

Report of: Head of Head of Housing Partnerships

Report to: Director of Environment and Housing

Date: 29th JANUARY 2015

Subject: Housing Act 1985: Proposed Compulsory Purchase Order

57 LINGFIELD DRIVE, MOORTOWN, LEEDS LS17 7HA

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Alwoodley		
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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4.(3)		
Appendix number: 1		

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 property proposed for compulsory purchase is 57 Lingfield Drive, Moortown, Leeds LS17 7HA, a three bedroomed semi-detached house. It is of a Livett Cartwright, pre-cast concrete construction. It was built between 1949 and 1955 and is located within the Moortown area of the Alwoodley ward. The property has been empty for a number of years and is in a semi-derelict condition.
3. Council Tax records indicate that the property has been vacant since 31st July 2009.

4. Nottingham District Land Registry records indicate that the present owner obtained ownership on 31st January 2007.
5. The property has a market value of £105,000. Repair costs are estimated to be around £38,000 inclusive of VAT.

Recommendations

6. It is recommended that the Council seeks to acquire 57 Lingfield Drive, Moortown, Leeds LS17 7HA, a residential property, by means of compulsory purchase, as its renovation and reoccupation is unlikely to be achieved without the intervention of the Council. Following its acquisition, the Council subsequently will dispose of the property in line with the agreed disposal mechanism for properties obtained through compulsory purchase (see Appendix 6).

1 Purpose of this report

- 1.1 The report recommends that the Council seeks to exercise its powers under section 17 of the Housing Act 1985 to acquire by means of compulsory purchase the residential property known as 57 Lingfield Drive, Moortown, Leeds LS17 7HA. The property has been vacant for several years and is in a semi-derelict condition.
- 1.2 Once acquired, the property subsequently will be disposed as per the agreed process for disposal of empty properties obtained through compulsory purchase (see Appendix 6).

2 Background information

- 2.1 57 Lingfield Drive, Moortown, Leeds LS17 7HA is a semi-detached, Livett Cartwright, pre-cast concrete construction. It has a pitched roof with a slate covering. It was built between 1949 and 1955 and is located within the Moortown area of the Alwoodley ward, which is in the constituency of Leeds North East (see Appendix 2, plan showing the position of the property in relation to the Moortown area). This property type is known for problems associated with the steel frame which exhibited signs of corrosion but has since been remedied by the Council. The property was purchased in 2007 under the government's 'Right to Buy' scheme.
- 2.2 The accommodation comprises two storeys. There are three bedrooms and a bathroom on the first floor, a through lounge and a kitchen on the ground floor. A former outbuilding has been enclosed to form a side door porch. There is a side driveway leading to a single-car garage to the rear of the property. The property benefits from gardens to the front and rear elevations, although these are unkempt. The boundary of the rear garden is bordered by a number of mature trees.

3 Main issues

- 3.1 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 can become a target for vandals and are vulnerable to crime, such as arson and burglary.
- 3.2 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 and vandalism. House prices of well-kept adjacent properties can seriously be affected, if the homeowner is able to sell at all. Yet, these vacant properties are much sought after by would be developers who wish to buy and renovate them.

- 3.3 Council Tax records show that 57 Lingfield Drive, Moortown, Leeds LS17 7HA has been empty since at least July 2009.
- 3.4 The property is registered with Nottingham District Land Registry. Their records show that the present owner registered their interest in January 2007 (see appendix 1: Confidential information). Land Registry records also show that the property is subject to a restriction under the Proceeds of Crime Act 2002. There is to be no disposition by the owner of the property except with the consent of a Crown Prosecutor or under a further order of the Court.
- 3.5 The property is currently in a state of disrepair and although an internal inspection has not been carried out it is apparent that it will contain a number of 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. An assessment indicates that the most satisfactory course of action is the renovation of the property.
- 3.6 A view through the ground floor window of the property revealed extensive damage to the fixtures and fittings, probably as a result of vandalism. Council Tax records show that in February 2011 when their officers visited the premises they found water pouring from the bathroom into the kitchen. The matter was reported to Yorkshire Water, who has since turned off the water supply. It is considered that the dwelling is capable of being renovated at reasonable expense to achieve the standards laid down in the Housing Act 2004 and also the Decent Homes Standard, particularly having regard to the property values in the area. However, it will require a program of extensive renovation to include replacement windows, entrance doors, a central heating system, a full rewire, a new bathroom, kitchen facilities and insulation. The cost of repairs to bring the property to a habitable standard has been estimated to be around £38,000 including VAT.
- 3.7 As part of the Council's monitoring process of empty properties, site visits are made from time to time. Officers visited the property in April 2014 and found it open to unauthorised access and with large accumulations of refuse within its grounds. A formal Notice was served on the registered owner under the Local Government (Miscellaneous Provisions) Act, 1982 requiring that the property be made secure. A further Notice was served on the owner under the Prevention of Damage by Pests Act, 1949 requiring the removal and disposal of the refuse. The owner contacted the Council and advised officers that she was not able financially to undertake the work and therefore was not in a position to comply with the

