

**Oadby and Wigston  
Borough Council  
Empty Dwelling Strategy  
2023-2028**

**Proposed Review and Amendment of  
Empty Homes Strategy 2020 -2025  
(March 2023)**

## Introduction

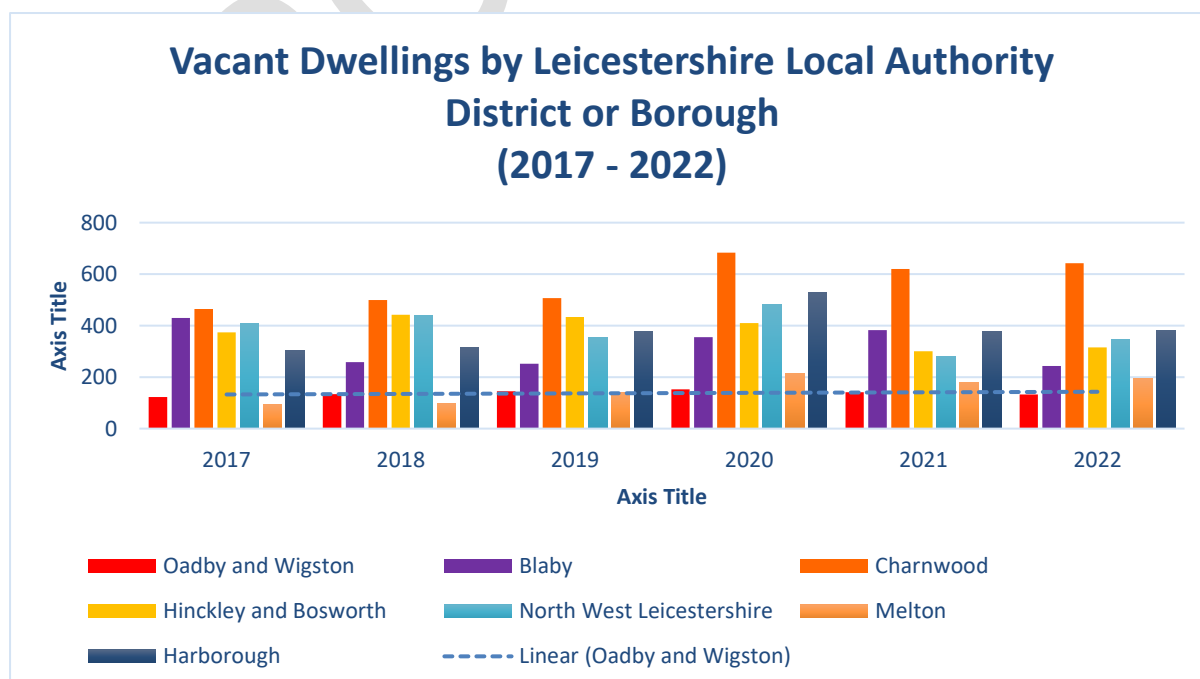
This Strategy sets out the Council's approach to returning empty dwellings back into use. Empty dwellings are a wasted asset and bringing them back into use can contribute towards increasing the supply of housing in the Borough, improving the quality of the environment and reducing anti-social behaviour.

Just one empty dwelling in a neighbourhood can attract fly tipping and vandalism and make neighbouring dwellings unattractive to let or sell. This effect of neglected empty dwellings on neighbourhoods is well known, and returning them to use can have a positive impact on the surrounding area whilst increasing overall housing supply and meeting demand.

Nationally there are approximately 237,340 dwellings which are classed as long term empty homes that equates to 0.95 per cent of the total housing stock ([action on empty homes](#)). The majority of this number is within the private sector.

