



*Oadby and Wigston  
Borough Council*

# Empty Homes Strategy

April 2016



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## Revision History

Revision Date	Version Control	Summary of changes
April 2016	1.0	Original version

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with the document owner.

## Distribution

The document will be available on the Intranet and the website.

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## **1. Introduction**

This policy sets out the Councils approach to returning empty homes back into use therefore providing much needed affordable accommodation for those in housing need in Oadby and Wigston and improving neighbourhoods where empty properties are problematic.

Evidence shows that just one empty property in a neighbourhood can attract anti social behaviour, fly tipping, attract vandalism and make neighbouring properties unattractive to let or sell. This effect of neglected empty properties 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 205,000 properties which have been empty for more than six months equating to 0.88% of housing stock. The majority of this number is within the private sector. In 2014 the number of long term empty properties in the East Midlands was slightly higher than the national average with Oadby and Wigston having the second lowest number in Leicestershire<sup>1</sup> with 135 properties. This represents 0.63% of stock compared to the regional average of 0.97%.

As of 2016 Oadby and Wigston has around 149 long term empty properties in an area where demand for decent affordable housing outstrips supply. Making better use of the existing housing stock in the face of a growing population and less affordable housing must be seen as a priority.

## **2. Aims and Objectives**

The aim of this policy is:

To reduce the number of Long Term Empty Homes in Oadby and Wigston by working with owners to discourage them from leaving the homes empty and by returning them back into use providing decent affordable housing.

The objectives of this policy are:

- To identify long term empty properties using a number of methods
- To provide advice and assistance, including financial assistance, where possible, to those wishing to bring empty properties back into use
- Where necessary use enforcement action to bring the properties back into use

## **3. Defining an Empty Property**

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<sup>1</sup> GOV.UK - Table 615: Vacant Dwellings by Local Authority District – October 2014

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

Have been unoccupied **for six months or more**

AND

There is little reasonable prospect that the owner will be able to remedy the circumstances without advice, assistance or support.

Properties which have been empty for less than six months are not considered to be long term empty properties.

