartner yn gweithio yn yr ardal gyda'i gwaith hi wedi ei leoli ym Machynlleth.

**(dd) Unrhyw effeithiau ar y gymuned leol:-** Dywed y darpar brynwyr ei bod yn dysgu siarad Cymraeg ers iddi symud i Fachynlleth bron i saith mlynedd yn nol a'i bod wedi darganfod fod yna wersi sgwrsio ym Mhennal unwaith yr wythnos. Mae ei phartner hefyd wedi bod yn mynychu gwersi cychwynnol Cymraeg. Dywed y darpar brynwr ei bod hi a'i phartner yn aml yn cymryd rhan mewn digwyddiadau yn y gymuned leol ac wedi gwirfoddoli mewn nifer o broiectau ym Machynlleth. Dywed y darpar brynwr eu bod hefyd wedi helpu gydag adnewyddiad sinema Tywyn ac wedi trefnu gweithgareddau cymunedol yno, yn ogystal ag ym Machynlleth ac Aberystwyth. Maent wedi cefnogi gweithgareddau pantomeim Aberdyfi ac maent yn aelodau brwd o'r côr cymunedol ym Machynlleth ac yn gwneud gwaith gweinyddol i'r côr. Dywed y darpar brynwr bod y ganolfan ym Mhennal yn dynfa fawr iddynt symud i'r pentref a'u bod yn gobeithio gallu cefnogi a gwirfoddoli yn y gwahanol ddigwyddiadau yn y Ganolfan yn y dyfodol. Dywed y darpar brynwr ei bod yn gobeithio cymryd rhan yn sioe Pennal, gan y bydd modd iddynt ddechrau garddio gan fod i'r eiddo yma ardd, yn wahanol i'r lle maent yn byw nawr. Dywed darpar brynwr ei bod hi a'i phartner gan lawer iawn o ffrindiau a chyd weithwyr ym Mhennal yn barod, gyda'r gobaith o wneud llawer mwy os byddent yn symud i fyw yno.

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

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*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 20 miles of the property 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.*

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

### ***Housing Association***

*(1) Under all other circumstances the application should be referred to a Housing Association which operates in the area concerned in order to ascertain if the Housing Association would be willing to buy the property. (See*

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(d) below).

(2) The relevant Housing Association has indicated in writing in this case it is not able or not ready to buy the property. 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 potential buyer is currently living in Machynlleth which is less than 20 miles from the property. The proposed buyer has provided notice of Council Tax by Powys County Council for the past three years, as evidence that she had lived at this address for this period. The proposed purchaser states that she has lived and worked in Machynlleth for over 10 years and has submitted a letter from her employer stating that she has been employed by them to work from their Welsh office which is located in Machynlleth since June 2011.

(b) **The price compared to similar houses** - Currently, there are no three-bedroom semi-detached houses for sale in Pennal, and the only comparator is a two-bedroom terraced house which is for sale at £105,000. This comparison is not considered to be similar, and therefore no substantial weight should be given to this aspect.

(c) **Period property has been on the market** - The property was placed on the market in January 2015 with the asking price of £ 139,950. The seller has accepted an offer subject to approval by the Council to the transfer. They also received three bids from potential buyers of the property who did not comply with the covenant

(ch) **Was the property offered to a housing Association?** The seller offered the property for Gwynedd Community Homes, and they have rejected the offer to purchase. A copy of the email to the seller by Gwynedd Community Homes has been provided which confirms this.

(d) **Reasons for the sale and purchase** - the seller states they want to move to larger premises in Pennal because of an addition to the family; they now have two small children. The proposed purchaser says that this was the first chance she has had to buy her first home in the area, although she settled in the area throughout most of her adult life. Both the potential buyer and her partner work in the area, with her work located in Machynlleth.

(dd) **Any impacts on the local community:** - The prospective buyer states that she has been learning to speak Welsh since moving to Machynlleth nearly seven years ago and that she has discovered that there are "chatting"

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*lessons in Pennal once a week. Her partner has also attended beginner lessons in Welsh. The potential buyer says that she and her partner often participates in events in the local community and has volunteered in a number of projects in Machynlleth. The proposed buyer says they have also helped with renovation of the cinema in Port and organized community activities there, as well as in Machynlleth and Aberystwyth. They have supported the pantomime in Aberdyfi and are active members of the community choir in Machynlleth and also undertake administrative work for the choir. She states that the Community Center in Pennal is a big draw to move to the village and hoped to be able to support and volunteer in the various events at the Centre in the future. The proposed buyer says she hopes to take part in the Pennal show, as the garden at the property will make it possible for them to start gardening, in contrast to where they live now. The proposed buyer and her partner state that they have a great many friends and work colleagues in Pennal ready, with the hope to make many more friends if they could move to live there.*

*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 ychwanegu

*Nothing to Add*

### 2. Swyddog Monitro/ Monitoring Officer:-

Mae'r daflen yma eisioes wedi derbyn mewnbwn cyfreithiol. Dim sylwadau penodol i'w hychwanegu o safbwynt priodoldeb.

*The notice has already received input from legal. No specific comments to add in terms of propriety*

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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 Cynghorydd Dewi Owen

“Ysgrifennaf atoch i ddweud fy mod yn cefnogi cais y teulu ifanc sydd yn awyddus i brynu y ty cyngor ym Mhennal. Braff fydd gweld teulu ifanc yn ymgartrefu ym Mhennal, deallaf fod ganddynt dri o blant, fydd yn help mawr i gynyddu nifer yr ysgol. Deallaf hefyd fod y tad yn enedigol o Bennal, a braff fyddai rhoi cyfle iddo ddod yn nol iw bentref enedigol”

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LLOFNOD/SIGNED



DYDDIAD/DATE

24/4/15.