

Report of HEAD OF HOUSING PARTNERSHIPS
Report to DIRECTOR OF ENVIRONMENT AND HOUSING
Date: 27TH NOVEMBER 2014
Subject: PROPOSED COMPULSORY PURCHASE ORDER
17 BLACKMAN LANE, WOODHOUSE, LEEDS LS2 9AP

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Hyde Park & Woodhouse	<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: 10.4.(3) Appendix number: 1	<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, 17 Blackman Lane, Woodhouse, Leeds LS2 9AP is a brick built end terrace under a pitched slate roof. It was built in the early 1900s and is located within the Woodhouse area of the Hyde Park and Woodhouse Ward.
3. The property is in a semi-derelict condition. It has a market value of £175,000. Repair costs are estimated to be around £50,000 inclusive of VAT.
4. Council Tax indicates that the earliest record of the property being vacant is 8th January 2000 due to death.
5. The property is registered with Land Registry. Their records indicate that the present owner obtained ownership in May 2000.

Recommendations

6. It is recommended that the Council seeks to acquire 17 Blackman Lane, Woodhouse, Leeds LS2 9AP 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 Council subsequently, will dispose of the property in line with the agreed mechanism for disposal of properties acquired through compulsory purchase (see Appendix 6).

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 at 17 Blackman Lane, Woodhouse, Leeds LS2 9AP which has been neglected and is now in a semi-derelict condition.
- 1.2 Once acquired the property will be disposed as per the agreed process for disposal of private sector long term empty properties acquired through compulsory purchase (see Appendix 6).

2 Background information

- 2.1 Currently, there are estimated to be around 14,000 privately owned empty properties in Leeds. Of these, approximately 6,000 have been vacant for more than six months. Vacant properties become a target for vandals and are vulnerable to crime, such as arson and burglary.
- 2.2 The problem of individual empty properties in otherwise sustainable streets, affects all wards in the city to a greater or lesser extent. Even areas of the city which have a buoyant housing market and high house prices, still have problems with individual empty properties. These properties can have serious effects on the immediate neighbourhood in terms of a rundown appearance, infestations of vermin, overgrown vegetation, refuse dumping, vandalism, etc. House prices of well-kept adjacent properties can be seriously affected, if the homeowner is able to sell at all. Yet, these vacant properties are much sought after by would be developers who want to buy and renovate them.
- 2.3 17 Blackman Lane, Woodhouse, Leeds LS2 9AP 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 1900s and is located in the Woodhouse area of the Hyde Park & Woodhouse ward (see Appendix 2: plan to show the position of the property in relation to Woodhouse).
- 2.4 The accommodation comprises four storeys including the basement. 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 to the second floor; two bedrooms and a bathroom to the first floor and to the ground floor two reception rooms and an offshoot kitchen. The basement is likely to have been used for storage. The property benefits from a concrete yard to the rear and a garden to the front. The front boundary wall has been demolished at some stage.

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 2000 (see Appendix 1: Confidential information).
- 3.2 Council Tax records indicate that the property has been empty since January 2000.