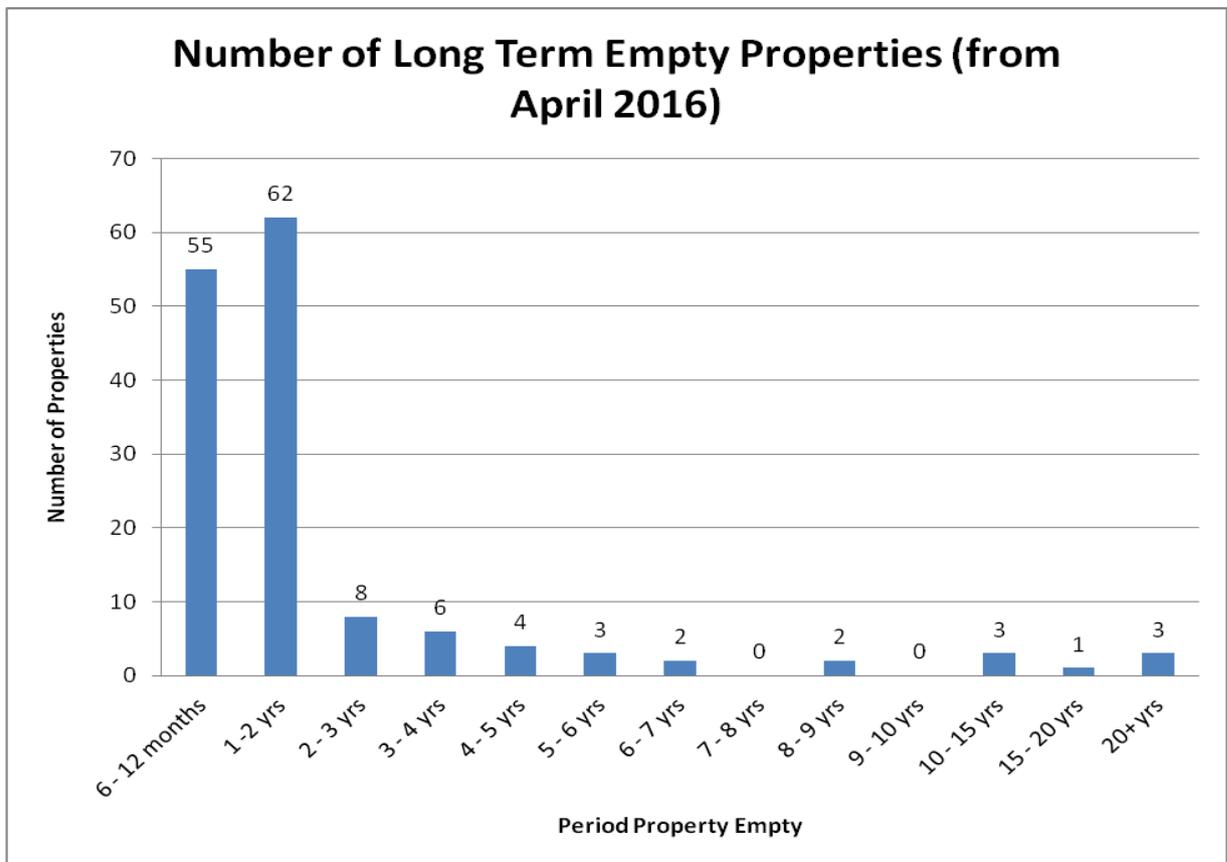


Table 3.1

#### 4. Why bring long term empty homes back into use?

In Oadby and Wigston demand for good quality affordable housing outstrips supply and the evidence shows why it is important that empty homes, alongside other measures such as new builds, should be brought back into use.

Evidence from local authority returns indicates that the number of empty properties in Oadby and Wigston has gradually decreased from 283 in 2004 to present.

There are a total of 23,022 residential properties in Oadby and Wigston<sup>2</sup> 80% of which is owner occupied, this is high compared to the national figure of 63%<sup>3</sup>. The remaining stock is predominantly rented accommodation with 10% being within the private rented sector. This is considered to be a low figure when compared to national levels where this makes up 19% of stock<sup>4</sup> having doubled in size since 2002.

Pressure on the housing stock within Oadby and Wigston is still a lack of affordable available rented accommodation in the private sector. This limited stock leads to higher rent levels and can remove home ownership as an affordable housing option for low-income families.

With empty housing stock in an area where demand outstrips supply the re-use of empty properties is a necessity. The Council currently have seven families with children in emergency temporary accommodation (not including single homeless persons) with 450<sup>5</sup> persons on the list awaiting Council housing.

The Strategy supports the Council's Homelessness Strategy in relation to increasing the supply of affordable housing in Oadby and Wigston. The Strategy recognises that there is a lack of affordable housing in the Borough combined with the lack of land availability for new build properties, which are often unaffordable.

Analysis of the emerging empty properties database shows that empty properties are distributed evenly across the Borough regardless of the length of time they have been vacant, indicating that localized market failure is not a significant causal factor.

## **5. The Approach to Empty Homes**

As can be seen in Table 3.1 usually the longer a property is empty, the more dilapidated and problematic it is likely to become. These are also the properties least likely to be returned to use without intervention. It is for this reason that the number of long term empty properties in the district will be targeted as the authority has offered grants and assistance in the past but the problematic properties remain empty.

Oadby and Wigston Borough Council's general approach to empty homes is a three step approach:

- Identify
- Encourage
- Enforce

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<sup>2</sup> Valuation Office Figures – obtained April 2016

<sup>3</sup> English Housing Survey 2013/2014

<sup>4</sup> English Housing Survey 2013/2014

<sup>5</sup> Oadby and Wigston BC Housing Options Data

## 5.1 Identify

Long term empty properties are initially identified via Council Tax records. The Council tax Visiting Officers maintain contact with owners where possible to obtain current information to encourage them at an early stage to return the properties back into use. The Environmental Health department is provided with a list of empty properties on a frequent basis. This data is analysed and compared to previous data to identify those no longer on the list, new long term empty properties and continuing cases.

