

**Report of** HEAD OF HOUSING PARTNERSHIPS  
**Report to** DIRECTOR OF ENVIRONMENT AND HOUSING  
**Date:** JULY 2014  
**Subject:** PROPOSED COMPULSORY PURCHASE ORDER  
**15 UNITY STREET, CARLTON WF3 3RA**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): <b>Rothwell</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: <b>10.4.(3)</b> Appendix number: <b>1</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

### Summary of main issues

1. Section 17 of the Housing Act 1985 gives Local Authorities the power to acquire buildings and land through compulsory purchase for the purpose of providing housing accommodation.
2. The proposed compulsory purchase property, 15 Unity Street, Carlton WF3 3RA is a brick built end terrace under a pitched slate roof. It was built in the early 1920s and is located within the Carlton area.
3. According to Council Tax the earliest records of the property being vacant is 1<sup>st</sup> April 1993. Ownership changed on 12<sup>th</sup> May 1993 to the present owner but the property has continued to be empty.
4. The property is registered with Land Registry. Their records indicate that the present owner obtained ownership in May 1993.
5. The property is in a semi-derelict condition with a market value of £55,000. Repair costs are estimated to be around £40,000.

### Recommendations

6. It is recommended that the Council seeks to acquire 15 Unity Street, Carlton by means of Compulsory Purchase Order action as renovation and reoccupation of the property

is unlikely to be achieved without the Council's intervention. Once acquired, the authority will then dispose of the property in line with the previously agreed mechanism for properties obtained through compulsory purchase (see Appendix 6). This could be to a Registered Provider or to the private sector with the sale being suitably covenanted to ensure its refurbishment and reoccupation within a reasonable timescale.

## **1 Purpose of this report**

- 1.1 This report recommends that the Council seeks to acquire, by means of a Compulsory Purchase Order, a long term empty residential property, 15 Unity Street, Carlton which has been neglected and is in a semi-derelict condition.
- 1.2 Once acquired the property will be disposed as per the previously agreed process for disposal of long term empty private sector properties (see Appendix 6).

## **2 Background information**

- 2.1 15 Unity Street, Carlton is a brick built end terraced house of traditional solid wall construction under a pitched slate roof. It is vacant and in a semi-derelict condition. It was built in the early 1920s and is located in the Carlton area of the Rothwell ward (see Appendix 2: plan to show the position of the property in relation to Carlton).
- 2.2 The accommodation comprises two storeys. It has not been possible to gain access to determine the lay out of the property but it is believed that there are two bedrooms and a bathroom on the first floor; two reception rooms and a kitchen annexed to the side elevation of the property, on the ground floor. The property is street lined to the front and has a garden to the rear. The area to the side elevation is of tarmacadam.

## **3 Main issues**

- 3.1 The property is registered with Nottingham Land Registry. Their records show that the present owner registered their interest in May 1993 (see Appendix 1: Confidential information).
- 3.2 Council Tax records indicate that the property has been empty since April 1993.
- 3.3 The property exhibits a number of defects. Sections of the cement pointing to the ridge tiles of the main roof are missing and will require repointing; the main roof timber gutters are rotten with the stop end missing. The gutter will need to be replaced. The roof guttering to the annexed kitchen is rotten and will require replacing. There is a mismatch of uPVC and timber in that some windows are of uPVC whereas the frames are of timber which are rotten and will require replacing. The ground floor living room window has been boarded, possibly after being vandalised. The side entrance gate and posts are missing and will require replacing. The side elevation is of tarmacadam which is cracked and worn in places and has become overrun with vegetation. This area will need to be excavated and re-laid. The property does not appear to have had the benefit of central heating and will therefore require a new system.
- 3.4 In its current poor state the property detracts from the immediate area and has the potential to attract anti-social behaviour and to adversely affect community safety as well as having a negative impact on local property prices. The property is seen as a wasted housing resource.

