

Cheltenham Borough Council

Vacant Property Strategy / Framework

1. Introduction

Empty properties are a wasted asset not only for the owner but also the surrounding community, especially in a time of housing need. Often unsightly in appearance, properties left unoccupied can cause blight to an area and distress to neighbours, attracting crime and anti social behaviour.

The key aim of this strategy is to encourage owners to bring their properties back into use and ultimately to deter them from leaving their homes empty.

2. Strategy Aims and Objectives

- To maximise the re-use of empty homes and other buildings
- To minimise the need for the future development of greenfield sites and protect the environment
- To improve and conserve the existing built environment
- To help provide good quality affordable housing
- To ensure programmes meet a range of housing needs, whilst providing a choice of accommodation and neighbourhood
- To raise public awareness of the issue of empty homes
- To maintain robust records on empty properties and to monitor trends.

3. Problems associated with empty homes

It is important to consider the community damage that empty properties do to local areas. The Association of Chief Police Officers has referred to empty properties as “honey pots for crime”. The longer a property is left unoccupied the greater the risk of vandalism and anti social behaviour which could reduce the property to a dilapidated eyesore. Dealing with the associated problems of an empty property can result in an avoidable burden on the resources of the Police and Fire Services as well as local authorities.

Empty homes cost their owners money in council tax, insurance, repairs and security and yet produce no income. It has been estimated that keeping a family-sized home empty costs an average of £10,000 a year (including lost rental income).

Empty properties are also subject to other problems:

- The fabric of an empty home deteriorates faster than an occupied house
- They become targets for vandals, arsonists, squatters and fly-tippers
- They attract vermin
- In June 2003 'Home Track' produced a survey, which showed that empty properties devalue the neighbouring properties by as much as 18%

Bringing an empty property back into use may assist in improving the general streetscape of an area and reduce anti-social behaviour as well as providing a valuable source of urgently needed accommodation.

In 2009 the Empty Homes Agency reported that 651,993 homes stood empty in England. In 2010 Shelter advised that there were 80,000 registered homeless households awaiting decent housing with a further half a million households living in overcrowded conditions, highlighting the importance of the empty homes statistics.

Finally, by re using empty properties councils are promoting sustainable development and helping to protect the environment. In the March 2008 report 'New Tricks with Old Bricks' research carried out by the Empty Homes Agency and The Building and Social Housing Foundation (BSHF) found that 'reusing empty homes could make an initial saving of 35 tonnes of carbon dioxide per property by removing the need for the energy locked into new build materials and construction.' By recycling empty properties councils can assist in reducing the need for building new homes on Greenfield sites and make a contribution to reducing CO2 emissions.

Any market will always have some degree of empty homes such is the nature of market transactions. It is normally accepted that between 1% and 2% of the housing stock are empty at any time for refurbishment and between occupiers (transactional voids). However, when homes are left empty for years, they can undermine communities, be a magnet for crime and a waste of a valuable housing resource.

In the Government's response to the Transport, Local Government and the Regions Committee's report on Empty Homes March 2002 it stated that :

'Empty homes are at best a waste of resources, and at worst a blight on the lives of individuals and whole communities. The Government is determined to grapple with the various causes of empty homes.'

4. Benefits to having a Empty Homes Strategy

- Helps meet the needs of local people
- Helps reduce the need to build new dwellings on greenfield sites
- Prevents empty properties becoming the focus of anti-social behaviour and attracting adverse comment from the wider community
- Good for public relations as it gives greater visible evidence of a local authority's strategic policy in areas of decline
- Promotes the enabling role of the local authority
- May contribute to affordable housing provision
- Removes empty property making the locality a more attractive place to live
- Helps improve the local environment by attracting investment into the area
- Can help revitalise the local economy and employment opportunities

5. Why do properties become empty?

There are a number of reasons why properties become empty:

- Inability to afford the work necessary to make the property habitable.
- Repossession – properties that have been repossessed can often remain empty for long periods of time due to complex legal issues,
- Property is being kept empty for use of owner or a member of his or her family at some unknown time in the future,
- Owner moved to be cared for,
- Potential planning problems/ redevelopment – planning permission for large sites earmarked for redevelopment can often take a considerable length of time to gain planning consent,
- Inheritance – Properties that are inherited are often left empty for a considerable amount of time whilst awaiting the outcome of probate or legal issues,
- Tied properties – certain properties most commonly tied to agriculture or the armed services become empty as the number of workers reduce or bases close,
- Buy to Leave- properties are bought for capital appreciation and left for a sustained period of time.
- Space above shops – due to properties having no or shared access to flats above shops properties are sometimes left vacant
- Family break ups

6. Tackling Empty Homes

6.1 Identifying Empty Homes

There are two main ways of identifying empty properties. Complaints can be received relating to properties (rubbish, nuisance, vermin etc) from a variety of different sources (members of the public, councillors, council officers, police and fire services). When investigated it will become apparent whether the property is unoccupied or not. Complaints may also be received about properties being left empty especially from neighbours or a member of the community.

The Council will encourage members of the public to report any properties that they think are unoccupied. Details that are given to the Vacant Property Officer will be followed up and the officer will attempt to contact the owner to confirm the property is empty and give advice on what options are available to re occupy the property.

