

## **West Wiltshire District Council**

### **Empty Homes Policy**

#### ***Empty Homes – What types of property does this strategy relate to?***

It is important to define which properties are affected by this strategy, and those which are not. For the purposes of this document empty properties are those which:

- Have been unoccupied for six months or more

OR

- Have been unoccupied for less than six months but there are special circumstances (for instance, by inclusion on the 'Buildings at Risk' register, or seriously affecting adjacent properties)

OR

- Are occupied, but better use could be made of the space (for instance, space above a shop)

OR

- Are being 'squatted'

AND

- There is little reasonable prospect that the owner will be able to remedy the circumstances without advice, assistance or encouragement

Second homes are specifically excluded from this strategy

#### ***Objectives - Why are we trying to bring empty properties back into use?***

West Wiltshire is an area where demand for affordable housing exceeds supply, yet at the same time there are 500 houses which have been empty for 6 months or more. Some of these houses have been empty for up to 15 years. 192 households were accepted as homeless during the last twelve months. We currently have more than 3,200 households on our housing register, waiting to be rehoused. The ratio between average earnings and house prices is higher in the South West than any other region, making this the region with the least affordable housing. We are committed to meeting the government's targets for reducing homelessness, and we have a corporate objective to work with partners to do all we can to meet the housing need of the district and develop sustainable communities.

Bringing empty properties back into housing use reduces the pressure to build on green field sites, and can contribute to the supply of affordable housing. The effect of neglected empty properties on neighbourhoods is well known, and returning them to use can restore the image of and confidence in surrounding housing. Empty houses attract vandalism, drug taking and other forms of anti-social behaviour. Ensuring their occupation contributes to reducing crime and the fear of crime.

By encouraging owners to lease their empty properties as part of a scheme which guarantees a steady income stream, without the problems associated with property management, we can ensure that disadvantaged households can have access to private rented accommodation.

### ***Objectives***

- To maximise the use of empty homes and other buildings
- To minimise the need for development on green field sites
- To provide good quality, affordable housing
- To improve residents' quality of life by removing the nuisance caused by empty houses
- To contribute to the housing choices available to our residents
- To raise awareness of the issues presented by empty homes
- To support the Council's Corporate Priorities, the Community Plan, and the Housing Strategy

### ***Background***

This is the first empty homes strategy that we have produced for many years. There has been little concerted action in the District to date to tackle this problem, although we have achieved some success where we have worked with partners, e.g. the Warminster Buildings Preservation Trust, to encourage the improvement and occupation of a few empty properties. We have also been encouraged by the response to our revised Private Sector Leasing Scheme, run in conjunction with Sarsen Housing Association, which returned 35 empty houses to use in its first year.

In formulating this strategy, we have had regard to the advice produced by the Empty Homes Agency, the ODPM (particularly the implementation handbook 'Empty Property: Unlocking the Potential'), and to examples of good practice which have received national recognition.

The Council recognises that an effective Empty Homes Strategy requires resources. An important factor in the success of action on empty homes is the identification of a person to take day-to-day responsibility for implementing the strategy, to provide a contact point, and to take appropriate actions to bring houses back into use. From 2004/05, we have secured funding from our Preferred Development Partners (PDP) to employ a part-time officer to fulfil this role.

Our PDP consists of six Housing Associations :

- Guinness Trust Group
- Jephson Housing Association
- Sarsen Housing Association
- Somer Community Housing Trust
- West Wiltshire Housing Society
- Westlea Housing Association

We also have a current project to re-open 12 unused flats above shops at the Three Horseshoes Mall in Warminster, and have been working with the owners of the shopping centre and their agents. The project is nearing completion.