- 3.5 The property has been in the ownership of the present owner since May 1993. Since that time repeated actions taken by the Council to encourage the owner to return the property to use have been unsuccessful. The owner previously stated her intention to sell the property but has not done so. The property has been monitored regularly but as yet there is no evidence of work being undertaken to improve the property. It remains in a semi derelict condition; the cost of repairs to bring it to a habitable standard has been estimated to be around £40,000. Housing Services records show that the property has been visited on a number of occasions in relation to complaints about the garden being overgrown, accumulations of refuse and being open to access. Legal notices were served on the owner in connection with these complaints. Enforced Sale has been considered but as there is no outstanding debt this option has been discounted. The property is located in an area where there is a demand for affordable homes (see appendix 3).
- 3.6 The owner has been uncooperative with officers and in March 2012 the Council took legal action against the owner for failing to comply with a notice served under Section 239 of the Housing Act 2004 requesting access to the property at 15 Unity Street. The owner received a formal Caution. Further legal action was taken against the owner for failing to comply with a notice served under the provisions of Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requesting information in relation to persons having an interest in the property. At the hearing at Leeds Magistrates Court in June 2013 the owner was found guilty for failing to provide information to the Council and was fined and ordered to pay the Council's costs and victim surcharge.
- 3.7 The options available to the council are to do nothing or to instigate the Compulsory Purchase Order procedure.
- 3.8 In the opinion of officers, the renovation and reoccupation of 15 Unity Street, Carlton is unlikely to be achieved without the Council's intervention, the most appropriate action being to instigate Compulsory Purchase Order procedures. Doing nothing is likely to result in the further deterioration of conditions at the property, with consequences as detailed in section 4.6.6
- 3.9 Once the property is acquired by the Council the intention is to dispose of it in line with the agreed process for disposal of properties acquired through compulsory purchase (see appendix 6).

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Ward Members were consulted on 27<sup>th</sup> June 2014 regarding the proposal to compulsory purchase 15 Unity Street, Carlton. They have all expressed their support for the proposed action.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An 'Equality, Diversity, Cohesion and Integration Screening' form has been completed and is attached as Appendix 5. This shows that there is no impact on

equality, diversity, cohesion and integration through the actions proposed in this report. There is no existing or likely differential impact for the different equality characteristics, no existing or likely public concerns about the proposal, no likely effect on council activities or employment practices and no likely effect on unlawful discrimination, equality of opportunity, or fostering good relations. A full EDCI Impact Assessment on the work done for the Empty Property Strategy has been completed.

### **4.3 Council policies and City Priorities**

4.3.1 The action proposed is in line with council's policy in respect of empty properties and is contributing to the following targets and priority in the Council's Policy Framework.

- Reducing number of long term empty properties
- Reducing crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in our communities
- Increase a sense of belonging that builds cohesive and harmonious communities
- Increase affordable homes within sustainable neighbourhoods
- Improve the quality of the environment.
- Improving housing conditions and energy efficiency

### **4.4 Resources and value for money**

4.4.1 A valuation carried out by City Development in March 2014 put the value of the property at £55,000 in its current state.

4.4.2 The compulsory purchase expenditure will be met from the Leeds Neighbourhood Approach Fund subject to receiving panel approval.

4.4.3 The proposals contained in the report do have implications under Section 17 of the Crime and Disorder Act 1998 in that the compulsory purchase, sale, refurbishment and reoccupation of the property will reduce the incidence of vandalism and anti-social behaviour in the vicinity of Unity Street.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The Council has considered whether the powers it seeks to exercise are compatible with the European Convention of Human Rights, in particular Article 8 (respect for private family life and home) and Article 8 of the first Protocol of the Convention (right to peaceful enjoyment of possession). The recommended decision strikes a clear balance between the public interest in securing the refurbishment and reoccupation of this property and the interference with private rights, which will arise if a Compulsory Purchase Order is made, confirmed and implemented. It has concluded that there is a compelling case in the public interest for the acquisition of the land and property and that this outweighs the loss that will be suffered by the existing property owner(s). This Compulsory Purchase Order action follows existing legislative provisions in respect of the making and confirming of a Compulsory Purchase Order and the payment of

compensation where applicable, and as such, the Council considers this to be compatible with the Convention.

