

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

PWNC/SUBJECT: Cais am ganiatâd i ohirio cymal rhwystrad person lleol am un trosglwyddiad yn unig i ail-werthu cyn dy Gyngor o dan gymal Adran 157 Deddf Tai 1985 - 22 Heol Llanegryn, Abergynolwyn.

*Application to give consent to the suspension of the local person restriction for one transfer only on re-sale of former Council Property under section 157 Housing Act 1985– 22 Llanegryn Street, Abergynolwyn*

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**AELOD CABINET/CABINET MEMBER:-** Cyngorydd Ioan Thomas  
**PENDERFYNIAD/DECISION**

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Rhoi caniatâd i berchennog 22 Stryd Llanegryn Abergynolwyn werthu'r eiddo heb orfod cydymffurfio gyda'r rhwystrad person lleol am un trosglwyddiad yn unig

*Consent given to the owner of 22 Llanegryn Street Abergynolwyn to sell the property without having to comply with local person restriction for one transfer only.*

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**RHESYMAU DROS Y PENDERFYNIAD/REASONS FOR THE DECISION**

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Pwrpas cyfyngiad o dan adran 157 a'r gyn tai cyngor yw ceisio cadw'r stoc tai yma i bobl lleol eu prynu, drwy roi amodau person lleol ar y weithred. Mae gan Gyngor Gwynedd bolisi i ddelio gyda cheisiadau gan berchnogion sydd wedi methu gwerthu'r eiddo i berson sydd yng nghydymffurfio gyda'r amod person lleol drwy roi'r cyfle iddynt wneud cais i'r Cyngor i gael gohirio'r cymal am un trosglwyddiad yn unig. Golygir hyn y gall y perchennog gwerthu'r eiddo ar y farchnad agored heb rhwystrad person lleol ond byddai'r amod person lleol yn aros ar deitl yr eiddo i unrhyw drosglwyddiad dilynol. Mae'r perchennog wedi ceisio gwerthu'r eiddo am dros dair blynedd ond heb dderbyn cynnig ar yr eiddo gan 'berson lleol'. Gan nad oes yna ddiddordeb yn cael ei ddangos gan berson lleol i brynu'r eiddo, gohirio'r cymal am un trosglwyddiad yn unig fel bod modd i'r perchennog weithredu mewn marchnad ehangach er mwyn ceisio cael prynwr i'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 have failed to sell the property to a person who complies with the local person restriction by allowing them to make an application to the Council to suspend the restriction for one transfer only. This means that the owner is able to market the property on the open market without the local person restriction applying but the restriction will remain on the title to the property for any future transfers. The owner has tried to sell the property for over three years but has not received an offer on the property from a local person. Since no interest is being shown by a local person to buy the property, the restriction is suspended for one transfer only in order that the owner may operate in a wider market to try and secure a buy for 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, 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.

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 brynwyr 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 brynwyr (neu un ohonynt yn achos cyd-brynwyr) gysylltiad lleol cryf. Byddai cysylltiad lleol yn cael ei fodloni pe byddai'r ymgeisydd yn ŵr/wraig briod, cyn ŵr /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 flaenrol wedi cydymffurfio gyda thelerau'r cyfamod.
- (ch) Unrhyw amgylchiadau allweddol eraill fyddai yn cyfiawnhau caniatáu'r cais.

### **Gwybodaeth Gefndirol:-**

Gwerthwyd yr eiddo 22 Heol Llanegryn, Abergynolwyn, bwthyn rhes unllawr gyda dwy loft, yn nol yn 1988 o dan ddarpariaeth Hawl i Brynu. Rhoddwyd y rhwystrad person lleol o dan adran 157 Deddf Tai 1985 oedd ar yr adeg yno, yn rhwystrad yn erbyn trosglwyddo neu roi les ar yr eiddo yn unig. Does dim rhwystrad i osod yr eiddo am dymor byr gan yn ddiweddarach mae'r ddeddf wedi ei diwygio i gynnwys rhwystrad rhag rhoi trwydded neu osod eiddo ac

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eithrio i berson lleol. Prynwyd 13 o dai yn Heol Llanegryn gan Gyngor Dosbarth Gwledig Dolgellau yn nol yn 1962, cyn eu trosglwyddo ymlaen o dan adrefnu i Gyngor Gwynedd. Does gan y tai eraill, nad oeddynt ym mherchnogaeth y Cyngor, y rhwystrad person lleol ar eu teitl hwy.

