



Report of: Head of Housing Partnerships and Housing Growth

Report to: Director of Resources and Housing

Date: 15th February 2021

Subject: Housing Act 1985: Proposed Compulsory Purchase Order - 9 INGLEWOOD DRIVE, SEACROFT, LEEDS, LS14 6HF

Are specific electoral wards affected? If yes, name(s) of ward(s): Killingbeck and Seacroft	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

- Part II and Section 17 of the Housing Act 1985 give Local Authorities the power to acquire buildings and land through compulsory purchase for the purpose of providing housing accommodation.
- Nottingham District Land Registry records indicate that the property is registered to Marjorie Ann Hellwig of 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF.
- The property proposed for compulsory purchase is 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF which is located within the Seacroft area of the Killingbeck and Seacroft ward in the constituency of East Leeds. It is a three bedroomed semidetached property of traditional brick cavity wall construction built post-WW2.
- The property has been empty for 18 years and is in a semi-derelict condition. The property has a market value of £92,450 and repair costs are estimated to be around £32,500 inclusive of VAT.
- Over the years, this property has continued to fall into a serious state of disrepair. In recent years works in default have been undertaken by Leeds City Council due to the front and rear gardens becoming so overgrown that access to the front and rear of the property has proved extremely difficult. While no access has been gained to the interior of the property, reports of a fire some time ago and water leaks at the property along with visual observations indicate that the interior of the property is

suspected to be in a semi derelict condition which requires significant internal refurbishment.

- The property has been valued by Leeds City Council's Asset Management Team on the 3rd of November 2019. In light of Available comparative evidence, the valuer feels this property based on its size at 120m², 3 bedrooms could command a value of approximately £125,000, however deductions should be made for the assumed improvement costs required of approximately £32,500. Therefore the valuer feels this property should be valued at **£92,500**. No records could be found to confirm the original purchase value of the property.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The Compulsory Purchase of this property will aid the Council to achieve its ambitions of providing housing of the right quality.

3. Resource Implications

- The property has been valued at £92,500.
- The Compulsory Purchase expenditure will be met from the Leeds Neighbourhood Approach approved fund subject to receiving panel approval.

Recommendations

- a) The Director of Resources and Housing is recommended to:
 - 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 9 Inglewood Drive, Seacroft, Leeds, LS14 6H.
 - 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).
 - 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.
 - 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.

1. Purpose of this report

- 1.1 This report recommends that the Council seeks to exercise its powers under Part II, Section 17 of the Housing Act, 1985 to acquire by means of compulsory purchase the residential property known as 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF. The property has been vacant for 18 years and has fallen into a serious state of disrepair, both internally and externally. The elderly owner Mrs. Marjorie Hellwig is believed to be residing in Jersey and to date has failed to comply with all recent notices served upon her by officers of Leeds City Council; appertaining to 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF.

- 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 Currently, there are estimated to be about 12,000 privately owned empty properties in Leeds, of these approximately 2,800 have been vacant for more than six months. Vacant properties blight the city and can become a target for vandals and are vulnerable to crime, particularly 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 and vandalism. House prices of well-kept adjacent houses can be seriously affected. Yet the vacant properties are frequently much sought after by would be developers who want to buy and renovate them.
- 2.3 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF is a traditional brick built cavity wall construction with a pitched slate covered roof. The property is a post the 2nd World War built property which is located within the Killingbeck and Seacroft ward in the constituency of East Leeds. (See Appendix 2, plan showing the position of the property in relation to the Seacroft area).
- 2.4 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF is located approximately 5 miles from the city centre of Leeds. This property is located in LS14 just off the main A64 (York Road). This property is situated within an area of local authority housing and it is believed that this property was originally one of many properties which was the subject of right to buy. This property is located within a suburban area of the city, characterised by a wide range of property values. The property is considered to be in a highly desirable location given its close proximity to the city centre and major transport hubs leading into and out of the city.
- 2.5 The Council continues to work with communities to improve the sustainability of the areas where long term empty properties can be a blight on local communities. The service continues to target long term empty homes in all areas of Leeds, especially those like 9 Inglewood Drive, Seacroft, Leeds, LS14 6HF, which without direct intervention would not be returned to occupation and remain a blight on the community.
- 2.6 The accommodation comprises of two stories. The ground floor consists of a living room and dining room/kitchen. We have not been able to gain access to the inside of the property but we feel there are three bedrooms on the first floor and a bathroom. The property has gardens to the front, side and rear elevations with a driveway for parking to the side of the property, which is currently used by neighbours who use the driveway to deter fly tipping.
- 2.7 Council Tax records indicate this was a single occupancy dwelling, prior to it becoming empty in 2002 after the elderly owner vacated. Some months after, Mrs Hellwig informed council tax that there was no will and therefore, the property would be the subject of probate. Council tax records indicate that in 2004 Mrs Hellwig reported to council tax officers that probate had been resolved and as such she was now the new owner of 9 Inglewood Drive, Seacroft, Leeds, LS14 6H.