- 3.3 The property exhibits a number of defects. Some tiles to the main roof have slipped and are missing. The main roof timber gutters are rotten in places with at least one stopend missing. Sections of flashing to the annexed kitchen are missing and will require replacing. The roof of the kitchen offshoot is holed and there is evidence of structural movement where the single storey offshoot adjoins with the double storey offshoot. The lock to the rear entrance door is missing and will need replacing. The property does not appear to have had the benefit of central heating and therefore will require a new system. It will require extensive plasterwork and full decoration. The garden to the front elevation is overrun with vegetation and will need excavating to tidy. The boundary wall to the front garden is missing and will require rebuilding and fitting of a new gate and posts. The gate to the rear is missing and will require replacing.
- 3.4 The property has been neglected in recent years and its current poor state detracts from the immediate area. It 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 likely to contain many Category 1 hazards when inspected in accordance with the Housing Health and Safety Rating System (HHSRS) as introduced by Part 1 of the Housing Act 2004. It is considered that the most satisfactory course of action is the renovation of the property. The property is capable of being renovated at reasonable expense to make it achieve the standards laid down in the Housing Act 2004 and also the Decent Homes Standard, having regard to property values in the area.
- 3.5 The property has been in the ownership of the present owner since May 2000. Since that time repeated actions taken by the Council to encourage the owner to return the property to use have been unsuccessful. The property has been monitored regularly but 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 £50,000 inclusive of VAT. Housing Services records show that the property has been visited on a number of occasions in relation to complaints about the garden being overgrown and accumulations of refuse within its boundary. Investigations of these complaints have resulted in statutory notices being served on the owner.
- 3.6 Between March 2006 and November 2008 the Council has received reports of fly tipping, pests, unauthorised entry and noise associated with the property.
- 3.7 The property first came to the attention of the Council's Empty Homes Team In September 2010 following a complaint about overgrown vegetation. Following investigation by officers of the Council a notice under section 215 of the Town and Country Planning Act, 1990 was served on the owner requiring the cutting back of the overgrown vegetation. The owner complied with the notice.
- 3.8 In August 2013 the Council received a complaint about fly tipping within the grounds of the property. The Council wrote to the owner who agreed to remove the waste but did not do so. Consequently, a notice under section 215 of the Town and Country Planning Act, 1990 was served on the owner. This notice was not complied and the Council subsequently carried out the work required by the notice in default of the owner.

- 3.9 In July 2014 a proactive visit by the Empty Homes Team revealed that once again there was refuse in the rear yard and overgrown vegetation to the front elevation of the property. On 7th July 2014 a notice under the Town and Country Planning legislation was served on the owner in relation to overgrown vegetation to the front elevation. Furthermore, a notice under section 4 of the Prevention of Damage by Pests legislation was served on the owner requiring him to clear the refuse from the rear elevation. The owner failed to comply with the requirements of the notices and the Council subsequently carried out the work in September 2014 in default of the owner.
- 3.10 Enforced Sale has been considered but the amount of outstanding debt is considered negligible therefore that option has been discounted. The property is located in an area where there is a demand for affordable homes (see Appendix 3)
- 3.11 The options available to the council are to do nothing or to instigate the Compulsory Purchase Order procedure.
- 3.12 In the opinion of officers, the renovation and reoccupation of 17 Blackman Lane is unlikely to be achieved without the intervention of the Council, 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.
- 3.13 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 21st August 2014 regarding the proposal to compulsory purchase 17 Blackman Lane. 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 the Council's policy in respect of empty properties and is contributing to the following targets and priority in the Council's Policy Framework:

- Reducing the number of long term empty properties
- Reducing crime levels and their impact across Leeds
- Effectively tackling and reducing anti-social behaviour in our communities
- Increasing a sense of belonging that builds cohesive and harmonious communities
- Increasing affordable homes within sustainable neighbourhoods
- Improving 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 September 2014 put the value of the property at £175,000 in its current state.

4.4.2 The compulsory purchase expenditure will be met from the Leeds Neighbourhood Approach approved 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 Blackman Lane.

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 Woodhouse 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 Woodhouse area.

5 Conclusions

- 5.1 17 Blackman Lane, Woodhouse, Leeds has been vacant since at least 2000. It is in a semi-derelict condition. The owner has failed to maintain the property.
- 5.2 The property is located within the Woodhouse 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 that course of action. The

alternative to Compulsory Purchase Order action appears to be to leave the property to deteriorate further. It is clear that this is unacceptable.

- 5.4 It is the view of officers that renovation and reoccupation of 17 Blackman Lane, Woodhouse 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 approved 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 17 Blackman Lane, Woodhouse, Leeds LS2 9AP.
- 6.2 Subject to the confirmation of the Order, 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 subsequently may arise 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 documents¹

Appendix 1 Confidential information

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

Appendix 3 Number of applications on the Leeds Homes Register

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

¹ 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.