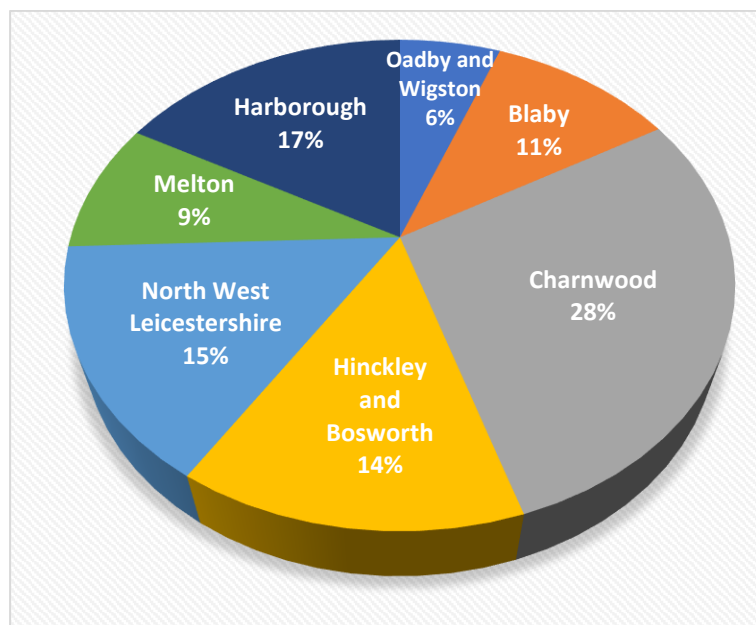
In October 2022 there were 101 dwellings in the Borough that had been empty for 6 months or more, of which 31 had been empty for 2 years or more.

Evidence from local authority returns indicate that the number of empty dwellings in the Borough of Oadby and Wigston has gradually decreased from 283 in 2004 to 2018 with a moderate increase in 2019 and 2020 but a further decrease was reported in 2021 and 2022. This is illustrated in the charts and tables below, which also shows empty homes levels for all Leicestershire Districts from 2004 as a local comparison and percentage split of Vacant dwellings by district/borough in 2022.



[Table 615: vacant dwellings by local authority district: England, from 2004](#) (October 2022)

Oadby and Wigston Borough Council	132
Blaby District Council	243
Charnwood Borough Council	642
Hinckley and Bosworth Borough Council	301
North West Leicestershire District Council	281
Melton Borough Council	180
Harborough District Council	377



Percentage split of Vacant Dwellings within Leicestershire (2022)

Table 1 illustrates the number of long term vacant dwellings within the Leicestershire area which shows that Oadby and Wigston have the lowest occurrence of empty dwellings of any District or Borough in the Leicestershire area, this is demonstrated further by the chart showing that Oadby and Wigston only account for 6% of the County's long term vacant dwellings.

Local Authority	2004	2022	+ / - change (%)
Oadby and Wigston Borough Council	283	132	-53.36%
Blaby District Council	277	243	-12.27%
Charnwood Borough Council	937	642	-31.48%
Hinckley and Bosworth Borough Council	371	316	-14.82%
North West Leicestershire District Council	346	346	0.00%
Melton Borough Council	166	195	17.47%
Harborough District Council	279	383	37.28%

\*Figure from 2005 because 2004 figure was not published\*

Table 2 illustrates the percentage change in the prevalence of long term vacant dwellings in Leicestershire when comparing 2004 figures to 2022, with Oadby and Wigston showing over a 50% reduction in the level of long term empty dwellings.

<b>Local Authority</b>	<b>Long Term Vacant Dwellings</b>	<b>Total Stock</b>	<b>Percentage of total stock currently long term vacant</b>
Oadby and Wigston Borough Council	132	23,664	0.56%
Blaby District Council	243	44,251	0.55%
Charnwood Borough Council	642	77,466	0.83%
Hinckley and Bosworth Borough Council	316	51,303	0.62%
North West Leicestershire District Council	346	46,969	0.74%
Melton Borough Council	195	23,892	0.82%
Harborough District Council	383	41,771	0.92%
Leicestershire	2,257	309,316	0.73%

Table 3 shows the percentage of long term vacant dwellings as a percentage of total stock, this shows that 0.56% of the total housing stock within Oadby and Wigston is currently classed as long term vacant which is below the Leicestershire rate of 0.73% and is the second lowest rate in Leicestershire.

