

Oadby and Wigston Borough Council Empty Homes Strategy 2020-2025

March 2020



Oadby & Wigston
BOROUGH COUNCIL

Introduction

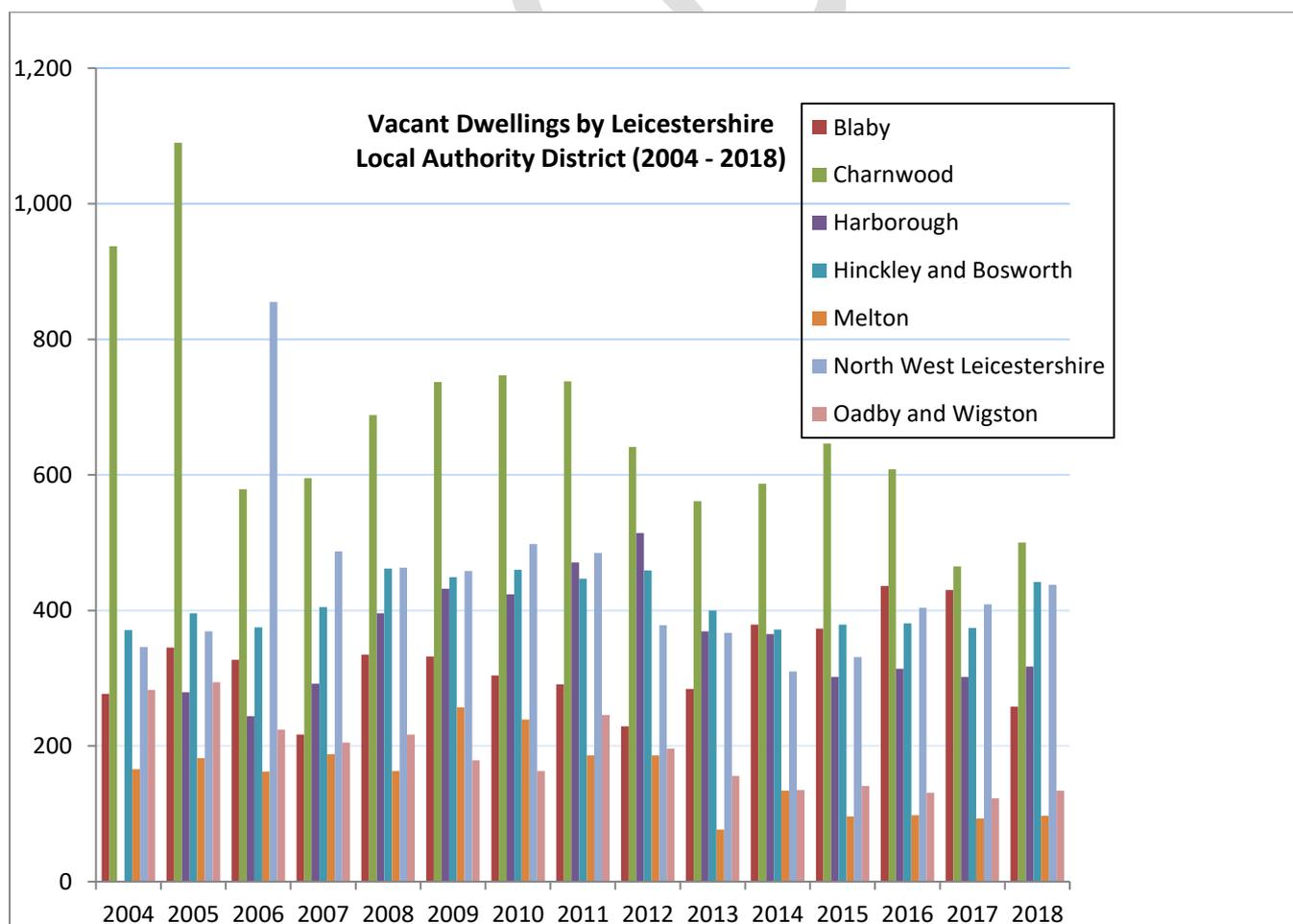
This Strategy sets out the Council's approach to returning empty homes back into use. Empty homes are a wasted asset and bringing them back into use can contribute towards increasing the supply of housing in the Borough, improving the quality of the environment and reducing anti-social behaviour.

