

# HousingNorthwest

## Empty Properties workshop

Led by: Cath Forkin (Chester CC) and Rachel Gammon (Ellesmere Port and Neston BC)

Presentation given on the preparation of empty property strategies

### **Some key questions:**

- Why produce one? What are the key issues in your authority that you need to tackle? Affordable housing? Preventing decline? Quality of the existing stock? Changing range of stock? Preventing nuisance / crime?
- What style should it take? A full strategy or a working document with an action plan?
- Partnership working is critical – need to set up a working group. Who needs to be on the group?

### **Next steps:**

**Identify** – a prioritised list of target properties, ownership of properties. How? Use the experience and knowledge of council tax officers, environmental health officers and planners. Draw on evidence from local stock condition surveys and other evidence and data held in the council. Decide on a system which is appropriate for your area.

**Encourage** – financial assistance (in Ellesmere Port and Neston they identified that a number of properties were empty because of poor condition, so funding was targeted on addressing this issue). Use Council Tax levels to charge people for leaving properties empty.

- Partnerships with RSLs and private developers to tackle the issues
- Provide advice. Often properties are empty because owners don't know what to do with them, or what their options are. Advice can help them to bring them back into use.

**Enforce** – nuisance – range of legislation that can be used to tackle issues, depending on the individual circumstances:

- o Town and Country Planning Act s.215 – 219. S. 215 has traditionally been used to clean up land but can be used in a wider sense. Liverpool CC have been proactive in the use of this legislation.

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- Anti-social Behaviour Act 2003. Traditionally been used to address issues of fly-tipping
- Local Government (Miscellaneous provisions) Act 1982 s. 29
- Prevention of damage
- Environmental Health

#### Repair

- Building Act 1984 s. 77
- Planning (listed Building and Conservation) Act 1990
- Housing Act 2004 s. 11 and 12 – serve repair notices

#### Back into use

- Housing Act 1985 s. 289 Clearance Areas – useful in areas with blocks of empty properties but need money
- Housing Act 1985 s.17 CPO – people don't use because they take time
- Law of Property Act 1925 s.101 Acquisition to recover charges
- Housing Act 2004 s. 133 & 136 Empty Dwelling Management Orders – useful if you want to increase the level of private rented

#### Tools

- **Council Tax** – no Council Tax charges for up to 6 months, full Council Tax after 6 months, enforced sale once debt reaches £1000
- **Conversion Grant** – vacant for minimum 12 months, tied very closely with planning to identify suitable properties, 50% of cost up to maximum of £15,000 per unit, target rent for 5 year and occupants to be nominated by council, decent homes and landlord accreditation schemes.
- **Equity loans** – vacant for minimum 12 months, property non-decent
- **Empty Property Repair Grant** - £1,000 grant for repair (not decoration), work closely with estate agents and RSLs.
- **Empty Property Dwelling Orders** – not used as much as first anticipated, and generally used as a last resort. Can be used as a tool and a threat! They take the property from the owner for at least 7 years and the property is rented out. There are a number of exemptions – 2<sup>nd</sup> homes, people in prison and people receiving care.

#### What are the barriers to bring empty properties back into use?

- Cost of repair
- Family attachment
- Contaminated land issues
- Investment potential
- Unrealistic expectations
- Capital gains tax

#### Conclusions

- Total of 58,828 empty properties in the North West
- A wasted resource
- A solution to the affordable housing problem?

### **Questions / Comments**

- Empty units in new build apartments are difficult to deal with. Suggested that the data needs to be interrogated before agreeing with people's perceptions – the data doesn't always support that.
- Empty properties on contaminated land a big issue because of costs. Are there any sources of subsidy?
- Covenants on properties can also be an issue – planning colleagues can be useful in untangling those

The group discussed a number of case studies and potential solutions.

### **Case study 1:**

Ex-council house

Vacant for 9 years

Minor disrepair

Estimated value £110,000

Owner promises to tidy and sell but never follows through

#### Suggested solutions:

CPO – threat of CPO often enough to force owners hand

RSL – transfer covenants to RSL

#### Solution:

Empty Dwelling Management Order because the council is keen to increase its stock of housing

### **Case study 2:**

Property vacant for 2 years

Internally inhabitable for 30 years

Estimated value £100,000

Elderly owner suffers from mental illness (he intends to move back into the property)

#### Suggested solutions:

Enforced sale

Work with adult services, provide an improvement grant and allow the owner to move back in

#### Solution:

Enforced sale (has taken 2 years to appoint a power of attorney). House going to auction.

### **Case study 3:**

Property vacant for 25 years

Town centre location – conservation area

Shell only  
Value of block - £1million  
Owned by local property develop who does not respond to correspondence

Suggested solution:  
CPO – but value makes it difficult

Solution  
Went down CPO route – sold to another develop

**Case study 4:**

Vacant for 5 years  
On main road into village  
Internal improvements not completed  
Owner untraceable (part of travelling community)

Suggested solution:  
CPO because owner is untraceable  
Enforceable sale

Solution:  
Empty Dwelling Management Order – but unsure how residential tribunal will deal with the case because the owner is untraceable

**Case study 5:**

Vacant for 10 years  
Victorian double fronted house on canal side near to city centre  
Major structural repair required  
Access issues

Suggested solution:  
Demolition order  
Threatened CPO – but would have to give details of other options explored before CPO

**Case study 6:**

Vacant for 17 years  
Mid-terrace property in cul-de-sac  
Good condition – improved in 2002 with an improvement grant  
Owner unwilling to rent or sell

Suggested solution:  
Recover the grant

Solution:  
Empty Dwelling Management Order  
Have tried various other routes