The council tax database can also be used to identify those properties receiving a void property discount.

The Council will determine which properties are causing problems and need targeting. Properties that have become long term empty (over 6 months), are detrimental to the neighbourhood and have little prospect of become occupied are made a priority.

6.2 Corporate Approach

The issue of empty homes impact on almost all departments within the Council. In particular

- Planning and Conservation
- Environmental Health
- Housing
- Local Taxation
- Building Control
- Forward planning

The Council will ensure that departments work together effectively to reduce the number of empty homes in the Borough.

6.3 Working in Partnership

It is necessary to build links and develop relationships with external agencies that can assist in delivering the strategy including the following

- Private landlords via expo, forums, newsletters
- Estate agents, letting agents and developers
- Local businesses
- Community organisations
- The Empty Homes Steering Group, which is made up of vacant property officers from the Gloucestershire district councils, meet biannually to share information and expertise.

The Council will work with partners to help achieve the strategic aims of the policy.

6.4 Raising Awareness

The Council aims to raise the profile of empty homes both internally within the council and externally. A number of measures can be employed to ensure this

- Use of local media
- Use of Council publications
- Production of publicity materials
- Attendance at private landlord forums
- Information on council and Housing Association websites
- National Empty Homes Week

7. Incentives and Powers for Local Authorities

7.1 Advice

Where possible Cheltenham Borough Council aim to work with owners in a voluntary way by providing free advice and information to owners to assist them in bringing an empty property back into use. The Council will outline what options are available to owners when considering what to do with their empty property.

7.2 Deposit Loan/Bond Schemes

The Council works with private landlords and letting agencies to help fill vacant properties as quickly as possible by providing deposit loans/bonds. The main focus of the schemes is to find suitable accommodation for households looking for long-term lets at or near local housing allowance rates.

7.3 Enforcement

If it is not possible through negotiation to persuade an owner to deal with a vacant property the council has the option of implementing a number of statutory powers at its disposal. All options will be considered by the Council subject to the individual circumstances of each case.

7.3.1 Housing Act 2004 – Empty Dwelling Management Orders

The most recent measure introduced to help combat empty properties is the Empty Dwelling Management Orders (EDMOs). Since 2006, councils have been able to issue Empty Dwelling Management Orders (EDMOs) as part of their approach to bring homes into use. A council with housing responsibilities can use an EDMO to take over the management of a residential property that has been empty for more than six months. They can only be used after other voluntary options have been offered to the owner and refused. Any renovation costs, management costs, insurance costs etc must be recoverable from the rent over a period of 7 years unless the local authority are prepared to proceed without being able to recover all of its expenses.

7.3.2 Law of Property Act 1925 – Enforced Sale

Allows the Council to force the sale of a property where there is a Local Land Charge outstanding on it. It can be used for debts that are up to 12 years old. However, if known, the owner has to be given the opportunity to repay the debt rather than selling the property. The Council does not acquire the property; it is sold to a third party. Any outstanding charges against the property, including any mortgage, are paid following the sale and the money remaining (if any) is put into an account for the owner to claim. Cheltenham Borough Council will consider enforced sale where there is a local land charge outstanding on a property, for example where the property has been secured against unauthorised access in default.

7.3.3 Compulsory Purchase Orders

Compulsory Purchase Orders are a last resort after attempts have been made to encourage the owner to take responsibility for maintaining the property and bringing it back into use. They can be pursued under various powers including Housing and Planning Act legislation. Once this course of action has been commenced, many owners will bring the properties back into use voluntarily or will negotiate sale to the Council. Cheltenham Borough Council will consider Compulsory Purchase as a last resort.

7.3.4 Other legislation

There is a variety of legislation which can be used to address particular problems which are being caused by an empty property including:

- Town and Country Planning Act 1990 – Provisions in this legislation deal with premises that are having a detrimental impact on the amenity of the area
- Prevention of Damage by Pest Act to deal with rodent infestation with an empty property
- Building Act 1984 – provisions in this legislation can be used to deal with dangerous and derelict property
- Local Government (miscellaneous Provisions) Act 1982 – provisions in this act can be used to board up properties to prevent unauthorised access
- Clean Neighbourhoods and Environment Act 2005 – provisions in this legislation can be used to deal with fly tipped rubbish and other accumulations within the curtilage of empty property

Enforcement Action

In the case of empty residential property the Council's priority for intervention is based on the balance of three factors:

- The impact the empty property has on the neighbourhood in which it is situated
- The length of time the property has been vacant
- The owners reluctance to co-operate with the Council's objectives, taking into account the circumstances of the individual case

Any action will be taken in full consideration of the Council's enforcement policy.

8. Performance Management

The Best Value Performance Indicator (BVPI) 64 has been previously used to measure performance on empty homes work. It *'measures the number of non local authority owned dwellings returned to occupation or demolished during the year as a result of action by the local authority.'* This performance indicator has now been removed under the Government's review of national performance indicators. However, it will be important to establish a measure that can be used across the county to monitor future performance. The Council continues to use the criteria of the BVPI 64 to monitor performance.