### **Oadby and Wigston Borough Council Corporate Plan 2019-2024**

The benefits of returning long term empty homes into use is recognised by the Council's Corporate Plan which seeks to 'bring existing long-term empty homes back into the market through collaborative working and direct Council interventions'. The Corporate Plan includes a Key Performance Indicator that aims to return a specified number of empty homes in to use annually.

Returning empty homes into use links directly with the Vision and Objectives of the Corporate Plan in relation to 'Improving the lives of our communities' and to 'be proud of your Borough as a place to live'.

## Corporate Plan

### **Aims and Objectives**

The aim of this Strategy is:

To reduce the number of Long Term Empty Homes in Oadby and Wigston by working with owners to encourage them to return empty homes back into use and to provide decent homes for occupation within the Borough.

The objectives of this Strategy are:

- To identify long term empty dwellings
- To engage with the owners of long term empty dwellings
- To provide advice and assistance to those wishing to bring empty dwellings back into use.
- To use enforcement action to bring the dwellings back into use, where necessary and appropriate to do so.

### **Defining an Empty Dwelling**

It is important to define which dwellings are affected by this Strategy, and those which are not. For the purposes of this Strategy long term empty dwellings are those:

***“Dwellings that have been unoccupied for six months or more and where the Authority is concerned that the owner will not or be unable to remedy the circumstances without advice, assistance or support being offered”***

Dwellings which have been empty for less than six months are not considered to be long term empty dwellings. Such dwellings may still be investigated as empty dwellings if the Authority has a concern regarding their condition and management, at the case officers discretion.

### **Why bring long term dwellings back into use?**

#### **Planning Policy**

Spatial Objective 8 of the adopted Oadby and Wigston Local Plan states that ‘A mix of housing opportunities will be provided to positively meet the housing needs of the local community, including private rented and affordable homes. A mix of type, tenure and affordability will be provided to ensure that all residents of the Borough have access to appropriate homes. The primary focus for new housing will be the three main centres, the

rest of the urban area, as well as the allocated 'direction for growth' areas. Support will be given to proposals or schemes that realise these primary focus locations and the needs of the local community'.

### [Local Plan](#)

#### **Selective Licensing**

Selective Licensing in the private rented sector: a guide for local authorities, produced by the Ministry for Housing, Communities and Local Government (MHCLG) and updated by the Department for Levelling Up, Housing and Communities (DLUHC) states that

'Selective licensing is not a tool that can be used in isolation. The local housing authority will have to show how such a designation will be part of the overall strategic borough wide approach and how it fits with existing policies on:

- homelessness
- empty homes
- regeneration
- anti-social behaviour associated with privately renting tenants'

### [Selective Licensing in the private rented sector: a guide for local authorities](#)

#### **Our Vision**

The Authority's new draft vision "Our Borough the place to be" includes the following points

- To provide a clean and safe place for everyone.
- To provide good, affordable and efficient housing for everyone.
- To make our Borough an inviting place to visit.

### [Our Vision](#)

#### **Housing Strategy**

The Authority's Housing Strategy has 4 priorities these are

- Increase the supply of housing
- Manage the demand for housing
- Provide high quality local authority landlord services
- Create great places to live

## Housing Strategy 2019 – 2024

Therefore a pro-active empty dwelling strategy is essential to complement the Authority's existing policies and strategies along with the future vision for the district by working to achieve the key points noted above.

Bringing empty dwellings back into use offers the following benefits:

### **For the homeowner:**

- An increased income or capital value associated with the dwelling.
- Reduced costs for example, Council Tax liability and empty home insurance.

### **For the Council:**

- A reduction in the number of complaints associated with empty dwellings.
- Reduction in debts owed to the Council arising from empty dwellings.
- Increases the supply of housing potentially in both the private and social housing market by referring suitable empty dwellings to the Housing Options team to explore the potential of leasing the dwelling from the owner.