- 2.8 In 2011 this property came to the attention of Leeds City Council's Empty Homes and Loans team following a number of complaints concerning the general condition of the property. Over the next few months officers from the Empty Homes and Loans team issued a number of notices listing issues of concern associated with the property. While the owner, Mrs Hellwig appeared to engage with officers of Leeds City Council to undertake works, no works were actually carried out by the owner, Mrs. Hellwig, leaving officers from Leeds City Council's Empty Homes and Loans team to undertake the works in default.
- 2.9 In June 2018 following further complaints from local residents concerning the overgrown garden of 9 Inglewood Drive, Seacroft, Leeds, LS14 6H, officers from Leeds City Council's Empty Homes and Loans team, visited the property and noted the front and back gardens were badly overgrown. On the 28th of June 2018 officers from Leeds City Council's Empty Homes and Loans team served Mrs Marjorie Hellwig with a 215 Town and Country Planning Act notice which required her to undertake works on the property.
- 2.10 In July 2018 Mrs Hellwig, who resides in Jersey; contacted officers from Leeds City Council's Empty Homes and Loans team concerning the notice served. However while Mrs Hellwig spoke about arranging works to be undertaken, in actuality Mrs Hellwig made no arrangements to undertake any works. While engaging with Mrs Hellwig, officers from Leeds City Council's Empty Homes and Loans team spoke with Mrs Hellwig at length concerning her long term intentions for the property, however Mrs Hellwig stated it was her intention to move back into the property and refused to engage further on this matter; when advised the property required substantial refurbishment works before anyone could move in. Mrs Hellwig was advised that Leeds City Council could not continue to allow the property to fall into a dilapidated state and therefore action to Compulsory Purchase the property could not be ruled out.
- 2.11 In previous years Mrs Hellwig had been working with the empty Homes Doctor who specialise in offering services to owners of long term empty properties. However in August 2018 following a meeting between the Empty Homes Doctor and Leeds City Council's Empty Homes and Loans team, The Empty Homes Doctor reported they could not offer any further assistance to Mrs Hellwig, as Mrs Hellwig was no longer cooperating.
- 2.12 In August 2018 as no works on the property had been undertaken and having had no further contact from Mrs Hellwig, officers of the Empty Homes and Loans Team arranged for works in default to be undertaken at considerable cost to the council.
- 2.13 In July 2019 officers from Leeds City Council's Empty Homes and Loans team made a further visit to the property, 9 Inglewood Drive, Seacroft, Leeds, LS14 6H, whereupon it was noted both front and rear gardens were again badly overgrown. In addition the front ground floor living room window was broken and the side door was over boarded. The wooden window frames at the side of the property were in need of replacement as they were badly degraded with wet rot. Further issues were also noted for example, a fresh water rain pipe leading from the guttering at the side of the property was broken allowing the rain water to run off onto the side outbuilding roof. The lead flashing above the front door was in need of repair or replacement and the front door, while solid was untidy. It was also noted that the roof was in need of some repair as ridge tiles found to be missing. After speaking with neighbours, it was also reported that rodent activity was becoming a problem as neighbours had observed rodents coming from the rear garden of 9 Inglewood Drive, Seacroft, Leeds, LS14 6H which had become badly overgrown, providing the perfect environment for harbourage.

