

## Long term empty homes strategy 2019 – 2024

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## **Introduction**

In common with many other Districts, The Forest of Dean faces an increasing shortage of affordable homes for its residents. This gives rise to increased homelessness and difficulty accessing affordable accommodation for many people. Empty properties seriously affect the lives of people in the vicinity and can be a magnet for anti-social behaviour and an unnecessary drain on public services. Tackling empty homes will not only help provide additional much-needed homes within the district, but will contribute to the improvement of the local environment and benefit communities.

This Strategy aims to identify the causes of empty properties, why they remain empty and a clear action plan showing how we intend to reduce this number. The overarching aim of this strategy is to help alleviate the housing need within the district, to offer wider housing choice to residents and to reduce the detrimental effects empty properties can have within the community.

## **What is an empty property?**

There are broadly two main types of empty residential properties; transactional empty properties and long-term empty properties. Transactional empty properties are generally empty up to six months, usually due to a change in tenant or ownership and are part of the normal cycle of people moving house; though they may be empty longer should they be subject to major renovation works. Although transactional empty properties are less of a priority to the council, they can still present a concern should their condition become a hazard or contribute towards a poor street scene.

In some instances, a property may be empty or appear empty, but is not classed as empty. A property does not have to be used all the time to be classed as occupied. For example, if it is:

- a second home or a holiday home;
- a property which is part of a wider regeneration programme and could be in the process of being developed or marked for demolition;
- a property which has pending planning permission, could be awaiting refurbishment or could be waiting for new occupants to move in;
- a property where the owner is living elsewhere to provide or receive personal care.

Homes that have been recorded as empty for more than six months are classified as long-term empty by the Forest of Dean District Council. The Ministry for Housing, Communities and Local Government (MHCLG) classes problematic empty properties as those that are inactive in the housing market and have been empty for more than 6 months.

## **Why do properties become empty?**

Properties that have been empty for more than six months usually have an underlying problem. When properties have been empty for more than two years, it is likely that they will stay empty and decline without intervention. Long term empty properties can become a hub for crime and attract vandalism and anti-social behaviour. They can become run down, fall into disrepair, have overgrown gardens and blight the surrounding properties and neighbourhood. Neighbouring owners may be particularly dissatisfied and may find their house value has diminished or may be

difficult to let or sell. Bringing long term empty properties back into use is a priority for the Council and will contribute to increasing the supply of homes in the district.

Most empty properties are privately owned. There are many reasons for properties being left empty, some are easily categorised, and other circumstances are more complex with owners having their own individual reasons for keeping their property empty. Some of the most common barriers that exist for owners of long term empty properties that are preventing them from returning their property back into use include:

- issues with inheritance and/or delays with probate;
- lack of finance to carry out necessary repairs and/or refurbishment;
- perceived problems associated with letting of properties;
- owner unwilling to bring the property back into use.

## **Why have an Empty Property Strategy?**

The Forest of Dean District Council is committed to tackling empty properties by adopting a proactive approach in supporting owners to help return their property to use. Empty properties constitute a wasted housing resource, both for individual owners and the local community. Long-term empty properties can fall into a state of disrepair and become dangerous as well as having a negative environmental impact. A coordinated and sustainable approach can deliver an increase in housing supply, improve standards and reduce the number of empty homes.

## **Policy Context**

### **The National Context**

Since 2010 the Government has placed considerable emphasis on the importance of returning empty homes to use. Statistics published by the MHCLG put the number of empty homes in England in October 2017 at 605,897. Of these 205,293 were classed as long-term empty homes (empty for longer than six months).

In 2018 'Empty Homes' a national campaigning charity published a report entitled 'Empty Homes in England'. This report identified an upward trend nationally for empty homes in 2018 after 10 years of a downward trend. It made several recommendations that have also been published in the House of Commons Briefing Paper no. 3012 June 2018, Empty Housing:

- Local authorities should have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes.
- Local authorities and social housing providers should seek funding and allocate resources to buy and refurbish empty properties for people in housing need.
- Local authorities should take a casework approach with owners of long-term empty properties to encourage, advise and support them to bring homes back into housing use. Employing dedicated empty homes staff can ensure that the council is able to act on information about homes, and build up expertise in working with owners, including taking enforcement action where necessary.

- Local authorities with concentrations of long-term empty homes should look at how they can support community-based neighbourhood regeneration approaches.
- Local authorities, particularly in high value areas, should conduct studies to understand the extent and impact of ‘buy-to-leave’ empty or hardly ever used. Where it is an issue, they should review the measures they could adopt to incentivise people to sell or rent those properties, or not to buy properties in the first place with the intention of leaving them empty or hardly ever used.

Since April 2003, powers previously held by central government to vary the amount of council tax paid on some empty homes has been devolved to local level. The aim of this policy was to further incentivise the reoccupation of long term empty homes by increasing council tax payable or by removing reductions or exemptions that were previously in place. Local authorities are now able to decide whether to apply a discount for properties empty for up to six months and those properties empty and in need of considerable renovation. There is also the option of imposing an ‘empty homes premium’ whereby council tax levels are increased by a percentage depending on the length of time they have been empty.