### **For the Community:**

- An improved environment by removing 'eye-sores' and reducing opportunities for anti-social behaviour with associated benefits to house prices in the vicinity.
- The provision of a wider range of housing options and a balanced housing market.
- Making the Borough a more inviting place to visit and live.

### **Our Approach**

The Borough Council's general approach to bringing empty dwellings back into use is a three step approach:

- Identify
- Encourage and Assist
- Enforce

## Identify

Long term empty dwellings are initially identified via Council Tax records or through Environmental Health service requests from residents who have a concern in relation to a dwelling.

There are a number of reasons dwellings could be empty that would prevent re-occupation, such as an occupier either entering a long term residential care placement, awaiting the grant of a probate or other sensitive factors that need to be considered by officers.

Information will be shared between relevant departments as part of a cross departmental working group with participants meeting quarterly to review progress and discuss individual cases and ensure collaborative, efficient and sensitive working, this group will consist of:

**Private Sector Housing** – Monitoring number of dwellings and taking enforcement action when appropriate.

**Revenues** – Monitoring number of dwellings and reporting figures for the purpose of Council Tax and Business Rates data.

**Planning** - Providing support for dwellings that may be empty due to planning issues or being able to provide owners with guidance on suitable changes of use or other application processes.

**Housing Options** – Provide update on dwelling that are going forward with leasing to the Authority following a successful referral to the Housing Options team to take over control of the dwelling on either a long or short term lease agreement.

The Council will endeavour to identify and contact owners to obtain current information and enquire about their plans for the dwelling and encourage engagement and action at an early stage to ensure the best chance for the dwelling to returned back into use.

There will also be an annual survey of all empty dwellings in the district conducted between July and September each year by officers from the Private Sector Housing and Revenues team to assess the condition of all empty dwellings within the Borough.

## Encourage and Assist

If the dwelling is found to be empty the Council will endeavour to contact the owner by phone, email, letter or by visiting the owner to establish why the dwelling is empty, and what steps if any the owner is taking to return the dwelling back into use.

The aim is to provide the owner with ideas that can provide more than one solution to an empty home. Having a flexible range of solutions is intended to achieve greater success in reducing the number of empty dwellings . Once contact is made owners are advised of the options available to them.

Potential options include:



## **Let, Sell or Lease the Dwelling Vacant**

The Borough Council will endeavour to provide advice on housing standards, good housing management practices, setting up tenancies, and finding suitable tenants for the dwelling or guidance and support in relation to selling a dwelling.

## **Oadby and Wigston Borough Council, lease or purchase**

In some instances the Council may consider leasing or purchasing the dwelling itself in order to increase its portfolio of temporary or affordable housing. Any owners interested in exploring the option of leasing the dwelling would be referred to Housing Options and the dwelling would be assessed on a case by case basis against the demand for that size and style of dwelling and the level of renovation work required to bring the dwelling to an acceptable letting standard. The dwellings will be assessed inline with the current private sector leasing process already in place for leasing dwellings from private landlords and developers.

Key information regarding the process

- The dwelling would be subject to a statutory overcrowding assessment to confirm the maximum capacity of the dwelling in line with the Housing Act 1985.
- The dwelling would be assessed using the Housing Health and Safety Rating System to ensure that there are no category 1 Hazards identified within the dwelling and any identified hazards are mitigated to an acceptable level in the opinion of the assessing officer.
- All required safety checks would be undertaken as is standard practice in all of our Housing Stock.
- Owners would be offered the Local Housing Allowance rate (LHA) as payment to ensure that renting the dwelling is cost neutral to the Authority.
- Renovation costs would be paid by the Authority but the cost of the work would be deducted from the rent paid to the owner until the renovation costs are repaid.
- Dwellings would either be leased on a 3 year lease and used as temporary accommodation or on a 10 year lease and released into the general stock for bidding on the Choice Based Letting System.
- Tenants securing a leased dwelling from general stock would be granted a non secure tenancy as outlined Part VII Housing Act 1996 (housing the homeless) and are exempt from secure tenancy status.
- An agreed condition schedule would be included within the lease to establish what condition the dwelling should be returned to the owner in should either party choose to terminate the lease.