Just one empty property in a neighbourhood can attract fly tipping and 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 216,000 properties which have been empty for more than six months equating to almost 1.00 per cent of the total housing stock. The majority of this number is within the private sector. In 2018 the number of long term empty properties in the East Midlands was slightly lower than the national average at 0.94%.

In February 2020 there were 96 properties in the Borough that had been empty for 6 months or more, of which 26 had been empty for 2 years or more.

Evidence from local authority returns indicate that the number of empty properties in the Borough of Oadby and Wigston has gradually decreased from 283 in 2004 to present, as illustrated in the chart below.



As illustrated in the chart, the number of long-term vacant properties in the Borough has gradually decreased between 2004 to 2018, representing a 47.35 percent decrease in the fourteen year time period.

Comparatively, the scale of this reduction of empty homes is significantly better than most other local authorities in Leicestershire, as illustrated below.

Table. 1: Fluctuation in number of long-term vacant dwellings in Leicestershire, 2004 to 2018

Local Authority	2004	2018	+ / - change (%)
Blaby	277	258	- 6.86
Charnwood	937	500	- 46.64
Harborough	279*	317	+ 11.99
Hinckley and Bosworth	371	442	+ 16.06
Melton	166	97	- 41.57
North West Leicestershire	364	438	+ 16.90
Oadby and Wigston	283	134	- 47.35

*Figure from 2005 because 2004 figure is not published.

In February 2020, the number of households in the Borough of Oadby and Wigston was 23,487 and therefore 96 long-term vacant properties represented 0.40 per cent of the Borough's total housing stock. Comparably, this figure is lower than the number of empty properties in Leicestershire, which equated to 0.76 per cent of the total housing stock in 2018.

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'.

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 discourage them from leaving the homes empty and by returning them back into use providing decent homes.

The objectives of this Strategy are:

- To identify long term empty properties
- To provide advice and assistance to those wishing to bring empty properties back into use
- To use enforcement action to bring the properties back into use, where necessary

Defining an Empty Property

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

Have been unoccupied for six months or more AND where 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.

Why bring long term empty homes back into use?

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'.*

Bringing empty homes back into use therefore contributes towards the provision of a balanced housing market in the Borough and increases the supply of housing.

Other benefits include:

For the homeowner:

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

For the Council:

- A reduction in the number of complaints associated with empty homes
- Reduction in debts owed to the Council arising from empty homes

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

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

- Identify
- Encourage
- Enforce

Identify

Long term empty properties are initially identified via Council Tax records. Wherever possible, the Council contacts owners to obtain current information and to encourage at an early stage the property to be returned back into use.

Encourage

If the property is shown to be empty the Council will issue a questionnaire to the owner to establish why the property is empty, and what steps if any the owner is taking to return the property back into use.

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

Let or Sell the Property Vacant

The Borough Council may be able to provide advice on housing standards, good housing management practices, setting up tenancies, and finding suitable tenants for the property. In some instances the Council may consider purchasing or leasing the property itself in order to increase its portfolio of temporary or affordable housing.

If work or repairs are needed to the property prior to a sale or let then the Council may be able to advise of any external grants that are available. If the empty property 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 property. Whilst the owner of the empty property would be liable to pay for the cost of any works undertaken to their property through this approach they may be able to benefit from any economies of scale achieved by working in partnership with the Council.

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 whether such proposals might be considered permitted development.

Enforce

The Council will endeavour to encourage and facilitate owners of empty properties to bring them back into use. However, it is recognised that the Council 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.

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 property 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 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.

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.

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 property 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 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.

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 property. It is therefore necessary for the Council to consider the likely income from the property 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 property 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 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 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.

Enforcement of any Council Tax liability

Empty homes attract a council tax premium which is designed to encourage owners to bring the property 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 property.

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 drafted 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. A decision will then be made once all of the information has been gathered and financial and legal implications have been considered.

Reviewing the Strategy

The Strategy will be reviewed every five years or sooner should there be any major changes in National or Local policy.