



# Empty Homes Strategy 2012 - 2015

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## **Section 1: Introduction**

### **1.1 Overview**

The purpose of this strategy is to outline the Council's approach to empty, private housing within the borough. This is an important issue for the Council as an empty property is a wasted resource which, in an area of high housing demand could be better utilised by providing someone with a place to live. In addition, in certain cases, without intervention, empty properties can deteriorate and have a negative impact on the local area. Empty homes can often act as a focus for anti-social behaviour and criminal activities and this combined with disrepair and pest infestations can affect neighbouring property values and a community's sense of well-being so discouraging private investment in the area.

The strategy is linked to and aligns with the Fylde Coast Housing Strategy (2009) which identifies tackling empty homes as a way of maximising the supply of housing within the borough and improving housing choice for residents. This strategy will also show how it is linked to other Council Strategies and how it fits in with current National and Regional policies.

This Empty Homes Strategy will:

- outline which empty properties will be prioritised
- set out the current situation with empty properties in Wyre
- outline what action will be taken in the future

### **1.2 Definition of an Empty Property**

There is no single agreed definition of an empty property. In any property market there will always be some properties which are empty for relatively short periods of time. This may be because they are rented properties which are awaiting new tenants or owner occupied properties which are for sale and where the owner has already moved out. A number of vacant properties, typically accepted as between 2 and 3.5%, are necessary for the smooth functioning of the housing market otherwise it would be difficult for people to move home. Properties that have been empty for relatively short periods of time should not, therefore, be considered to be of concern.

For reporting purposes it is accepted that the Council Tax records offer the easiest calculable estimate of numbers of empty homes with the Department of Communities and Local Government counting properties which have been empty for more than six months.

It is important to note that some homes are not included in these statistics namely uninhabitable homes (homes in very poor condition can be excluded from Council Tax) and homes due for demolition. There are unused flats above shops with no residential planning use class and these pay business rates. Similarly second homes furnished properties (such as holiday accommodation) are reported separately.

Nationally, as at 4 October 2011, Council Tax data put the number of empty

homes in England at 720,000. Of these, 279,000 are defined as long-term empty properties.

The North West has by far the highest number of long term empty homes accounting for over a fifth (22%) of the total across England. In Wyre, as at 12 December 2011 a total of 684 homes were classed, by Government, as long term empty (ie empty for longer than six months).

Table 1 shows the numbers of homes recorded as empty for longer than six months, by Council Tax (October 2011), across Lancashire

<b>Lancashire 2011/12 Empty Homes Statistics</b> (October 2011)		
<b>County</b>	<b>Local Authority</b>	<b>Homes empty more than 6 months</b>
<b>Lancashire</b>	Blackburn with Darwen UA	1,599
	Blackpool UA	1,430
	Burnley	1,645
	Chorley	775
	Fylde	724
	Hyndburn	1,160
	Lancaster	984
	Pendle	1,770
	Preston	994
	Ribble Valley	270
	Rosendale	580
	South Ribble	530
	West Lancashire	844
Wyre	701	
<b>Lancashire Total</b>		<b>14,006</b>

## **Section 2: Policy Context**

### **2.1 National Context**

Tackling empty homes is one of the Coalition Government's policy priorities. Chapter 5 of the Government's Housing Strategy, *Laying the Foundations* (November 2011) sets out its strategy in relation to empty homes. *Laying the Foundations* states the Government's commitment to bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities.

In particular the Government has:

- introduced the New Homes Bonus – a financial incentive to encourage local authorities to bring empty homes back into use
- provided additional information and advice to local authorities and communities to help them address empty homes
- committed to investing £100m of funding to bring empty homes back into use and a further £50m of further funding to tackle some of the worst concentrations of empty homes
- consulted on Council Tax reforms concerning the award of discounts and exemptions including the possibility of levying an 'empty home premium'.

### **2.2 Regional and Sub Regional Context.**

The 2009 North West Regional Housing Strategy and the Fylde Coast Housing Strategy 2009 highlight the need to create balanced housing markets that support economic growth, strengthen social and economic inclusion and ensure that everyone has access to appropriate, well designed high quality, affordable housing in sustainable, mixed and vibrant communities. As well as achieving the right quantity of new housing these strategies also emphasise the importance of optimising the use of the existing stock and in particular bringing empty homes back into use.