Further to this a clause can be added to lease subject to the agreement of both parties giving the Authority an option to purchase the dwelling at any stage within the lease should the Authority wish to do so and a price can be agreed.

## **Advice on external grants**

If work or repairs are needed to the dwelling prior to a sale or let then the Council may be able to advise of any external grants that are available.

## **Assistance with renovation works (where suitable and appropriate)**

If the empty dwelling is adjacent to any of the Council's own housing stock then it may be possible to combine any works proposed to take place to the Council's stock with the empty dwelling. Whilst the owner of the empty dwelling would be liable to pay for the cost of any works undertaken to their dwelling through this approach they may be able to benefit from any economies of scale achieved by working in partnership with the Council.

## **Convert the Dwelling or Change of Use**

Empty space over shops, redundant town centre office accommodation, former schools, traditionally constructed commercial buildings or other vacant facilities may lend themselves to conversion to some form of accommodation. The Council can advise on the planning implications for such premises and whether such proposals might be considered permitted development.

*\*This is not an exhaustive list and further options may have become available following the introduction of this strategy for a full list of support offered by the Authority and further information please visit our website\**

## **Enforce**

The Council will endeavour to encourage and facilitate owners of empty dwellings to bring them back into use. However, it is recognised that the Council may have to undertake enforcement action to deal with certain dwellings .

A combination of housing, environmental health, planning and building control legislation may be used if necessary to either improve the visual appearance, safety and security of the building, pending its reoccupation or to force the owner to bring the dwelling back into use. This action will follow the informal education and advice offered during initial contact with the owner.

## **Enforcement methods are highly labour intensive, lengthy and can be expensive for the Council.**

The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered. Where the owner may be un-cooperative or, the Council after a thorough investigation is unable to trace the owner of the empty dwelling there are a number of enforcement options open to the Council. Enforcement will usually take the form of one or more of the following:

- Town and Country Planning Act section 215 Notice

- Building Act 1984 section 79 Notice
- Enforced Sale
- Empty Dwelling Management Order
- Compulsory Purchase Order
- Enforcement of any Council Tax liability by a charging order leading to an order for sale

### **Town and Country Planning Act Section 215 Notices/Enforced Sale**

Where a dwelling is having a detrimental impact on the amenity of an area, a notice may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice the Council may either prosecute the owner for non-compliance with the Notice or undertake the works in default, and register a charge against the dwelling.

The use of s.215 notices improves the amenity of an area, and also allows the recovery of Council costs incurred; this can form the basis of an enforced sale. When a debt is owed to the Council and all reasonable attempts have been made to recover this debt, the Council can force the sale of the empty dwelling under The Law and Property Act 1925 (Power of Sale) as a means of debt recovery. The debt is recovered on sale of the dwelling.

Whilst this method does not guarantee that the dwelling will be bought back into use a new owner would be found (usually via auction) and it is likely this would result in the dwelling being re-occupied.

### **Building Act 1984 Section 79 Notice**

If the Empty Home is in a ruinous or dilapidated condition and is seriously detrimental to the amenities of the neighbourhood, the Local Authority can order the owner:

- To execute works of repair or restoration
- To demolish the building and remove any associated materials

Whilst this option will not return the dwelling back into use, it can assist to manage its impact on its environment and the local community.

### **Empty Dwelling Management Orders**

The Council can take over the management of the dwelling using an Empty Dwelling Management Order (EDMO) under Part 4 of the Housing Act 2004. A management agreement or framework should be in place before any EDMOs are made. An interim EDMO allows the Council 12 months to secure the occupation of the home. If no progress is made within 12 months, the Council can apply for a final EDMO which lasts up to 7 years, but can go up to 21 years and involves the Council taking over full management of the dwelling. Whilst an EDMO is in force the Council may carry out maintenance and renovation work. This would be at the Council's cost and recoverable from the rental income of the dwelling. It is therefore necessary for the Council to consider the likely income from the dwelling against

the costs associated with bringing it up to habitable standard. An EDMO is most suitable where the cost of the works to bring the dwelling up to standard can be recovered within the period of the EDMO.

