

ESSENTIAL REFERENCE PAPER 'D'

Assessment of the potential methods of enforcement to bring Property X, Bishops Stortford back into use

Property X is a three bed, three storey property, mid terraced and built in 1901. It is situated in a residential location near to the town centre. This property was empty from July 2008 until November 2011 according to Council Tax records and Long Term Empty status has been removed since that date. Due to complaints and inspections after this date all evidence suggests that no one resides in this property.

Initial complaints in regards to this property were received in January 2015 however subsequent complaints have been received since then.

A land registry search was conducted on 25 February 2016 and stated that the property was purchased by the current owner in July 2008 and has the owners address as the empty property. Council tax is being paid on the property and there is a forwarding address to which there is no reason to believe that the liable person does not reside there.

Several attempts have been made to the owner asking him to contact the Empty Homes Officer and these have included the offer of financial help and the possibility of enforcement if there was no cooperation with the owner. On two occasions the owner has been served with a Requisition for information under s16 of the Local Government (Miscellaneous Provisions) Act 1976 but no responses were received. Also twice, letters have also been served specifying the dates and times that the Empty Property Officer intended to enter the property to inspect its condition with a view to the possible need for enforcement action in accordance with the powers of entry under both the Housing Act 1985 (for possible Compulsory Purchase Order, CPO) and the Housing Act 2004 (for possible Empty Dwelling Management Order, EDMO). On neither occasion did the owner attend the property and therefore internal inspections of the property have not been carried out.

From the history of correspondence with the owner of the property and the lack of any response or any sign of resuming works at the property we have concluded that there is no reasonable likelihood of the property

being brought back into use in a reasonable timescale without further action from the Authority.

Actions available to the Authority for this property (taking into account what is known of its condition and appearance) include:

- The use of **Town and Country Planning Act** Powers to improve the appearance of the property (S 215). Given the reluctance of the owner to engage with the council to date this is unlikely, on its own, to result in the property being brought into use.
- **Enforced Sale** (using the Law of Property Act 1925) as there is currently no relevant debt owed to the Council, this approach is not available. Should the Authority pursue the option of undertaking works in default following the s 215 notice from the point above this could generate an appropriate debt however a debt following a s 215 notice does not take precedence over the existing mortgage and therefore it would be necessary to obtain the mortgage holders permission before the process could be followed and there is the risk that the owner could pay the costs and still not bring the property into use.
- **Empty Dwelling Management Order (EDMO)** (Housing Act 2004). Using these powers the Council could take control of the property for up to 8 years (a maximum of 1 year as an interim EDMO followed by 7 years of a final EDMO), undertake the necessary works to bring it to an appropriate standard and manage the property as a residential letting recovering the cost of works and other costs from the lettings income. Although no full internal inspection has been possible the necessary works have been estimated to include as a minimum:
 - Replacement windows throughout the property
 - Replacement kitchen
 - Replacement bathroom
 - Rewire
 - Repairs or replacement of flat roof
 - Redecoration

It is likely that it will also include:

- Renewed central heating
- Some repair to damp/damaged internal plaster
- Remodelling of the property to create a bathroom on the first or second floor of the house.

Taking into account the market rental range for a comparable sized property in Bishops Stortford to estimate a return for the property over the EDMO period together with estimated costs for refurbishment, management and repairs through this time it was shown that there is a high probability that the refurbishment and ongoing costs would exceed the rental income, it would also require considerable officer time to monitor the property through the EDMO period. Given the lack of cooperation from the owner to date, the option of pursuing an EDMO is not deemed appropriate.

- **Compulsory Purchase** powers appropriate for this property are available under either section 226 of the Town and Country Planning Act 1990 or section 17 of the Housing Act 1885. The 1985 Housing Act provides for the Compulsory Purchase of a house for the provision of housing accommodation and specifically includes the purchase of empty dwellings.

Using this power the Council would purchase the property and in this case it is expected that the Council would sell it immediately on the open market. It is expected that in this area and given the condition of the property a developer would purchase the property, complete the necessary repairs and upgrading and the property and put it onto the market either for sale or as a rental. The council could consider inserting a covenant to require improvement by a specified date and the need then to take reasonable steps to secure occupation.

Estimated costs for the CPO option were determined and are given in ERP C

Taking the different options into account officers have concluded that for this property the most appropriate method of enforcement to bring this property back into use is Compulsory Purchase.