## 5.2 Encourage

If the property is shown to be empty the Case Officer will first send out a letter with a questionnaire to establish contact with the owner and determine why the property is empty, and what steps if any the owner is taking to return the property back into use. This initial letter is also to be followed up with a second letter if no response is received.

The approach here is to offer more than one solution to an empty home. Being able to offer a flexible range of solutions should achieve greater success in reducing the number of empty properties. Once contact is made owners are advised of the options available to them.

How quickly owners are able to do any of this will generally depend on the condition of the property. The Case officer will carry out inspections and advise on the assistance available based on individual circumstances.

## 5.3 Enforce

Oadby and Wigston Borough Council will endeavour to encourage and facilitate owners of empty properties to bring them back into use. However, it is recognised that the authority may have to undertake enforcement action to deal with certain properties. 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 property back into use. This action will follow the informal education and advice offered during initial contact with the owner.

## **6. Options Appraisal**

This strategy is intended to achieve its aims by adopting a cohesive, incremental approach to tackling empty properties.

As a last resort the council could use its enforcement powers to ensure that individual problem properties are returned to use. This measure is likely to be necessary in certain cases and the potential for this will be made clear to owners where it is proportionate and reasonable.

## **6.1 Solutions to Tackling Empty Homes**

Oadby and Wigston Borough Council will in the first instance always try to work with the Empty Home owner to give advice and assistance and try to find a solution to bringing the empty home back into use. This could include the following but this list is not exhaustive:

### 6.1.1 Empty Homes Grants

Oadby and Wigston Borough Council has limited funds available to assist owners in returning empty properties back into use. These are given per property and are available up to a maximum of £30,000 (dependent on property size) and where the property has been empty for 1 year or longer.

If a grant is given for the property then the Council will have nomination rights to the property for 5 years and a charge will be placed against the property for the duration of the grant term. Once the term of the grant is completed the charge is removed from the property and the owner is then free to do what they wish with the home. The owner has the option to become accredited and manage the property themselves or through a professional letting agent.

Before a grant is considered the Head of Community Services will determine if the property is generally suitable with consideration given to:

- An impact assessment of the property
- Evidence from the Councils Housing Register and the need for the type of property

Once this is completed and the Council is satisfied that the property is suitable then in order to qualify for a grant the owner must provide the Council with the following documents:

- Evidence that the applicant is the owner of the property
- Evidence that the applicant has no savings (to be ascertained by reasonable enquiries)
- Evidence that the applicant has tried to access a traditional high street loan but have been unable to do this

And where there is a Mortgage on a property

- A letter from their bank to confirm that the Council can have nomination rights
- Evidence that there are no outstanding arrears on the property

Once the above is satisfied and an application has been submitted, the case officer will visit the property with the owner and produce a schedule of works which both parties agree on. This schedule must outline the works required to bring the home up to the legal minimum standard i.e. free from any category 1 Hazards under the Housing Health and Safety Rating System and meet the Decent Homes Standard.

A letter will then be sent to the owner detailing the works required and 3 quotes must be returned to the Council detailing the cost of the works. In all instances the Council will pay the cheapest quote. If the owner wants any additional works undertaken then it will be the owner's responsibility to ensure that they have sufficient funds to pay for this.

Works must not be undertaken until such time as the Council has given the authority for the work to begin. Once the works are completed the Council will inspect the works to ensure that they have been completed satisfactorily and in line with the schedule of works.