### **Local Context**

Forest of Dean District is a rural area covering 526 square kilometers with around one quarter of that land forested. With around 85,385 people living in the area it is sparsely populated.

In common with neighbouring councils, there is a demand for housing in The Forest of Dean. In 2018 there were just over 2151 applications registered on the housing waiting list of which approximately 506 were presented as homeless and in need of housing provision. The number of households placed into temporary accommodation in 2018 was 45.

There is a pressure to increase the supply of housing and affordable homes in the district. The growth and demographics in population together with the median house prices adds pressure to the housing markets and brings challenges to meeting housing needs. The Council’s Homelessness Strategy 2019 – 2023 and the Housing Strategy set out the key housing issues in the district and specify its priorities over the next five years as being:

- Increase the provision of affordable homes;
- Improve the quality of housing;
- Increase the range of housing types to meet the needs of older and vulnerable residents
- Prevent homelessness
- Secure accommodation for homeless households

Bringing empty properties back into use will contribute to achieving these priorities.

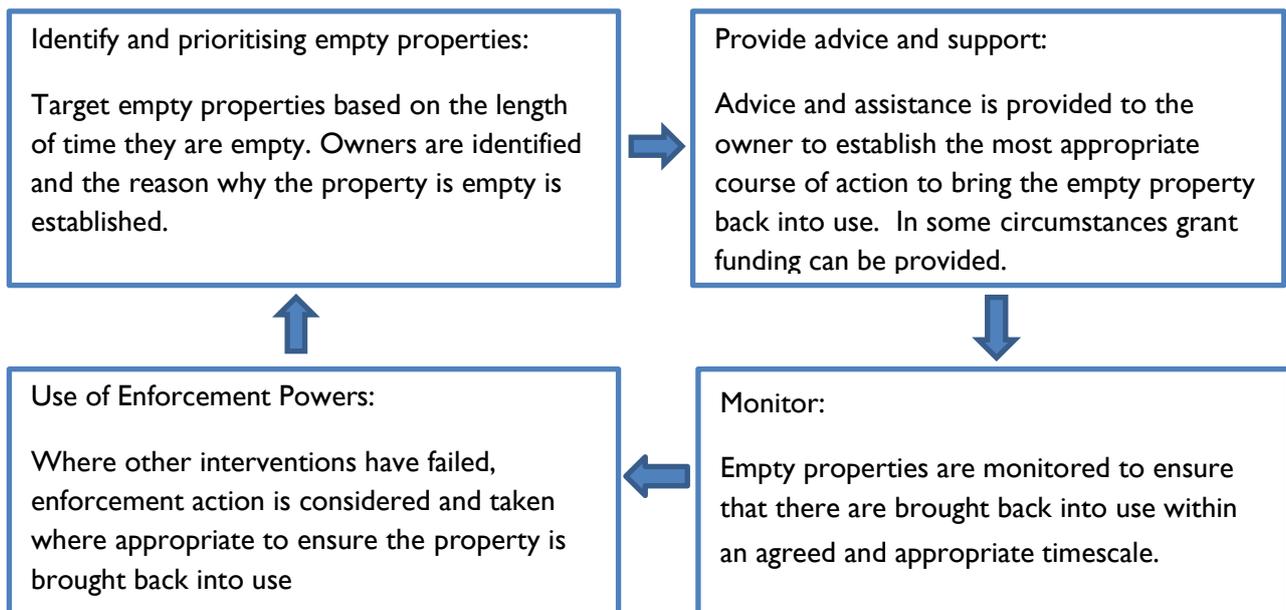
### **Our Approach to Empty Properties**

The Forest of Dean will work to prevent properties becoming empty over the long term by responding to enquiries about empty properties from the public, undertaking media campaigns in

the local press, participating in local landlord events and forums, and through promotion of its work on the council website.

Where properties do become empty, The Forest of Dean will try and locate owners and starting with an informal approach will work with them cooperatively in an attempt to bring properties back into use. Generally this will take the form of offering advice and guidance. Where this is not successful the council will move onto enforcement against the owner to require the property be brought back into use.

The Council's approach to tackling empty properties is summarised as follows:



## Formal enforcement actions to tackle empty properties

The Council follows an investigation process in order to trace owners of empty properties with a view to encouraging them to bring their properties back into use. However, in some circumstances it is not always possible to identify or make contact with owners, or owners are reluctant or unable to bring properties back into use.

Under these circumstances, or if there is an imminent risk to health and safety the council will consider a number of enforcement options. The options available include, but are not limited to:

- Enforced Sale – Allows the council to force the sale of a property to recover debts owed to the council that are registered as a charge on the property.
- Empty Dwelling Management Orders (EDMO) – Enables the council to secure occupation and responsible management of some privately owned houses and flats that have been empty for two years or more.
- Compulsory Purchase Orders (CPO) – Enables the council to purchase and sell an empty property for the purpose of providing housing accommodation or facilities connected to housing accommodation.