4.5.2 Scrutiny process is not necessary under the ruling.

4.5.3 Confidential information is listed in Appendix 1

## **4.6 Risk Management**

4.6.1 The property will be acquired compulsorily and this may be challenged in law.

4.6.2 The time between acquisition and disposal and changing market conditions may affect the value of the property, up or down. The risk could be reduced if the process is implemented promptly.

4.6.3 There is a risk to the Council in not dealing with empty properties, both in the way Central Government assesses our strategic housing performance and in the way residents see the ability of the Council to intervene in the problems that are of concern to them.

4.6.4 Although it is unlikely, the acquired property may, whilst in the Council's possession, fall into such a condition that the Council may have to demolish it. Should this happen, the Council may have to bear the cost of its demolition.

4.6.5 It is unlikely that the purchaser, whether the council, a Registered Provider or a private individual would fail to bring the property back into use as per contractual agreement. Should they fail to carry out the works within a specified time, the Council may have to re-purchase the property with a view to re-selling.

4.6.6 Consequences of not going ahead with this scheme:

- Risk to local community safety due to being a potentially dangerous property.
- Decrease in market value of surrounding housing stock.
- Increasing incidents of vandalism.
- Adverse publicity due to property attracting crime and other anti-social behaviour such as illegal dumping of refuse and drug use.
- Loss of local community confidence.
- Delay to regeneration and economic development project in the Carlton area.
- Failure to meet departmental objectives in which the Council aims to work together with key partners to improve conditions in which people live and strive towards neighbourhoods that are clean, safe, well maintained and sustainable for the future.
- Further reduction on affordable housing within the Carlton area.

## **5 Conclusions**

5.1 15 Unity Street, Carlton, has been vacant since at least 1993. It is in a semi-derelict condition. The owner has failed to renovate the property.

- 5.2 The property is located in the Carlton area, where public and private finances have been invested in properties and environmental improvements. It is essential that confidence in the area is maintained to encourage continuing investment and maintain the stability of the community. The existence of a semi-dilapidated long term vacant property such as this can have a significantly detrimental effect.
- 5.3 The owner does not appear to be able to renovate the property within a reasonable timescale. Enforced Sale Procedure is not appropriate as any outstanding debt is considered too low to pursue this course of action. The alternative to Compulsory Purchase Order action appears to be to leave the property to deteriorate further. It is clear that to do nothing is unacceptable.
- 5.4 It is the view of officers that renovation and reoccupation of 15 Unity Street, Carlton is only likely to be achieved through the Council's intervention, the most appropriate action being to instigate Compulsory Purchase Order procedures.
- 5.5 The compulsory purchase expenditure will be met from the Leeds Neighbourhood Approach Fund subject to receiving panel approval.

## **6 Recommendations**

The Director of Environment and Housing is recommended to:-

- 6.1 Instruct officers to instigate Compulsory Purchase Order action under the provisions of Part II and Section 17 of the Housing Act 1985 against the premises known as 15 Unity Street, Carlton, Wakefield WF3 3RA.
- 6.2 Subject to the confirmation of the Order, the subsequent sale of the property could be to either a Registered Social Provider or to the private sector. The property will be disposed of in line with the previously agreed disposal mechanism for properties obtained through compulsory purchase (Appendix 6).
- 6.3 Authorise the allocation of funds from the Leeds Neighbourhood Approach Approved Fund to meet any claim for compensation that may arise subsequently from a claim by the title holder of the property.
- 6.4 Authorise the City Solicitor to prepare a Compulsory Purchase Order under the provisions of Part II and Section 17 of the Housing Act 1985, that the Common Seal of the Council be affixed thereto and to the Order Map and that the City Solicitor be further authorised to make application to the Department of Communities and Local Government for confirmation of the Order.

## **7 Background documents<sup>1</sup>**

Appendix 1 Confidential information

Appendix 2 Plan to show the property in relation to the Carlton area

Appendix 3 Number of applications on the Leeds Homes Register

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix 4 Photographs of the subject property  
Appendix 5 Equality, Diversity, Cohesion and Integration Screening  
Appendix 6 Disposal process for long term empty private sector properties  
Appendix 7 Delegated Decision Notice