



**CORNWALL**  
**COUNCIL**  
*one and all • onen hag oll*

# Post Right to Buy

Information about our enforcement policy on Post Right to Buy



[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

Cornwall Council is reminding people who have bought properties under the government's **Right to Buy (RTB)** scheme that there are legal restrictions on what they can do with their properties once they have bought them.

## Post Right to Buy Enforcement Policy

**This means that the owner should not be renting them out as holiday lets, letting them out to students or making significant alterations to their property.** In rural areas especially, there are also restrictions on who the property can be bought by or rented to in the future as, in many cases, the new owner or tenant has to have a Cornwall connection.

In some cases it may be that the person who has bought a former Council house some time ago is not fully aware that restrictions may still be in force so, the Council is giving those people a period of grace of one year to put right any breaches.

**Anyone who has bought a property from 14 June this year will be expected to abide by the restrictions from day one.**



---

# What is Right to Buy?

**The Right to Buy scheme helps eligible council and housing association tenants in England to buy their home at a lower price than their market value.** Any home bought under the Right to Buy scheme may be subject to restrictions and covenants.

---

# Why is the Council taking action?

Cornwall Council is committed to **providing homes for local people.**

We're introducing this enforcement policy to:

- **Provide homes that are affordable to local people** – breaches of certain covenants reduce the opportunity for local people to be able to access housing as homes bought under the Right to Buy policy are no longer available for rent
- **Protect the rights of Council tenants and the neighbourhood they live in** - Former Council owned homes sold through RTB and then subsequently let as holiday accommodation or student lets can impact significantly on neighbouring residents and the local community.
- **Protect public money.** Council homes are built with public money and it is inappropriate for them to be converted into profit making enterprises – particularly as the discount given to the RTB purchaser means that the Council will not have received enough money from the sale to be able to build a replacement home.

# When does the policy come into effect?

The policy will come into effect from **the 14 June 2019** for all Right to Buy properties purchased through the scheme after the 14 June 2019

For properties purchased before 14 June 2019 where there is a breach, the home owner will be given a **maximum of 12 months from 14 June 2019** to put it right. If it isn't put right, the Council will consider further action.

# What is a covenant?

**A covenant is a contractual promise to do or not to do something on or to a piece of land or a property.** Covenants are binding and remain on the property no matter who owns it

Owners must ask for permission from the Council if they want to do anything to the property which may breach a covenant put in place when a property is bought under the Right to Buy scheme.

## **Restrictive covenants can include:**

- Restricting **the use of the property** to a single private residence
- Not being allowed to run **a business from the property**
- Not using the property as **a student let** or a **holiday let**
- Needing **permission to alter** and/or further develop on the land which is part of the property
- Only allowing someone **who has lived and/or worked in Cornwall for three years** immediately before the sale of the property to buy it

## Can covenants be removed?

The Council **can't remove covenants relating to s157 Housing Act (Rural Restrictions)**. This means that in some areas, former Council houses can only be sold on to somebody who has lived or worked in Cornwall for the past 3 years. The Council can't release these restrictions.

Sometimes, other types of covenant can be varied or released. Any request to release or vary a covenant on a Right to Buy property should be made to Cornwall Council. If the Council agrees to vary or release a covenant, the homeowner will still need to obtain any necessary planning or other consents separately.

**If a request to remove or vary a covenant is turned down**, there is a right of appeal.

## Is there a cost involved with the variation/removal of covenants?

Yes - The Council charges an administration fee and reasonable legal costs.

The charges vary depending on the type of request. **Before submitting a request**, home owners who have bought a home under the Right to Buy scheme should contact the Council's Estates Delivery team for a quote.

# What to do if you think you have broken the rules?

**First check the title deeds of the property to see what covenants apply.**

If after checking the property deeds you believe you may have breached a covenant, contact the Council's Housing Strategy and Partnerships team who will advise you what you need to do next.

# What action will be taken if the rules have been broken?

**We'll investigate.** If there has been or may be a breach in the future we'll generally take one of the following actions;

- **Consider a backdated request to vary or remove the covenant** – but there is no guarantee that such a request will be granted.
- **Negotiation** – if a breach has not yet taken place, we'll work with the homeowner to prevent it.
- **Enforcement action** – the owner may be asked to put right the breach and, where appropriate, return the use of the property (or land) to its original purpose or condition. If necessary, the Council may ask the County or High Court to order the breach to be put right and/or award damages. If the breach is not put right, the Court can impose a fine or even a prison sentence.

## What will the cost of enforcement action be?

You may be asked to **pay costs and charges for Investigating and taking action** for potential and actual breaches including:

- **The cost of investigating** any alleged breach of covenant;
- **The costs of dealing with requests** for deeds of variation
- **Legal fees**
- **Compensation**

## How to report a suspected breach of covenant

If you believe that a former right to buy property is in breach of a restrictive covenant **you can report it to us**. Please give us the full address of the property, names of occupants (if known) and details of the suspected breach along with any additional information that you have then contact us



Ring our 24 hour free-phone, confidential fraud hotline on: **0800 7316125**



If you would prefer to make a report in writing, email us **fraud@cornwall.gov.uk** or **whistleblowing@cornwall.gov.uk**



Or you can send information to the Counter Fraud Investigations Manager **at the following address:**

Room 5, First Floor, Dalvenie House  
New County Hall  
Treyew Road, Truro, TR1 3AY

**You can choose not to give your contact details if you prefer**, but if you do give your details we will treat this with the utmost sensitivity and confidentiality. In addition, by providing your details it allows for the investigating officer to get in touch to clarify any of the information provided.

## Further information

**The full “Post Right to Buy Policy”** is available on the Council website or you can contact the Housing Strategy and Partnerships Team **[housingstrategy@cornwall.gov.uk](mailto:housingstrategy@cornwall.gov.uk)**

## Useful contact details

### **Council Legal team**

Telephone: 01872 322950

Email: [litigation@cornwall.gov.uk](mailto:litigation@cornwall.gov.uk)

### **Upper Tribunal (Lands Chamber)**

Telephone: 020 7612 9710

**If you would like this information in another format or language please contact:**

Cornwall Council, County Hall,  
Treyew Road, Truro, TR1 3AY

e: [equality@cornwall.gov.uk](mailto:equality@cornwall.gov.uk)

t: 0300 1234 100