A summary of the various enforcement powers that are available to the council in respect of property aesthetics, maintenance and addressing long term empty concerns are described in Annex A.

## **Strategy Objectives**

In order to achieve our over-arching aim to bring The Forest of Dean's empty properties back into use this strategy focusses on three key objectives:-

- To maintain accurate information about the number of long term empty properties
- Provide advice and information to help raise awareness and address issues around empty properties
- Bring empty properties back into use to increase the supply of quality, affordable homes for residents in housing need.

## **Monitoring**

The success of this strategy will be measured against the aims and objectives set out in Annex B.

## Annex A – Enforcement Powers

Problem/Concern	Legislation	Statutory Powers
Dangerous or dilapidated buildings or structures	Building Act 1984 (s77 & s78)	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)
	Building Act 1984 (s79)	To require the owner to repair ruinous or dilapidated buildings seriously detrimental to an area
	Housing Act 2004 (part 1)	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)	Building Act 1984, s78 Local government (Miscellaneous Provisions) Act 1982, s29	To allow 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	Local Government (Miscellaneous provisions) Act 1976 (s35)	To require the owner to address obstructed private sewers.
	Building Act 1984 (s59)	To require the owner to address blocked or defective drainage.
	Public health Act 1961 (s17)	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)	Public Health Act 1961 (s34)	To require the owner to remove waste so that vermin is not attracted to the site, destroy any infestation and remove any accumulations prejudicial to health.
	Prevention of Damage by Pests Act (s4)	
	Public Health Act 1936 (s83)	
	Environmental Protection Act 1990 (s80)	
	Building Act 1984 (s76)	
Unightly land and property	Public Health Act 1961 (s34)	To require the owner to

Problem/Concern	Legislation	Statutory Powers
affecting the amenity of an area	as above	remove waste from the property (see above)
	Town and Country Planning Act 1990 (s215)	To require the owner to address unsightly land or the external appearance of a property
	Building Act 1984 (s79)	To require the owner to address unsightly land or the external appearance of a property
Recovery of debts against a property	Law of Property Act 1925 (s101 & s103)	To apply for an order of sale of the property to recover council tax debts or debts secured as a legal charge after work in default carried out
Properties empty for over 2 years and causing nuisance in the community	Housing Act 2004 (s133 – 183)	To apply for an Empty Dwelling Management Order (EDMO) to enable the local authority to take over the management of eligible empty properties, to bring them back into use
Long-term empty properties where no traceable owners, or where all efforts to return the property to use have been exhausted	Housing Act 1985 (s17)	To seek to acquire a property under a Compulsory Purchase Order (CPO)

## Annex B – Aims and Objectives

### Priority I:

To maintain accurate information about the number of long term empty properties

Key Action Requirement	Timescale	Responsible Officer(s)	
Develop and maintain an empty property database containing information provided by Council Tax and collected through investigations, reviews, complaints and surveys	October 2019	Empty Property Officer	
To risk assess known empty properties and identify for proactive enforcement	Start December 2019	Empty Property Officer ERS officer(s) Planning enforcement officer(s)	

**Priority 2:**

Provide advice and information to help raise awareness and address issues around empty properties

Key Action Requirement	Timescale	Responsible Officer(s)	
To produce an empty property guide for owners of empty homes and members of the public	April 2020	Empty Property Officer ERS officer(s)	
To develop specific web pages for owners of empty homes with full information on options for addressing empty properties	April 2020	Empty Property Officer ERS officer(s)	
To promote the Strategy within the community on an annual basis to coincide with the 'National Empty Homes Action Week'	September 2020	Housing Property Manager Empty Property Officer	
Create a landlord forum to engage owners to work with the Council and where possible support owners in bringing empty properties back into use	October 2019	Housing Property Manager Empty Property Officer	

**Priority 3:**

Bring empty properties back into use to increase the supply of quality, affordable homes for residents in housing need

Key Action Requirement	Timescale	Responsible Officer(s)	
Design and produce an empty property procedure with standard templates	January 2020	Housing Property Manager Empty Property Officer	
Develop the use of and review enforcement options for the enforced sale of empty properties	January 2020 – December 2020	Housing Property Manager Empty Property Officer Internal Legal Officer(s) ERS Officer(s)	
Develop the use of and review enforcement options for Compulsory Purchase Orders and Empty Dwelling Management Orders	January 2020 – December 2020	Housing Property Manager Empty Property Officer Internal Legal Officer(s) ERS Officer(s)	
Explore and develop local agreements with housing associations with a view to them leasing/purchasing empty homes for use as social housing	January 2020 – December 2020	Housing Property Manager Empty Property Officer Internal Legal Officer(s) ERS Officer(s) Housing Advice and Housing Strategy officer(s)	
Explore and develop plans to create a 'property company' to implement a Private Leasing Scheme to encourage landlords to rent void properties to the Council	January 2020 – December 2020	Housing Property Manager Empty Property Officer Internal Legal Officer(s) ERS Officer(s) Housing Advice and Housing Strategy officer(s)	