The Fylde Coast Strategic Housing Market Needs Assessment identified high levels of housing demand and need within the borough. In order to meet this need the assessment identified, amongst other things, the importance of making the best use of the existing housing stock. This included bringing empty homes back into use in order to increase the overall supply of housing. Bringing empty homes back into use also reduces the demand for new land for housing and its associated environmental impacts.

### Section 3: Empty homes in Wyre

**Table 1: Wyre: Housing numbers, tenure and the number empty**

Total Population	:	111,400 (Census, 2001)
No of Households	:	49,906 (at 30/11/11)

#### **Housing Tenure**

Owner Occupied	37,634
Privately Rented	3,751
Housing Association/ Registered Social Landlord	3,186

#### **Empty Homes in Wyre at 12 December 2011**

Empty for 6+ months	684
Empty for 6 to 24 months	482
Empty for 2 to 5 years	138
Empty over 5 years	64

### Section 4: Strategic Aims, Priorities and Objectives

The Council is committed to reducing the number of empty homes and has included this as a key priority within the Business Plan agreed by Council 1 March 2012 – ‘We will address poor housing and reduce the number of empty homes’.

By reducing the number of empty homes in Wyre we aim to:

- Improve our local environmental quality by:
  - improving the visual amenity of our neighbourhoods
  - reducing anti-social behaviour and crime
  - encouraging investment in the housing stock
  - improving community pride
- Increase opportunities for people in housing need by:

- increasing available housing stock
  - creating more affordable housing
  - providing a greater choice of housing
  - improving the standard of housing
- Help the owners of these properties to benefit through
    - increased rental incomes or sale proceeds
    - improved security of property
  - Benefit the local economy and wider community through
    - reduced demand on services – fire/policing/local authorities
    - reduced demand for building new housing stock

The action plan at the end of this strategy in Appendix 1 identifies the ways in which we will achieve this.

## **Section 5: Moving Forward**

### **5.1 Prioritisation of Empty Homes**

Having regard to the scale of the problem in Wyre, the enforcement options available and the most effective use of the Council's resources our initial attention will focus on the 202 homes identified as having been empty for two years or more.

Existing knowledge about these homes from across Council service areas will be collated. A scoring system for prioritising these homes for enforcement action will be designed, the homes inspected and the scoring system applied. The scoring system will consider issues such as the condition of the home, if there have been complaints, if the property presents a problem to the amenity of its neighbourhood or to the condition of neighbouring properties. It will consider if there is evidence of anti-social behaviour, vandalism or arson.

A new database will be established to provide detailed information on the reasons why the home is empty, determine what obstacles exist to bringing the home back into use, and to identify possible solutions. To do this we will collect specific information on:

- Who owns the property
- Why the property is empty
- How long it's been empty
- The type of property
- The condition of the property
- Action taken to bring the property back into use

This will allow targeted action to be taken to monitor and deal with different

types of empty properties in the borough. This will also help when considering possible enforcement action on a property as it will enable a history to be recorded and so help justify possible enforcement intervention.

## **5.2 Encouraging owners to bring empty homes back into use**

Where empty homes have been identified the Council's Housing Team will initially seek to work informally with owners. Information and advice will be made available to the owners in an attempt to encourage them to return the property back to use. There are a number of ways in which we hope to achieve this, namely:

- By identifying and encouraging empty home owners to bring their properties back into use voluntarily, either by selling, letting or living in it themselves.
- By identifying potential buyers/developers who may wish to purchase empty properties.
- By working with Registered Providers to determine if they would be willing to increase their portfolio by taking on empty properties.
- By applying for Government Empty Homes Fund funding and if successful to facilitate innovative lease or sale options for owners.

## **5.3 Bringing problematic empty homes back into use through enforcement action**

In cases where negotiation with an owner fails to return a home back in to use or, where the Council has a duty to take action, there are a number of enforcement options available to the Council. These range from options such as those outlined in Table 2 (overleaf) right the way through to sanctions that could ultimately enable the Council to take control or ownership of the property.

