


Ryedale District Council – Selling former Council houses in Ryedale

Prospective purchasers of former Council properties in the North York Moors National Park; an area designated under (section 82 of the Countryside and Rights of Way Act 2000) as an area of outstanding natural beauty, or an area designated by order of the Secretary of State as a rural area must comply with Section 157 of the Housing Act 1985 in that they must have lived or worked in Ryedale, for three years immediately prior to purchase. If there are two purchasers, only one person has to satisfy this requirement. The restriction is intended to suppress the price of the property thereby making the property affordable to local people.

(i) Q: Does the Council hold any literature explaining the restriction?

A: There is no literature that the Council can readily give to a person explaining the Section 157 residency restriction, except for the following extract of the Housing Act 1985:  Section 157 of the Housing Act 1985 [422kb]

(ii) Q: How do I obtain the Council's consent?

A: The purpose of the restriction is to stop former council owned properties being acquired as second or holiday homes in an attempt to keep them available for local people, as far as that is possible. The Council cannot withhold its consent to a sale to a local 'qualifying person' nor can it withhold its consent to a tenancy or licence to a local 'qualifying' person. The legislation considers that a 'qualifying person' is one that throughout the period of three years immediately preceding the application for consent

- Had their only or principal home in the designated area or,
- Had their place of work in the designated area

If the buyer of the property is not a 'qualifying person' under the legislation, then the council can exercise its discretion in granting consent. See below.

(iii) Q: What form of evidence of residency and/or employment is acceptable?

A: The evidence that the Council accepts could be obtained from the electoral register of Ryedale District Council, letters from employers or from academic institutions and in the absence of the former, a statutory declaration. If the prospective purchaser has lived solely in the Ryedale area for the requisite three years, they or their solicitor should first contact Housing Services as shown below, who will arrange for the electoral register to be checked. Bank statements are not acceptable.

(iv) Q. What happens after I have proved my residency and/or employment?

- A. On receipt of the full names of all parties to the transaction, the Council's consent will be forwarded to the purchaser's solicitor who will arrange for it to be sent to the Land Registry on transfer of the property.

(v) Q. Can I have the restriction on my property lifted?

A. The Council will not remove Section 157 restrictions. It can exercise its discretion in allowing non qualifying people to occupy the property, this may be where the property has been marketed for a period of 12 months and no buyer meeting the restriction has come forward. If this is the case you can apply to the Council's Housing Service Manager who in liaison with the Council's solicitor may agree to let a non qualifying person occupy the property. The reason for not removing the restriction is that the pressure on providing houses for local people remains a big issue within the district. If you feel you have an exceptional circumstance and wish to apply for the restriction to be lifted, you must contact the Housing Services team in writing.

(vi) Q: Who can I get further assistance from on this matter?

A: Housing Services, Ryedale District Council, Ryedale House, Old Malton Road, Malton, North Yorkshire, YO17 7HH, 01653 600666

E-mail: housing@ryedale.gov.uk