- 2.14 In July 2019 a further three notices were served on Mrs Hellwig concerning 9 Inglewood Drive, Seacroft, Leeds, LS14 6H. (Notice 1), 215 of the Town and Country Planning Act 1990 concerning the general state of the property and overgrown front garden. (Notice 2), Section 4 Prevention of Damage by Pests Act 1949 concerning the overgrown vegetation in the rear garden serving as harbourage for rodents. (Notice 3), Section 59, Under the Building Act 1984 concerning the waste water fall pipe and blocked gutters.
- 2.15 In September 2019 having had no contact from Mrs Hellwig concerning her property and the notices served in July 2019, a further 7 day letter was served on Mrs Hellwig advising her that Leeds City Council would begin works in default if she did not contact the Council to discuss the matter within 7 days.
- 2.16 In October 2019 having received no contact from Mrs Hellwig, officers of Leeds City Council's Empty Homes and Loans team instructed contractors to undertake works in default, on the fall pipe and gutters, and to clear the front and rear gardens of overgrown vegetation.
- 2.17 Records obtained from Leeds City Council's Sundry Income Enforcement Section list two outstanding debts for previous works in default, however in 2015 following unsuccessful attempts to correspond with Mrs Hellwig, Leeds City Council's Sundry Income Enforcement Section took advice from Leeds City Council's legal section whereupon it was decided to withdraw any and all legal action and referred the matter to an external debt recovery agency. Unfortunately the external debt recovery agency were also unsuccessful in recovering the debt and therefore in January 2016 it was decided that both invoices would be written off. (See confidential information Appendix 1).
- 2.18 In 2013 Mrs Hellwig was convicted in her absence under Section 216 (2) of The Town and Country Planning Act 1990 for failing to comply with Section 215 of The Town and Country Planning Act 1990.
- 2.19 Council Tax records indicate that over 10 years council tax remains outstanding for 9 Inglewood Drive, Seacroft, Leeds, LS14 6H. (See confidential information Appendix 1).

3. Main issues

- 3.1 Council Tax records show in 1995 the late owner of the property, Mrs Beatrice Petch, was taken into a care home where in October 2000 she passed away, leaving her daughter Mrs Marjorie Hellwig as next of kin. Council Tax records indicate this property has been empty since 2002 after the elderly owner vacated it 18 years ago. Council Tax records also show the property as being listed as void from 1994 following a fire at the property. In effect this property has been empty for approximately 26 years having been listed as void from 1995 to 2002 when council tax officially listed the property as a long term empty.
- 3.2 It is apparent that without the necessary authority to effect a change in ownership, this property will remain empty and unimproved where it will continue to be a source for complaint by neighbours, residents and Ward Members.
- 3.3 Over the years following 9 Inglewood Drive, Seacroft, Leeds, LS14 6H. becoming empty, officers from various departments of Leeds City Council have visited this property on numerous occasions since 2010 resulting in a number of legal notices being served on the owner Mrs Marjorie Hellwig who to date has failed to comply with any notices served.

