

NOTTINGHAM CITY COUNCIL

21 Sneinton Boulevard Nottingham NG2 4FG

COMPULSORY PURCHASE ORDER 2015

STATEMENT OF REASONS

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1 DESCRIPTION OF THE PROPERTY AND ITS CURRENT CONDITION

- 1.1 21 Sneinton Boulevard (the Property) is situated on a main road in the Sneinton area west of Nottingham approximately one a mile from the City Centre. The area is predominantly residential but also contains a range of small retail properties. The Property is in an area of affordable housing and has been empty for more than 7 years, it is unusual for properties in this area to be left vacant for substantial periods of time. The Property is shown on the attached Site Plan (appendix).
- 1.2 The Property is a late Victorian\Edwardian two storey end-terraced house built about 1890. It comprises a front lounge leading to a dining area and kitchen on the ground floor. There are two bedrooms and bathroom with a further bedroom on the second floor. To the rear of the Property there is a very small yard that is very overgrown and contains a large tree. The roots of this tree are causing damage to the communal entry but lifting the paving and causing it to be very uneven and the tree has in the past caused damage to the drains which had to be rectified by Seven Trent Water Authority.
- 1.3 The Property has been empty since 2007. The Property is in need of renovation work inside and out to bring it up to the decent home standard. The internal parts are in poor order and it is believed most of the electrical wiring is now defunct. There is no central heating, useable kitchen, or bathroom fixtures and fittings. There is evidence of a pigeon infestation to the upper floor and damage from water intrusion and vermin. A complete refurbishment, rewiring and potentially re-roofing will be required and the dormer window will need rebuilding and cladding. The perimeter wall which runs down the side of the communal entry collapsed due to the tree roots and the wall has never been reinstated.

2 SITE HISTORY

- 2.1 The Property was purchased by the current owner on the 23rd March 1977. The owner previously lived in the Property but is elderly and now lives in warden aided accommodation elsewhere in the City. There is no mortgage on the Property.
- 2.2 The Council first became aware of the condition of the Property on the 5th January 2007 following a walkabout with the ward councillor.
- 2.3 A land registry search carried out on the 8th January 2007 identified the owner.
- 2.4 Seven letters have been sent to the owner over the past seven years and 17 visits have been made to the owner between the 11th January 2007 and the 23rd February 2015. There is no evidence that the owner has made any effort to carry out any works on the Property or to clear or dispose of it despite

having been put in touch with a prospective purchaser and having initially indicated that that was her intention

- 2.5 The Council's Empty Homes Officer has contacted various agencies to try and obtain help and advice for the owner. In particular on the 10th September 2014 following a visit and a conversation with the owner, the Council's Empty Homes Officer made a call to Help the Aged requesting their assistance. The Empty Homes Officer was later informed by Help the Aged that their offer to assist was rejected and no further contact was made.
- 2.7 On the 23rd February 2015 a Notice of Intended Entry on land under the Local Government (Miscellaneous Provisions) Act 1976 was served on the owner demanding entry on the 4th March 2015.
- 2.8 On the 4th March 2015 the owner attended the inspection but indicated that she did not have the correct key to the Property with her. The Council had locksmiths in place to unlock the front door. The Property was entered by the Empty Homes Officer and the independent valuation surveyor. The owner did not go into the Property and did not express any interest in selling it or addressing the state of the Property. She was informed that the Council was left with no alternative but to pursue a compulsory purchase order on the Property.
- 2.9 On the 25th March 2015 Nottingham Council received the independent Property valuation report from Herbert Button & Partners Chartered Valuation Surveyors and Estate Agents. The Property was valued to be in the order of **£51,000 pounds** in its current condition at the time of survey.
- 2.10 On the 9th September 2015 a letter was hand delivered to the owner at her current address, indicating that it is the Council's intention to pursue a compulsory purchase on this Property and containing copies of all the letters which had previously been sent.

3 POWERS USED BY THE COUNCIL TO EFFECT COMPULSORY PURCHASE

- 3.1 The Council is seeking to use Section 17 of the Housing Act 1985 in conjunction with the Acquisition of Land Act 1981 to authorise the Council to purchase the Property for future use as housing accommodation. However in order to use this power the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 The Council seeks to acquire the Property in order to bring it back into use as residential accommodation. The preference would be to retain the Property as family accommodation.

- 3.3 The need for housing accommodation is dealt with in section 4 below. The compulsory acquisition will result in a quantitative housing gain in that an additional Property will be available for use as residential accommodation. As the Property is in a poor state of repair its compulsory acquisition will also lead to its improvement and as a result a qualitative housing gain.
- 3.4 No problems or impediments are envisaged in acquiring or disposing of the Property in the event of the Compulsory Purchase Order being confirmed. The Council has the finances available to make the acquisition and, if necessary, to renovate the Property. The Council does not, however, envisage any major problems in disposing of the Property in its current state subject to appropriately time scaled covenants relating to its renovation and use as residential accommodation.

