

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

PWNC/SUBJECT: Cais am ganiatâd i ail-werthu cyn dy Gyngor o dan gymal Adran 157 Deddf Tai 1985 -9 Glan y Werydd, Dyffryn Ardudwy
Application to give consent to the re-sale of former Council Property under section 157 Housing Act 1985 – 9 Glan y Werydd, Dyffryn Ardudwy

AELOD CABINET/CABINET MEMBER Cynghorydd Ioan Thomas

PENDERFYNIAD/DECISION

Rhoi caniatâd i berchenog 9 Glan y Werydd, Dyffryn Ardudwy werthu'r eiddo i'r darpar brynwyr neilltuol yma.

Consent given to the owner of 9 Glan y Werydd, Dyffryn Ardudwy to sell the property to these particular prospective buyers.

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 wedi methu gwerthu'r eiddo i berson sydd yng nghyd ymffurfio gyda'r amod person lleol, drwy roi'r cyfle iddynt wneud cais i'r Cyngor i gael caniatâd i werthu i berson sydd y tu allan i ofynion y cyfamod. Mae'r perchennog wedi ceisio gwerthu'r eiddo ers mis Gorffennaf 2015, pan roddwyd yr eiddo ar y farchnad gyntaf. Mae yna dri o bobl leol wedi ymweld â'r eiddo ac mae dau ohonynt wedi rhoi cynnig am yr eiddo. Tydi'r bobl hyn ddim yn gallu symud ymlaen i brynu'r eiddo gan nad ydynt yn gallu gwerthu eu heiddo hwy. Ystyrir y gellir rhoi caniatâd i'r perchennog werthu'r eiddo i'r darpar brynwyr gan eu bod wedi bod yn byw yn yr ardal am bron i dair blynedd. Tair blynedd yw'r cyfnod y gofynnir yn y cyfamod i'r darpar brynwyr fod wedi byw yn yr ardal. Yn ogystal, mae gan un ohonynt riant yn byw yn y pentref yn barod.

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 sell the property to a person falls outside the requirements of the covenant. The owner has tried to sell the property since the July 2015, when the property was first placed on the market. Three local persons have viewed the property, with two of them making an offer on the property. These persons are unable to move forward to buy the property as they are unable to sell their own properties. It is considers appropriate to grant the permission to the owner to sell the property to these intended buyers, as they have lived in the area for nearly three years. Three years is the period required in the covenant for the intended buyers to have lived in the area. Also, one of them has a parent who already lives in the village.

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 werthu'r eiddo heb ganiatâd ymlaen llaw gan yr Awdurdod Lleol. Polisi Cyngor Gwynedd oedd gosod cyfamed 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 cyfamed.
- (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 cyfamed.
- (c) Lle fo'r darpar brynwr yn aelod o'r lluoedd arfog ac y byddai yn flaenorol wedi cydymffurfio gyda thelerau'r cyfamed.
- (ch) Unrhyw amgylchiadau allweddol eraill fyddai yn cyfiawnhau caniatáu'r cais.

Gwybodaeth Gefndirol:-

Gwerthwyd yr eiddo, 9 Glan y Werydd, Dyffryn Ardudwy, tŷ pen teras gyda thair llofft, yn wreiddiol gan y Cyngor yn nol yn 1999 o dan ddarpariaeth Hawl i Brynu. Rhoddwyd y rhwystrad person lleol o dan adran 157 Deddf Tai ar yr eiddo, sef rhwystrad ar deitl yr eiddo yn erbyn trosglwyddo.

Mae cais felly, am ganiatâd i werthu'r eiddo i bersonau nad ydynt yn

cydymffurfio gyda'r rhwystrad 'person lleol' 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:- Dywed y darpar brynwyr eu bod wedi byw yn Nyffryn Ardudwy ers mis Mawrth 2013 ond yn anffodus, tydi'r cwpl ddim yn gallu dangos tystiolaeth o hyn hyd nes dechrau Ebrill 2013. Dywed y darpar brynwyr eu bod ar hyn o bryd yn byw gyda rhiant un o'r cwpl yn Nyffryn Ardudwy. Dywed y darpar brynwyr eu bod yn gweithio yn yr ardal. Nodir felly y byddai'r darpar brynwyr yn gymwys o fewn yr wythnosau nesaf.