<b>Problem</b>	<b>Legislation</b>	<b>Power granted</b>
Dangerous buildings or structures	<i>Building Act 1984 ss77 &amp; 78</i>  <i>Housing Act 2004 Part I</i>	To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78).  Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action.
Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar).	<i>Building Act 1984, s78</i>  <i>Local Government (Miscellaneous Provisions) Act 1982, s29</i>	To allow the Local Authority to fence off the property.  To require the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.
Blocked or defective drainage or private sewers.	<i>Local Government (Miscellaneous Provisions) Act 1976, s35</i>  <i>Building Act 1984, s59.</i>  <i>Public Health Act 1961, s17.</i>	To require the owner to address obstructed private sewers.  To require the owner to address blocked or defective drainage.  To require the owner to address defective drainage or private sewers.
Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people's health).	<i>Public Health Act 1961, s34. Prevention of Damage by Pests Act, s4.</i>  <i>Public Health Act 1936, s83. Environmental Protection Act 1990, s80.</i>  <i>Building Act 1984, s76.</i>	To require the owner to remove waste so that vermin is not attracted to the site.
Unightly land and property affecting the amenity of an area.	<i>Public Health Act 1961, s34 (see above).</i>  <i>Town and Country Planning Act 1990, s215.</i>  <i>Building Act 1984, s79</i>	To require the owner to remove waste from the property. (see above).  To require the owner to take steps to address a land and property adversely affecting the amenity of an area through its disrepair.  To require the owner to address unsightly land or the external appearance of a property.

Table 2 Enforcement options available to the Council to address empty homes

## **5.4 Enforced Sale**

Enforced sale of an empty property can be carried out under Section 103 of the Law of Property Act 1925. It enables a Local Authority to force the sale of a property which has a local land charge, or charging order on it for money owed, for example, for works carried out by the Council in default following the service of a statutory notice.

## **5.5 Compulsory Purchase**

Under Section 17 of the Housing Act 1985, the Council has the power to acquire land and property compulsorily where an owner refuses to take action to bring the property back into use, where an owner cannot be traced or where a property has been empty for a long time and is causing a nuisance or is a danger to the public. There are a number of critical tests that must be applied, and will be subject to challenge at any appeal inquiry. These include:

- that the Local Authority can demonstrate Housing Need. This can be demonstrated through the Housing Need Assessment
- that repeated warnings have been given, and that the owner has failed to respond or make reasonable efforts to bring the property back into use
- that the particular property is a high priority when compared to others. The authority must have considered the relative merit of taking such action in respect of other empty properties and be able to justify why this one has been selected
- that there is no reasonable expectation that the owner will bring the property back into use.

## **5.6 Empty Dwelling Management Orders**

The Housing Act 2004 introduced powers to enable councils to take over the management of an empty dwelling. The legislation and qualifying criteria associated with the provision is complex, but in summary the council take over the running of the property, carry out repairs to bring it up to standard and then rent it out for a period of up to seven years, after which the property must be handed back together with any excess rent/monies received.

There are considerations that would need to be taken into account before deciding to implement an EDMO as there can be significant financial exposure associated with their use.

## **5.7 Demolition Orders**

Typically, this would be an option for end of terrace or detached properties that are in poor condition and beyond viable economic repair. The owner of

the property would be ordered to demolish the property.

## **5.8 Corporate Empty Homes Working Group**

In order to coordinate and monitor enforcement action on problematic empty homes a Corporate Empty Homes Working Group will be established and will be attended, when appropriate, by Empty Homes Lead Officers from Housing Services, Planning, Building Control, Council Tax, Legal and Neighbourhood Services.

## **5.9 Exclusions**

The Council will not:

- intervene where properties are in the process of being sold, actively renovated, or are subject to planning negotiations/applications/disputes
- intervene with properties which are going through probate

These priorities will not preclude the Council from intervening or taking appropriate statutory action in respect of issues of immediate concern, such as a building being open to access, causing damp in adjacent properties or being in such a condition as to harm the amenity of the area.

## **5.10 Working with Council Tax**

Consideration is being given to the possibility of reducing the current level of council tax discount for people who have empty properties, thus increasing the incentive for owners of empty properties not to leave them unoccupied for prolonged periods of time.

## **5.11 Overview of Actions to be taken**

In Summary we will:

- Develop an Empty Homes Database
- Apply a scoring matrix to homes empty longer than two years
- Create an Empty Homes Working Group to review cases and coordinate Council intervention
- Develop new ways to engage with empty home owners and potential buyers of empty properties.

## **Section 6: Monitoring and Performance**

We have developed a clear action plan showing where we will be focussing our attention. We will monitor our progress against the action plan over the next three years, highlight our successes and identify if there is a need for development. The action plan will be reviewed on a yearly basis to ensure that it reflects Wyre's aims and priorities in relation to empty properties, and the resources that are available. The Empty Homes Strategy Action Plan can be found in Appendix 1.

## **Section 7: Contacts**

If you require any further information about this strategy please contact the Head of Housing Services:

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