### ***Issues***

*'Re-using existing buildings is important not only to revitalising declining urban areas but also to sustainable development. They are usually supported by existing infrastructure and, overall, their re-use is likely to be more energy efficient and resource friendly than building new properties'*

Our towns and cities: the future – Delivering an urban renaissance (DETR, 2000)

*'This government is totally committed to reducing the number of empty homes to ease the pressure on housing stock and reduce the need to develop on greenfield'*

Keith Hill, Minister for Housing ('Inside Housing' magazine, 4<sup>th</sup> June 2004 )

*'Local planning authorities are expected to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites.'*

The Town And Country Planning (Residential Density) (London, South East England, South West England, East Of England And Northamptonshire) Direction 2005

In May 2003, the Government issued a consultation paper 'Empty Homes: Temporary Management, Lasting Solutions' which proposed the introduction of Empty Homes Management Orders as a potential tool to restore empty homes to use. The paper provides useful background information and reinforces the need for action. Chapter 3 of the consultation paper distinguishes various reasons why property remains vacant. There is a particular distinction between 'transactional vacancies' i.e. houses which are empty in the course of sale, and 'non-transactional vacancies'. It is important to recognise that a certain level of vacancy is necessary for the market to function, and also that different reasons for vacancy may require dissimilar solutions; properties which have been abandoned by their owners pose different problems to those which have been acquired for investment, for instance.

The Housing Act 2004 received royal assent on 19<sup>th</sup> November and, amongst many other significant changes, introduces 'Empty Dwelling Management Orders' (EDMO). EDMOs will provide a means for Councils to require owners of empty homes to bring them back into use and, where they fail to do so, to allow Councils to take over the management of the property. At the time of writing, the government has yet to make clear when this provision will come into force.

A further important exception is the issue of second homes. Although such houses can be a source of socio-economic problems where clusters of second homes arise in small communities, this is not considered to be a problem in our district, although we continue to monitor their scale and concentration.

The Local Government Act 2003 introduced changes to the law which will help the Council to respond to long-term vacancy. We have taken advantage of the new discretion to reduce the exemption from Council Tax for second homes from 50% to 10%. In other words, the owner of a second home must pay 90% Council Tax instead of the former 50% discounted rate.

We are currently reviewing the Council Tax discounts which are given to owners of long-term vacant properties, and giving consideration to how we can maximise the benefit to the District Council.

In 2003 we updated our Housing Needs Survey. This identified that there is a serious under-supply of affordable housing in the district, that house prices are increasing faster than average due to this shortage, and that first time buyers were being priced out of the market. It suggested that the annual shortfall in availability of affordable housing was 380 units, and that this level of demand exceeds the capacity for supply.

We need to plan for balanced communities, and there is a need for housing which is affordable to low income groups and key workers. This is particularly important as the social housing sector in the district comprises only 12.9% of the stock, compared to a national average of 19.3%. We have adopted Supplementary Planning Guidance which requires that 30% of housing in new developments shall be 'affordable', and this figure is increased to 50% for rural sites.

The Housing Needs Survey estimates that between 2001 and 2016, there will be an additional 8,700 households, an increase of 16.9%. It forecasts that there will be a large increase in single person households due to longer lifespan, separation and divorce, and new household formation by young people.

Despite the significant proportion of vacant houses, they do not appear to be the cause of high levels of complaint. However, we are already involved in a number of cases where long-term vacancy has given rise to disrepair affecting adjacent houses and neighbourhoods.

The past two years have seen a significant increase in the number of migrant workers who are employed in the food processing industries, principally in Trowbridge and Warminster. The influx of several hundred workers has considerable impact on the already stressed supply of cheap accommodation in the rented sector.

### ***Profile of the Council's Area***

The Council Tax database records 500 dwellings which have been empty for 6 months or more.

In addition to the long-term vacants listed in Council Tax records, the house condition survey identified 650 or so properties which were 'transactional' vacants (i.e. empty in the process of sale). These were in generally good condition, and it would be expected that most purchasers would carry out any necessary repairs on taking ownership, as transfer of ownership is typically the time that most major repair works are undertaken.

External survey of a sample of long-term vacants indicated average exterior repair costs at £2,400, representing a minimum expenditure requirement of £2.31 million, even without accounting for interior repair and refurbishment.