Mae cais felly am ganiatâd i ohirio'r rhwystrad 'person lleol' am un trosglwyddiad yn unig yn cael ei ystyried gan y Cyngor ac mae angen roi sylw i'r wybodaeth ganlynol cyn dod i benderfyniad:-

**(a) Y pris o'i gymharu â thai cyffelyb** – Yn dilyn ymholiadau gyda gwerthwyr tai lleol, nodir bod yna dy yn yr un rhes a'r eiddo yma ar werth am y pris gofyn o £124,950. Mae'r eiddo yma wedi cael ei ymestyn i gynnwys 3 llofft. Does dim rhwystrad person lleol ar deitl yr eiddo yma. Mae yna dy arall ar werth yn y pentref sydd gyda 2 loft sydd yn adeilad rhestredig dosbarth II, gyda'r pris gofyn o £119,000.

**(b) Cyfnod bu'r eiddo ar y farchnad** - Rhoddwyd yr eiddo ar y farchnad ym mis Hydref 2012 gyda phris gofyn o £99,950. Cafwyd dros 14 gwahanol berson yn gweld yr eiddo ers y dyddiad hynny gyda 3 ohonynt yn bobol leol. Derbyniwyd cynnig ar yr eiddo yn dechrau 2014 ond nid oedd y person yma yn cydymffurfio gyda'r cymal person lleol ac felly tynnwyd y cynnig yn nol. Mae yna gynnig newydd wedi cael ei roi ar yr eiddo gan berson sydd eto ddim yn cydymffurfio gyda'r cymal. Drwy ganiatáu'r cais, fe fydd modd i'r perchennog werthu'r eiddo i'r person yma neu ei farchnata yn agored i unrhyw berson am un trosglwyddiad yn unig.

Wedi ystyried yr uchod, ystyrir ei fod yn briodol i roddi caniatâd i'r perchennogion werthu'r eiddo am un trosglwyddiad yn unig heb y rhwystrad person lleol ond fe arhosir y rhwystrad person lleol ar deitl yr eiddo am unrhyw drosglwyddiad yn y dyfodol.

#### **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.*

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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 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.

**Background information:-**

22 Llanegryn Street, Abergynolwyn a two bedroomed single story terrace cottage was sold back in 1988 under the Right to Buy provisions. The local person restriction was placed on the title under Section 157 Housing Act 1985, which at that time was a restriction against transfer or leasing the property only. There is no restriction on the short term letting of the property, since it was only later that the act was amended to include a restriction prohibiting a licence or tenancy of the property with the exception to a local person. Dolgellau Rural District Council bought 13 of the houses in Llanegryn Street in 1962, which were subsequently transferred under reorganisation to Gwynedd Council. The rest of the houses, which were not in the ownership of the Council do not have the local person restriction on their title.

An application for permission to suspend the 'local person restriction for one transfer only is to be considered by the Council and there is a need to address the following information before making a decision: -

(a) **The price compared to similar houses** – Following enquires with local estate agents it is noted that there is one property in the same terrace as this property on sale with an asking price of £124,500. This property has been extended to include 3 bedrooms. There is no local person restriction on the title of that property. There is another two bedroomed property on sale in the village, a grade II listed building with an asking price of £119,000

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*(b) **Period property has been on the market** - The property was placed on the market in October 2012 with the asking price of £99,950. There have been 14 different viewings of the property since that date, with 3 of them being from local persons. An offer on the property at the beginning of 2014 was accepted, but since this person did not conform to the local person clause, the offer was withdrawn. A new offer has been made on the property, however this person again does not conform with the clause. Consent to the application will allow the owner to sell the property to this person or to freely market it to any person for one transfer only.*

*Having considered the above, it is considered appropriate to give permission to the owners to sell the property for one transfer only without the local person restriction, however the local person restriction is to remain on the title for all future transfers.*

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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 Monitrol/*Monitoring Officer:-*

*Mae'r daflen wedi ei pharatoi gan y Gwasanaeth 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 Cynghorydd/*Councillor Beth Lawton*

*Ar ôl gwneud ymholiadau lleol o fewn y pentref, mae'r mwyafrif yn hapus i godi'r cymal yma am unwaith yn unig gan fod y tŷ wedi bod ar werth am hir.*

*After making local enquires in the village, the majority are happy to lift this clause for this sale only as the house has been for sale for a long time.*

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LLOFNOD /SIGNED



DYDDIAD/DATE

15/7/15.

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