requirements of the notices. Following the expiry of the notices the Council carried out the work in default of the owner.

- 3.8 In June 2014 officers of the Council found the property once more open to unauthorised access. The Council secured the property under the Local Government (Miscellaneous Provisions) Act, 1982 (8) and advised the owner of the action it had taken.
- 3.9 Enforced Sale has been considered but as the debt outstanding is considered low that option has been discounted.
- 3.10 The property, in its current state, detracts from the immediate area and has the potential to attract anti-social behaviour and to adversely affect community safety.
- 3.11 Given the neglect of the property over recent years and its apparent abandonment it would appear that the owner does not have any immediate or long term plan for the future of the property. This view is reinforced by the owner who has informed officers of the Council that she does not wish to be associated with the property (see 3.4 above).
- 3.12 The options available to the Council are to do nothing or to instigate Compulsory Purchase Order procedure. To not act will lead to the further deterioration of conditions at the property, with consequences as outlined in section 4.6.6 below.
- 3.13 Officers have concluded that the renovation and reoccupation of 57 Lingfield Drive is unlikely to be achieved without the intervention of the Council, the most appropriate action being to instigate Compulsory Purchase Order procedures.
- 3.14 Once acquired, it is the intention of the Council to dispose of the property in line with the agreed mechanism for disposal of properties acquired through compulsory purchase (see appendix 6), subject to the lifting of any restriction (see 3.4 above).

4 Corporate Considerations

4.1 Consultation and Engagement

4.2 Ward Members were consulted on 8th January 2015 regarding the proposal to compulsory purchase 57 Lingfield Drive, Moortown, Leeds LS17 7HA. Any comments will be reported to the Environment and Housing Delegated Decision Panel.

4.3 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 not an 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.

4.4 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 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 neighbourhood
- Improving the quality of the environment.
- Improving housing conditions and energy efficiency

4.5 Resources and value for money

4.4.1 The property has been valued at £105,000.

4.5.1 The Compulsory Purchase expenditure will be met from the Leeds Neighbourhood Approach approved fund subject to receiving panel approval.

4.5.2 The proposals contained in the report 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 Lingfield Drive.

4.6 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.

4.6.2 Scrutiny process is not necessary under the ruling.

4.6.3 Confidential information is listed in Appendix 1

4.7 Risk Management

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

4.6.2 The time difference between acquisition and disposal together with 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.

4.7.4 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.

4.7.5 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.

4.7.6 Consequences of not going ahead with this scheme:

- Risk to local community safety due to 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 Moortown 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 Moortown area.

5 Conclusions

- 5.1 57 Lingfield Drive, Moortown, Leeds LS17 7HA is in a semi-derelict condition. It has been vacant at least since July 2009. The owner has informed the Council that she no longer wishes to be associated with it. Land Registry records show that the property is subject to a restriction under the Proceeds of Crime Act 2002. There is to be no disposition by the owner of the property except with the consent of a Crown Prosecutor or under a further order of the Court.
- 5.2 The property is located in the Moortown area of the Alwoodley ward, 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 significant detrimental effect.
- 5.3 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 would be to leave the property to deteriorate further. It is clear that that is unacceptable.
- 5.4 It is the view of officers that the renovation and reoccupation of 57 Lingfield Drive, Moortown, Leeds LS17 7HA is unlikely to be achieved without the intervention of the Council, 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.
- 5.6 Once acquired, it is the intention of the Council to dispose of the property in line with the agreed process for disposal of properties acquired through compulsory purchase (see appendix 6).

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 57 Lingfield Drive, Moortown, Leeds LS17 7HA.
- 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 for compulsory purchase to meet any claim for compensation that may arise subsequently from a claim by the title holder.
- 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, and 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 Moortown 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 form

Appendix 6 Disposal process for long term empty private sector properties

Appendix 7 Delegated Decision Notice

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.