- 3.4 Since 2011 officers of Leeds City Council's Empty Homes and Loans Team have sent over 21 pieces of correspondence, made over 25 visits, and issued 10 statutory notices concerning the general state of this property.
- 3.5 The property is currently abandoned and 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 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 the Decent Homes Standard, particularly having regard to the property values in the area. However, it will require a program of renovation to include the replacement of the external front door and combination window frames, the replacement of the front and rear entrance doors and frames which are rotten. In addition lead flashings above the front door are in need of replacement. The installation of a full central heating system, a full rewire, a new bathroom suite and kitchen facilities. The roof is in a very poor condition with a number of slipped or missing ridge tiles and in all probability is leaking. The guttering's on all three sides of the property will need replacing as will the glazing on the front living room window which is broken. The cement mortar pointing to areas of the chimney stack have perished and will need to be scraped out and repointed and the set pots will also require repointing. It is likely that the property is suffering from damp and therefore would benefit from the installation of a Silicone Injected Damp Proof Course. The cost of repairs to bring the property to a habitable standard has been estimated to be around £32,550.21 including VAT.
- 3.7 As part of the Council's process of monitoring long empty properties, site visits are made to assess conditions. Officers visited this property on various occasions between 2011 and 2020. In earlier visits, the gardens to the front and rear of the property were found to be badly overgrown and reports from local residents indicated the rear garden were providing harborage to rodents which were causing them distress. In July 2019 a Prevention of Damage by Pests notice was served upon the owner Mrs Hellwig. Also in July following a detailed inspection several more issues were noted, for example the side entrance was boarded up, and the adjoining window frames were found to be rotten and in need of replacement. The front door and combination windows were also found to be rotten and in need of replacement. The lead flashings above the front door and chimney stack flashings were missing along with some roof ridge tiles. It was also noted that the guttering's were choked with vegetation and a part of a fall pipe situated above the side extension was found to be missing. Following this inspection a number of formal notices were served under 215 of the Town and Country Planning Act 1990 and Building Act 1984, Section 59 which required the owner to rectify all the issues listed in the schedules. All notices served were not complied with and consequently the Council undertook some works in default. Unfortunately some works for example, to replace the door frames and windows along with works on the roof were not undertaken as the costs in undertaking these works would be considerable and therefore deemed inappropriate for Leeds City Council to undertake these works. More recent visits have confirmed the property to be still vacant and still in a state of disrepair.
- 3.8 Enforced Sale has been considered but any debt outstanding is considered too low to pursue that option.

- 3.9 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.
- 3.10 Given the neglect of the property over recent years and its derelict condition the proposal is for the Council to compulsorily purchase the property. The proceeds of the subsequent sale will be held by the Council for the following seven years pending a legitimate claim of entitlement.
- 3.11 The options available to the Council are to do nothing or to instigate the Compulsory Purchase Order procedures. To not act will lead to the further deterioration of conditions at the property, with consequences as outlined in section 4.6.6 below.
- 3.12 Officers have concluded that the renovation and reoccupation of 9 Inglewood Drive, Seacroft, Leeds, LS14 6H, is unlikely to be achieved without the intervention of the Council, the most appropriate action being to instigate Compulsory Purchase Order procedures.
- 3.13 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).

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members were consulted on 14th June 2019 regarding the proposal to compulsorily purchase 9 Inglewood Drive, Seacroft, Leeds, LS14 6H. There was no objection to the proposal.

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 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.

4.3 Council policies and the Best Council Plan

- 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 behavior in our communities
 - Increasing a sense of belonging that builds cohesive and harmonious communities
 - Increasing affordable homes within sustainable neighborhoods
 - Improving quality of the environment.

- Improving housing conditions and energy efficiency

Climate Emergency

4.3.2 There are no impacts on the Climate Emergency due to this decision.

4.4 Resources, procurement and value for money

4.4.1 The property has been valued at £92,500.

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 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 Inglewood Drive.

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 This is a Significant Operational Decision and is not eligible for call in.

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 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.

4.6.4 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 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.
- 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 Seacroft area.

5. Conclusions

- 5.1 9 Inglewood Drive, Seacroft, Leeds, LS14 6H is in a semi-derelict condition. Nottingham Land Registry records show that the property is registered.
- 5.2 The property is located in the Seacroft area of the Killingbeck and Seacroft 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 9 Inglewood Drive, Seacroft, Leeds, LS14 6H 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

- 6.1 The Director of Resources and Housing is recommended to:
- 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 9 Inglewood Drive, Seacroft, Leeds, LS14 6H.

- 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).
- 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.
- 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

7.1 None.

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.