It is evident that empty houses are a waste of their owners' resources. The average sale values of houses in West Wiltshire (May 2004) is

Detached	Semi-Detached	Terraced	Flat/Maisonette	Overall
263,821	167,561	139,481	117,036	188,055

*Source: Land Registry Property Prices January to March 2004*

### ***Dealing With The Problem***

We receive complaints when empty houses start to adversely affect adjacent properties or the neighbourhood, and the severity and volume of these complaints inform our priorities. The Local Government Act 2003 now allows councils to use information held for Council Tax purposes to identify empty properties and their owners. We have created a database of vacant houses to record details and monitor progress. This is updated monthly from Council Tax records. We have used this information to contact owners to find out why their properties are standing empty, and to design approaches to assist them to bring them back into use. A survey form was sent to owners in November 2004, and received a rate of response of 55%. The survey form and an analysis of the responses are included at Appendix 1.

There are a number of potential partners who can help owners with empty homes. We will be working with the Building Preservation Trusts in Warminster and Bradford On Avon, and with our Housing Association partners to identify problem vacants and to draw together the necessary resources.

As well as the Council Tax records, we can obtain information about interests in properties from the Land Registry, and by serving requisitions for information under S.16 of the Local Government (Miscellaneous Provisions) Act 1976, or under S.330 of the Town and Country Planning Act 1990.

## ***What Solutions Do We Have?***

### Legal remedies

Section 79 Building Act 1984 – Ruinous and dilapidated buildings and neglected sites

Section 189 Housing Act 1985\* – Repair Notice in respect of unfit house

Section 190 Housing Act 1985\* – Repair Notice in respect of house in state of disrepair but not unfit

Schedule 10 of the Housing Act 1985\* – Recovery of expenses for action taken under Sections 189 and 190 allows attachment of rents or compulsory disposal of property where council has used its powers to carry out work in default of the owner.

Section 265 Housing Act 1985 – Demolition Order

Section 289 Housing Act 1985 – Clearance Area

Section 17 Housing Act 1985 – Compulsory purchase of land or houses for housing purposes

Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990 – power to execute works necessary for preservation of listed building or building in a conservation area

Sections 47 and 48 Planning (Listed Buildings and Conservation Areas) Act 1990 - Repair Notice for listed building or building in a conservation area, together with powers of compulsory purchase where notice not complied with

\*These provisions will be repealed by the Housing Act 2004, and will be replaced by Improvement Notices (Sections 11 and 12), Prohibition Notices (Sections 20 and 21) and Hazard Awareness Notices (Sections 28 and 29). Schedule 10 of the Housing Act 1985 is replaced by similar provisions in Schedule 3 of the 2004 Act

We can also deal with some of the more immediate issues arising from long term vacancy of buildings:

Section 80 Environmental Protection Act 1990 – Abatement of statutory nuisance

Sections 77 and 78 Building Act 1984 – Dangerous structures

Section 29 Local Government Miscellaneous Procedures Act 1982 – Protection of buildings

We will establish a priority list of 25 to 30 long-term vacant dwellings which we shall target as our main focus to bring back into occupation. We aim to reduce the number of houses which are empty for more than 6 months to 350 by 2010 (0.7% of the total private sector housing stock)

To encourage the return to use of empty homes, our new Housing Renewal Policy introduces Empty Homes Grants. These provide funding of up to £10,000 per target property to achieve the decent homes standard, and are repayable in the event of transfer of ownership or change of tenure within 20

years. There is an additional grant equivalent to the value of Stamp Duty Tax for a first time buyer who purchases, improves and occupies a target property.

In conjunction with Sarsen Housing Association, we operate a leasing scheme for houses in the private sector. The Housing Association leases properties from private landlords, which are then used to house tenants nominated by the district council. Although the return to the landlord is slightly lower than the usual private sector rent, the lease is paid even when the property is empty between tenancies, and there are guarantees for the owner about the condition of the property when the lease is terminated. If the property requires works to make it suitable for letting, we may be able to arrange to have them carried out and the cost deducted from the leasing costs. Not all houses are suitable for the leasing scheme; it depends mostly on their size and location, but we will advise owners if we think their empty houses may be eligible for the scheme.

Where appropriate, the Council will act as an information point to put owners in touch with prospective buyers of their empty property. We will not release information about ownership of a property to any other person, unless the owner concerned has specifically requested that we do. We will not, however, undertake general mailshots of owners on behalf of anyone else.