Where the Council is not satisfied with the works it is expected that remedial works will be undertaken and the Contractor will not be paid until such time as the Council is satisfied with the work. Once the Council is satisfied with the work the Contractor should invoice the Council and the contractor will be paid directly. Where the costs of works exceed the amount of grant the property owner should arrange to pay the contractor separately.

#### 6.1.2 Let the Property Vacant

Oadby and Wigston Borough Council will provide advice on housing standards, good housing management practices, setting up tenancies, and finding suitable tenants for the property. If the owner would prefer to use a letting agent the case officer can supply information on local agents and the typical costs and services provided.

#### 6.1.3 Convert the Property 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 a grant can also be offered in these circumstances to increase supply.

#### 6.1.4 Help to Sell the Property

The owner can choose to sell their property through the traditional route via an estate agent, or via a property auction. The Council will also maintain a database of vacant dwellings and possible developers whereby with mutual permission of both parties, owners of empty properties can be put in touch with buyers directly. Where owners are presented with a potential buyer, and the time and effort required to sell is reduced, it has been found that many owners take the opportunity and sell.

### **7. Enforcement Action**

Where the owner may be un-cooperative or, the Council after a thorough investigation is unable to trace the owner of the empty property there are a number of enforcement options open to the Council which they may choose to pursue.

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.

#### 7.1 Town and Country Planning Act Section 215 Notices

Where a property 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 undertake the works in default, and make a charge against the property.

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. A consequence of this cost recovery process is that the property back into use.

Powers to serve this notice lies with the Planning Enforcement Team and dual inspections will be requested so that a cohesive approach can be formulated.

#### 7.2 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

This option will not however return the property back into use but manage its impact on the community.

### 7.3 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 property under The Law and Property Act 1925 (Power of Sale) as a means of debt recovery. The debt is recovered on sale of the property. Whilst this method does not guarantee that the property will be bought back into use a new owner would be found (usually via auction) and it is likely this would result in the property being re-occupied.

### 7.4 Empty Dwelling Management Orders

The Council can take over the management of the property 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 property.

### 7.5 Compulsory Purchase Order

Under section 17 Housing Act 1985 or section 226 Town & Country Planning Act 1990, the Council has the power to compulsorily purchase the property, the property is then sold on. They are only used in appropriate cases, where, an owner has consistently failed to bring an empty property 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 homes 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 property 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 resolve the under used property to a third party. Therefore, an alternative and quicker option is to ensure is to pursue enforced sale

orders in cases where owners are reluctant to address the problems that their empty property is causing.

#### 7.6. Most Appropriate 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 drafted for the Head of Community Services with an environmental and cost benefit analysis of all of the enforcement actions, including an analysis of taking no action. A decision will then be made once all of the information has been gathered and financial and legal implications have been considered.

### **8. Future Work**

Oadby and Wigston Borough Council recognises the need for an ongoing commitment to bringing empty homes back into use within the borough. As part of achieving corporate objectives there is a commitment to develop and progress the empty homes work.

### **9. Reviewing the Strategy**

The Strategy will be reviewed annually or sooner should there be any major changes in National or Local policy. Where minor changes are required to the Strategy this will be undertaken with the agreement of the Head of Community Services.

### **10. Complaints**

Oadby and Wigston Borough Council has an established corporate complaints procedure for dealing with complaints. Information on how to make a complaint is outlined in a complaints leaflet that is available at Oadby and Wigston Borough Council Offices and on the website.

### **11. Further information**

If you would like further information about this policy, would like to report an Empty Property, or if you own an empty property and would like some advice and assistance then contact Oadby and Wigston Borough Council's Environmental Health Team.

In writing:

Oadby and Wigston Borough Council  
40 Bell Street  
Wigston  
Leicestershire  
LE18 1AD

By telephone:  
(0116) 288 8961

By fax:  
(0116) 288 7828

By email:  
[environmental.health@oadby-wigston.gov.uk](mailto:environmental.health@oadby-wigston.gov.uk)

You can also get more information or report an empty home at:  
[www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)