4 STRATEGIC LINKS AND NEED FOR PROVISION OF HOUSING ACCOMMODATION IN NOTTINGHAM

- 4.1 The presence of long term empty properties in the City causes problems for residents not only because the value of their own properties is affected but also because their amenities are affected. This arises by virtue of the unpleasant appearance of such properties and problems often associated with vandalism, other forms of anti-social behaviour, fly tipping and pests. There is also general concern at the existence of empty residential accommodation which could provide much needed accommodation.
- 4.2 The Council aims to reduce the number of long-term empty private homes in the City. This aim is documented in the Housing Nottingham Plan 2013 -15 which is the principle policy document underpinning Nottingham City Council's housing strategy and in turn links to the Nottingham Plan to 2020. By tackling empty housing the Council aims to increase the supply of accommodation that is available both to let and buy. The existing housing stock is assessed to see how it can be used more effectively to increase supply thereby reducing the need to build new homes. By bringing long term empty homes back into use, they will be a benefit to our communities as they are often the source of nuisance and antisocial behaviour.
- 4.3 **The Housing Nottingham Plan identifies:-**
- An aim to bring empty homes back into occupation¹
 - A lack of family and larger family housing²
 - A moderately high and significant level of long-term empty homes in the City which it seeks to address (if necessary via compulsory purchase)³

¹ Pages 6, 9, 10, 18, 21, 31, 32, and 59 ² p29 ³ p33 and 40

- 4.4 The 2011 census showed a total of 131,194 dwellings in the City. Council Tax data for October 2015 indicates that there are 1411 long term (6mth +) vacant dwellings in the City¹. Numbers of recorded empty properties have dropped steadily over the past 5 years but there still remains a significant number of empty properties which could be in occupation.
- 4.5 There are 162 properties located along Sneinton Boulevard, 24 of which are in Council or Registered Provider ownership. 3 properties have been sold in the past 12 months at an average of £85,000; a 1.9% turnover². The combination of sale prices, tenure and turnover suggests that this is a stable residential area; and one where a long term vacant Property would stand out. House prices for terraced properties in the NG2 area have risen steadily in the recent past³
- 4.6 There remains a strong, and indeed unmet, demand for housing in Nottingham for social housing. The Council waiting list stands at 5325 households at 28th October 2015⁴, this represents a significant rise since April 2015 (3834). Bringing empty homes back into use directly increases supply and assists in reducing the demand for subsidised social housing.
- 4.7 To expedite the policy in the Housing Nottingham Plan, the City Council has a range of powers to address some of the problems associated with empty or derelict properties; for example, the service of abatement notices under the Environmental Protection Act 1990 or improvement notices under the Housing Act 2004 along with the potential use of works in default. However, the City Council recognises that service of legal notices such as these do not always achieve the long term solution which, for empty properties, is returning them to good quality residential accommodation. As a last resort Nottingham City Council recognises the need for the use of compulsory purchase powers to facilitate the return of empty properties to the housing stock. The use of such powers is usually with a view to a third party, normally a private purchaser, carrying out the renovation and returning the Property to housing stock within a specified period of time.

5 JUSTIFICATION FOR COMPULSORY PURCHASE

- 5.1 Compulsory purchase of the Property is justified to achieve the purpose described in section 3 above. The Council has had regard to Article 8 of the European Convention on Human Rights, and Article 1 of the First Protocol. Given the history of the Council's attempts to bring the Property back into use as residential accommodation detailed in section 2 above, the Council is satisfied that compulsory purchase is the last resort available to it in order to bring the Property back into residential use.

¹ data direct from Council Tax team 2014 ² Right Move Nov 2014 to Oct 2015 ³ Right Move Jan to June 2015 ⁴ Statutory Housing statistical return October 28th 2015

- 5.2 Article 8 of the European Convention on Human Rights provides a qualified right to respect for the home. As the Property is currently unoccupied, is not the owners home and they have not resided in it for at least 8 years the Council does not accept that Article 8 is engaged. However, even if it were, interference would be justified under Article 8(2) for the prevention of disorder or crime, for the protection of health or morals, and/or for the protection of the rights and freedom of others.
- 5.3 Article 1 of the First Protocol provides a qualified right to the peaceful enjoyment of possessions and that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The Council accepts that this right is engaged however it believes that compulsory purchase is necessary in accordance with the general interest to bring the Property back into use.
- 5.4 In the light of the above matters the Council is of the opinion that there is a compelling case in the public interest for the compulsory purchase of the Property.

APPENDIX – SITE PLAN