Building Preservation Trusts and other registered charities can access sources of funding not available to private individuals, local authorities or companies. This funding can come from bodies such as the Architectural Heritage Fund and the National Lottery. The Council itself has only limited funds for housing projects, and we therefore seek to work with partners who can provide funding for 'back-to-back' purchases where we need to use our powers of compulsory purchase, or to undertake management of houses subject to EDMOs under the new provisions in the Housing Act 2004.

### ***Enforcement***

As detailed above under 'Solutions', the Council has a wide range of powers which it can use to deal with vacant houses. The Council has signed-up to the government's Enforcement Concordat, and has published its enforcement policy which aims to ensure that any such action is fair, clear, consistent, and compliant with relevant legislation and guidelines. We recognise that adherence to these principles is particularly important where the course of action could have serious implications for the ownership of land.

Sometimes, the only way to deal with an empty property is to ensure that it is transferred to another owner. This may happen entirely voluntarily, but the council will usually start to prepare for a compulsory purchase order (CPO) in any case. This is because it takes a relatively long time to prepare for compulsory purchase, and early preparation can avoid delays if a voluntary sale falls through at a late stage.

Where the Council incurs expense in carrying out works to a property in default of an owner following service of a Repair Notice, we can apply to the courts to order the sale of the property so that we can recover our expenses. In the case of empty, publicly owned buildings, applications can be made to

the regional Government Office to request the sale of the property (a 'Public Request for Order of Disposal').

### ***The Way Forward***

Copies of this strategy are available through the council's web site [www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk) and from the Council's offices. Large print versions, translations into other languages, and audio-tape versions are available on request from the Council. Press releases to the local newspapers and advertisements in the press will alert people to the existence of this strategy, and we shall promote this policy at appropriate times throughout the year, particularly during Empty Homes Week, which is traditionally the last week in May of each year.

The Council's Corporate Plan aims to reduce the number of long-term vacant houses to less than 350 by 2010; this will require concerted action to achieve. In 2003/2004, we were able to help the owners of 38 empty houses to return them to occupation, largely because we had started our leasing scheme and were able to utilise resources set aside for that purpose. However, the leasing scheme is nearing its designed capacity. In its current form, the scheme will not be able to absorb any more houses, and we shall need to examine alternative ways to reach our target.

We shall continue to monitor the number and locations of properties which have been vacant for six months or more through the Council Tax database, and use this information to help us to determine priorities.

Our first approach will always be to help and encourage owners to bring vacant dwellings back into use. However, we shall intervene to use our legal powers where empty properties are adversely affecting neighbouring properties, where they have a detrimental effect on the neighbourhood, or where it is apparent that legal remedies are the best way of resolving issues of ownership or repair. We will also act to safeguard properties against deterioration of their fabric, particularly to houses which are listed as being of architectural importance, or within a Conservation Area.

This strategy will be reviewed between January and March each year, with the first review in 2007, and any revisions will be proposed for adoption by the Council in April as necessary. In addition to the national Best Value Performance Indicator 64 (houses returned to use by action of the Council) we have included a key performance target to ensure that the number of dwellings empty for 6 months or more is reduced to 350 by 2010. This represents a level of performance in the highest quartile of all Councils. All Council performance targets are monitored and reported upon each quarter, and action taken to identify the reasons for any under-performance.

### ***Resources to implement the strategy***

We receive funding of £6,000 per annum from our Housing Association partners towards the employment of an empty homes officer, and we have appointed a part-time member of staff to fulfil this role. As part of the Council's Customer First initiative, we will publicise contact details so that members of the public can have access to an empty homes 'hotline' via telephone or



email, to report empty homes. The empty homes officer will be responsible for carrying out research and publicity to encourage owners to make best use of their resources.

We have established close collaboration between the Housing Renewal Section and the Council Tax Section to ensure that we always have up-to-date information about the location and ownership of long-term vacant properties.

In summer 2005 the Council sold one of its redundant hostels for homeless households, and £100,000 of the receipts has been identified to support the cost of Empty Homes grants and First Time Buyer grants. Because these grants have a repayment condition which lasts for 20 years, it is likely that a large part of the outlay will be repaid to the Council. This funding will be recycled for these and future initiatives to control empty homes.