(b) Y pris o'i gymharu â thai cyffelyb – Yn dilyn ymholiadau gyda gwerthwyr tai lleol, nodir bod yna dy res gyda phedair llofft ar werth yn Nyffryn Ardudwy sydd gyda'r cymal 157 ar y teitl, gyda phris gofyn o £139,950. Mae yna amrywiaeth o dai fel arall ar werth sydd ddim gyda'r cymal 157 ar y teitl. Mae'r rhain yn amrywio o £134,950 am dy res tair llofft i £145,000 am fyngalo semi dwy lofft.

(c) Cyfnod bu'r eiddo ar y farchnad – Rhoddwyd yr eiddo ar y farchnad ym mis Gorffennaf 2015 gyda phris gofyn o £124,950. Mae'r gwerthwr wedi derbyn cynnig am yr eiddo yn amodol i ganiatâd gan y Cyngor i'r Trosglwyddiad. Dywed y perchennog ei bod wedi derbyn cynnig blaenorol ar yr eiddo ond eu bod wedi tynnu yn nol cyn cwblhau.

(ch) Rhesymau dros werthu a phrynu - Dywed y perchennog ei bod eisiau gwerthu oherwydd rhesymau personol, a'i bod yn symud i ffwrdd i fyw. Dywed y darpar brynwyr eu bod yn dymuno prynu'r eiddo fel eu cartref parhaol, gan eu bod eisoes yn byw yn Nyffryn Ardudwy gydag un rhiant ac maent yn gweithio yn yr ardal.

Wedi ystyried yr uchod, ystyrir ei fod yn briodol i roddi caniatâd i'r perchennogion werthu'r eiddo i'r darpar brynwyr gan eu bod wedi byw yn yr ardal bron i dair blynedd. Tai blynedd yw'r cyfnod yn y cyfamod y gofynnir i'r darpar brynwr fod wedi byw yn yr ardal.

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 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:-

The property 9 Glan y Werydd, Dyffryn Ardudwy, an end terrace house with three bedrooms, was sold originally by the Council back in 1999 under the Right to Buy scheme. The local person restriction under section 157 Housing Act was placed on the property, which is a restriction on the title of the property restricting transfer.

An application for permission to transfer the property to persons who do not conform with the local person restriction is 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 buyers state that they have lived in Dyffryn Ardudwy since March 2013 but unfortunately, the couple are unable to produce evidence of residency until April 2013. The prospective buyers state that at present they are living with one of the couple's parents in Dyffryn Ardudwy. The prospective buyers state that they work in the area. It is noted that the prospective buyers will be eligible within the next few weeks.

(b) The price compared to similar houses – Following enquires with local estate agents, it is noted that there is a terrace house with four bedrooms on sale in Dyffryn Arduwy, which has a section 157 on the title, with an asking price of £139,950. There are a variety of other houses for sale which do not

have the section 157 of their title. These range in price from £134,950 for a three bedroomed terrace house to £145,000 for a semi-detached bungalow with two bedrooms.

(c) Period property has been on the market - The property was placed on the market in July 2015 with the asking price of £124,950. The seller has accepted an offer subject to approval by the Council to the transfer. The owner states that she had accepted an earlier offer on the property but the offer was withdrawn before completion.

(d) Reasons for the sale and purchase – The owner states that she wants to sell due to personal reasons and that she is moving away to live. The prospective buyers state that they wish to purchase the property as their permanent home, since they already live in Dyffryn Ardudwy with one of their parents and they work in the area.

Having considered the above, it is considered appropriate to give permission to the owner to sell the property to the prospective buyers as they have lived in the area for nearly three years. Three years is the period required in the covenant for a prospective buyer to have lived in the area.

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.

BARN YR AELOD LLEOL/VIEW OF LOCAL MEMBER

Y Cyngorydd/ Councillor:- Eryl Jones-Williams

Dim gwrthwynebiad, oherwydd yr amgylchiadau.

No objections, due to the circumstances.

LLOFNOD /SIGNED



DYDDIAD/DATE

28/2/16.