### **Compulsory Purchase Order Under section 17 of the Housing Act 1985 or section 226 Town & Country Planning Act 1990**

The Council has the power to compulsorily purchase the dwelling, the dwelling is then sold on. They are only used in appropriate cases, where, an owner has consistently failed to bring an empty dwelling back into use despite other Council interventions. Compulsory Purchase Orders are a lengthy legal process that the Council will not undertake lightly. It is considered one of the strongest powers available to tackle empty dwellings and consequently requires approval of the Secretary of State. Compulsory purchase proceedings are often not completed because owners have been prompted by the process to bring the dwelling back into use themselves. Though Compulsory Purchase Orders are a useful device for local authorities, this type of action tends to shift the 'burden of responsibility' to a third party.

### **Enforcement of any Council Tax liability**

Empty dwellings attract a council tax premium which is designed to encourage owners to bring the dwelling back into use. Where that liability is not paid the Council will enforce the liability through the Magistrates Court and obtain a liability order. If that liability order exceeds £1,000 then the Council can convert the Liability Order to a Charging Order which gives a right to an enforced sale of the dwelling.

### **Most Acceptable Course of Action**

All enforcement methods are highly labour intensive, lengthy and can be expensive for the Council. The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered.

At the point where enforcement action is considered necessary a report will be prepared for the Head of Law and Democracy for consideration, with an environmental and cost benefit analysis of all of the enforcement actions, including an analysis of taking no action. Using a set risk rating system to ensure a consistent approach. A decision will then be made once all of the information has been gathered and financial and legal implications have been considered.

### **Reporting**

Reporting in relation to the number of empty homes and their current status would be provided to Service Delivery Committee as part of the Council Performance Update Report. The information would be provided to members using the metrics below.

**Condition Assessment** – The condition assessment of the property will be established by an external inspection and for ease of reporting will be split into the following categories:

- Overgrown – There is no obvious disrepair to the property but the property appears to be generally unkempt and untidy.
- Disrepair and overgrown – There are signs of the damage to the property and the grounds appear to be generally unkempt and untidy.
- Development site – The property is currently subject to renovation or construction works.
- Derelict – The property is uninhabitable and there is no sign of ongoing work.
- Well Managed – Whilst the property may be empty there are no signs of damage and the grounds are well kept.
- Occupied – The property is no longer empty.

**Type of property** – The property types have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Detached
- Semi-detached
- End Terrace
- Mid Terrace
- Flat
- Bungalow - Detached
- Bungalow – Semi-detached
- Other

**Current status and/or action plan for the property** – This section will be split into two sections, the first reflecting the most recent action that has been taken in relation to the property and the second showing the current status of the case.

**Action Taken** – the actions have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Initial Letter sent
- Contact Established
- Confirmed plan for re-occupation
- Leased to OWBC
- 2nd Attempt at Contact
- 3rd Attempt at Contact
- Enforcement case being prepared
- Enforcement Action being taken
- Empty Dwelling Management Order (EDMO)
- Compulsory Purchase Order (CPO)

**Case Status** - the case status options have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Awaiting Reply from Owner
- Engaged and working with OWBC
- Engaged and has own action plan
- Renovation works underway
- Occupied Privately
- Demolished
- Occupied by OWBC tenant

This will ensure a clear and quantitative break down of the number of empty homes and their current status within the Borough.

Where there are properties that members have specific concerns about and would like a more detailed update, these requests can be raised through the existing members enquiry function.

### **Reviewing and Renewing the Strategy**

The Strategy will be reviewed every five years or sooner if required. Changes to the strategy can be made under the scheme of delegation with the approval of a Strategic Director (or equivalent post) and the Head of Law and Democracy (or equivalent post). With the renewal of the strategy being brought to Policy, Finance and Development Committee for approval.

PROPOSED