We will work with private developers and Housing Associations to undertake 'back to back' CPOs, where we will use our statutory powers to purchase empty homes and sell them on to partners who will undertake to improve and occupy them.

### ***The Empty Property Charter***

In October 2004, the Empty Homes Agency (an independent organisation supported by central government) launched their empty property charter. The charter says that all local housing authorities should have:

1. A commitment to tackle empty property within the housing strategy with challenging targets for getting properties back into use
2. A clear method of reporting empty properties
3. A dedicated empty property officer
4. A properly funded private housing assistance policy with the flexibility to offer grants to owners of empty properties
5. Publicity about "carrots and sticks" for empty property owners
6. Regular communications and information for empty property owners
7. A regular survey of empty property owners
8. A private sector leasing scheme
9. A joint multi agency approach to empty property work.
10. A private sector enforcement policy with a commitment if all else fails to using enforcement to bring properties back into use

This policy sets out our response, and we believe that the policy fulfils the requirements of the charter. We welcome any feedback about this policy, about empty homes in general, or reports of particular long-term vacant houses.

## **Appendix 1**

### **West Wiltshire District Council – Empty Homes Survey**

#### **Property Details:**

Owner Details:

If the details we hold about you are incorrect, please write the correct information in the box below:

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#### **1. Are you:**

Private individual .....	<input type="checkbox"/>
Limited company .....	<input type="checkbox"/>
Other (specify) _____	

#### **2. Is the empty property:**

A house .....	<input type="checkbox"/>
A flat/maisonette .....	<input type="checkbox"/>
Other (specify) _____	

#### **3. How many rooms (excluding the kitchen and bathroom(s)) are in the property? \_\_\_\_\_**

#### **4. How long do you think the property has been empty? \_\_\_\_\_**

#### **5. How did you come into ownership of the property?**

Bought as investment.....	<input type="checkbox"/>
Inheritance .....	<input type="checkbox"/>
Previous home .....	<input type="checkbox"/>
Other (specify) _____	

#### **6. Do you have a mortgage on the property?**

Yes.....	<input type="checkbox"/>
No .....	<input type="checkbox"/>

***Continued...***

**7. Why is the property empty?**

Undergoing repairs .....	<input type="checkbox"/>	To let .....	<input type="checkbox"/>
Planning to repair.....	<input type="checkbox"/>	Vacant while owner away	<input type="checkbox"/>
Can't afford to repair .....	<input type="checkbox"/>	Waiting for right time to sell..	<input type="checkbox"/>
For sale.....	<input type="checkbox"/>	Don't want trouble of tenants	<input type="checkbox"/>
Live in part of property ...	<input type="checkbox"/>	Awaiting probate/will .....	<input type="checkbox"/>
Keeping options open ....	<input type="checkbox"/>	Tax reasons .....	<input type="checkbox"/>
Second home.....	<input type="checkbox"/>	Planning restrictions.....	<input type="checkbox"/>
Other (specify) _____			

**8. What would most help you to bring the property back into use?**

Grant for repairs.....	<input type="checkbox"/>	Guaranteed rental income with no hassle	<input type="checkbox"/>
Help/advice to find a tenant	<input type="checkbox"/>	Professional help to manage repairs .....	<input type="checkbox"/>
Help/advice to sell.....	<input type="checkbox"/>	Low interest rate loan for repairs .....	<input type="checkbox"/>
Help/advice to find a letting agent	<input type="checkbox"/>	Nothing.....	<input type="checkbox"/>
Other (specify) _____			

**9. Who should provide help?**

District Council.....	<input type="checkbox"/>	Landlord Association.....	<input type="checkbox"/>
Bank/Financial Institution	<input type="checkbox"/>	Housing Association.....	<input type="checkbox"/>
No-one .....	<input type="checkbox"/>	Home Improvement Agency	<input type="checkbox"/>
Other (specify) _____			

**10. What do you expect you will do with your property?**

Sell it.....	<input type="checkbox"/>	A friend will live in it.....	<input type="checkbox"/>
Rent it .....	<input type="checkbox"/>	A family member will live in it .	<input type="checkbox"/>
Live in it myself .....	<input type="checkbox"/>		<input type="checkbox"/>

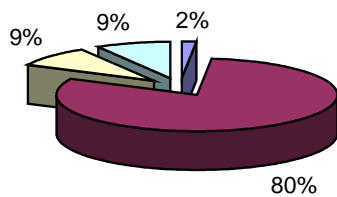
**11. How soon do you expect the property will be occupied?**

Less than 6 months .....	<input type="checkbox"/>	Within 5 years .....	<input type="checkbox"/>
6 to 12 months .....	<input type="checkbox"/>	Never .....	<input type="checkbox"/>
12 months to 2 years .....	<input type="checkbox"/>	Don't Know.....	<input type="checkbox"/>



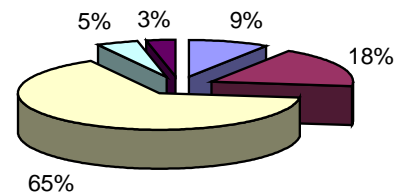
## Selected results from Empty Homes Questionnaire

**1 Owner Status**



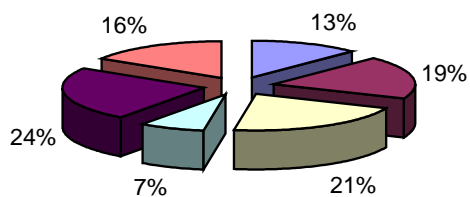
■ Not stated
■ Private Individual  
■ Limited Company
■ Other

**2 Property Type**



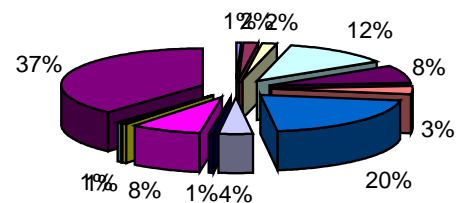
■ Bungalow
■ Flat
■ House
■ Not stated
■ Other

**5 Ownership Reason**



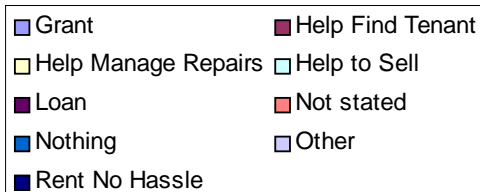
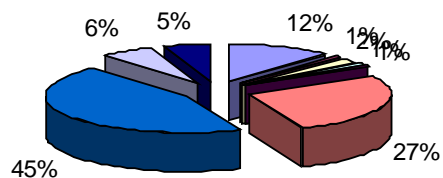
■ Bought to live in
■ Inheritance  
■ Investment
■ Not stated  
■ Other
■ Previous Home

**7 Empty Reason**

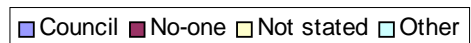
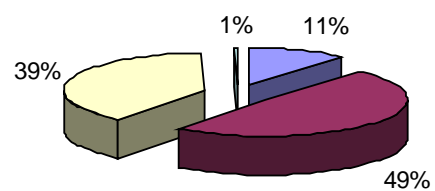


■ Awaiting Probate
■ Can't afford Repair  
■ Don't want tenant trouble
■ For Sale  
■ Keeping Options Open
■ Not stated  
■ Other
■ Owner Away  
■ Planning restrictions
■ Planning to Repair  
■ Tax reasons
■ To Let  
■ Undergoing Repairs

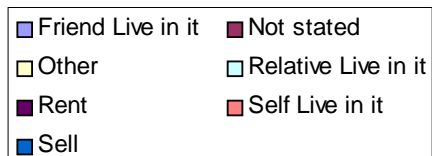
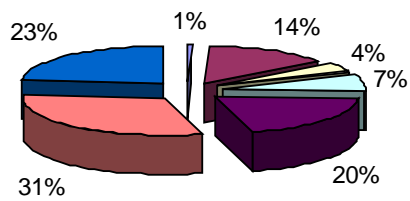
### 8 What Would Help



### 9 Who Can Help



### 10 Intention



### 11 When Occupied

