

**Long Term Empty Property Strategy for
Herefordshire
2021-2024**



Long term empty property strategy 2021-2024

1. Executive Summary.....	2
2. Strategic Aims.....	2
3. Introduction.....	3
4. What is an empty property.....	3
5. Why have an empty property strategy.....	4
6. National Context.....	5
7. New Homes Bonus.....	5
8. Local Context.....	5
9. Our approach to empty properties.....	5
10. Monitoring.....	6
11. Appendix 1	7
12. Appendix 2 Aim 1.....	8
13. Appendix 2 Aim 2.....	9
14. Appendix 2 Aim 3.....	10

Executive Summary

Empty private properties in Herefordshire have a significant impact upon their local environment and the community. They are also a waste of valuable housing resource which could be used to provide a home. The Empty Property Strategy for Herefordshire is effective from April 2020 and sets out how the council, with the support of its partners will reduce the number of empty properties in Herefordshire up to 2024.

The aim of the strategy is to:

‘examine how existing properties can be used to accommodate households with a range of needs, in particular to reduce demand for social housing, but also to ensure that the existing offer is utilised to meet the needs of the community as a whole’

There are three aims;

Strategy Objective 1

To maintain accurate information about the number of long term empty properties

Strategic Aim 2

Support owners of empty properties to return them to functional homes, making best use of the housing stock by providing advice, information and in some instances grants.

Strategic Aim 3

Bring empty properties back into use to increase the supply of quality, affordable homes for residents in housing need.

To deliver this strategy the preferred approach is to offer advice and assistance to encourage the owners of empty properties to bring their property back into use. There is a small budget to assist owners carry out works to properties to bring them to a standard whereby they can be occupied again. Through a designated grant scheme the council will work with empty property owners, there are conditions to grants, these include nomination rights and management of properties. Where partnership working does not achieve the desired result the council will act accordingly to take the appropriate enforcement action.

With limited resources the priority is to target empty properties in Hereford City and the market towns where the housing need is the greatest with rural properties being targeted that can meet a specific identified need or are causing a particular concern to the community.

Although the number of empty homes in Herefordshire is below the national figure as a percentage of overall housing stock, Herefordshire does have a shortage of housing so it is important to ensure that existing stock is utilised.

The strategy and action plan will be reviewed on an annual basis to incorporate changes in both local and national policy.

Introduction

Herefordshire is a rural county and covers some 840 square miles. The population stands at approximately 183600 (Mid 2001 Census Office for National Statistics 2011) with most people living in and around either Hereford city or one of the 5 market towns. There are many developments creating new businesses and new housing and yet, housing need continues to exceed supply and many people cannot afford to rent or buy a suitable home. There remains a need for more housing of all kinds.

Herefordshire Council has identified a need for 16500 new homes across Herefordshire between 2011-2031, of which 6500 are required within Hereford City 4700 within the 5 market towns and 5300 in rural settlements.

At the same time, a number of existing properties remain empty, the majority of which are privately owned. In January 2021 Herefordshire council tax records identified 284 empty properties, of which 261 have been empty for over 6 months. 146 of these are in the rural areas of Herefordshire, 56 in Hereford City and the remaining 60 split between the market towns.

What is an empty property?

There are broadly two main types of empty residential properties; transactional empty properties and long-term empty properties. Transactional empty properties are generally empty up to six months, usually due to a change in tenant or ownership and are part of the normal cycle of people moving house; though they may be empty longer should they be subject to major renovation works. Although transactional empty properties are less of a priority to the council, they can still present a concern should their condition become a hazard or contribute towards a poor street scene.

In some instances, a property may be empty or appear empty, but is not classed as empty. A property does not have to be used all the time to be classed as occupied. For example, if it is:

- A second home;
- A property which is part of a wider regeneration programme and could be in the process of being developed or marked for demolition;
- A property which has pending planning permission, could be waiting refurbishment or could be waiting for new occupants to move in;
- A property where the owner is living elsewhere to provide or receive personal care.

Homes that have been recorded as empty for more than 6 months are classified as long term empty by Herefordshire Council. The Ministry for Housing, Communities and Local Government (MHCLG) classes problematic empty properties as those that are inactive in the housing market and have been empty for more than 6 months.

Why do properties become empty?

Properties that have been empty for more than 6 months usually have an underlying problem. When properties have been empty for more than two years, it is likely that they will stay empty and decline without intervention. Long term empty properties can become a hub for crime and attract vandalism and anti-social behaviour. They can become run down, fall into disrepair, have overgrown gardens and blight the surrounding properties and neighbourhood. Neighbouring owners may be dissatisfied and may find their house value has diminished or may be difficult to let or sell. Bringing

long term empty properties back into use is a priority for the council and will contribute to increasing the supply of homes in the County.

Most empty properties are privately owned. There are many reasons for properties being left empty, some are easily categorised and other circumstances are more complex with owners having their own individual reasons for keeping their property empty. Some of the most common barriers that exist for owners of long term that are preventing them from returning their property back into use include:

- Issues with inheritance and/or delays with probate;
- Lack of finance to carry out necessary repairs and /or refurbishment;
- Perceived problems associated with letting of properties;
- Owner unwilling to bring the property back into use.

Why have an Empty Property Strategy?

Herefordshire Council is committed to tackling empty properties by adopting a proactive approach in supporting owners to help return their property to use. Empty properties constitute a wasted housing resource, both for individual owners and the local community. Long term empty properties can fall into a state of disrepair and become dangerous as well as having a negative environmental impact. A co-ordinated and sustainable approach can deliver and increase in housing supply, improved standards and reduce the number of empty homes.

Policy context

The National Context

Since 2010 the Government has placed considerable emphasis on the importance of returning empty homes to use. Statistics published by the MHCLG put the number of empty homes in England in October 2017 at 605897. Of these 205293 were classed as long term empty homes (empty for longer than six months).

In 2018 'Empty Homes' a national campaigning charity published a report entitled 'Empty Homes in England'. This report identified an upward trend nationally for empty homes in 2018 after 10 years of a downward trend. It made several recommendations that have also been published in the House of Commons Briefing Paper no.3012 June 2018, Empty Housing:

- Local authorities should have an empty homes strategy for their area, with the aspiration to reduce the number of long-term empty homes.
- Local authorities and social housing providers should seek funding and allocate resources to buy and refurbish empty properties for people in housing need.
- Local authorities should take a casework approach with owners of long term empty properties to encourage, advice and support them to bring homes back into housing use. Employing dedicated empty homes staff can ensure that the council is able to act on information about homes and build up expertise in working with owners, including taking enforcement action where necessary.
- Local authorities with concentrations of long term empty properties should look at how they can support community-based neighbourhood regeneration approaches.
- Local authorities, particularly in high value areas should conduct studies to understand the extent and impact of 'buy to leave' empty or hardly ever used. Where it is an issue, they

should review their measures they could adopt to incentivise people to sell or rent those properties, or not to buy properties in the first place with the intention of leaving them empty or hardly ever used.

Since April 2003, powers previously held by central government to vary the amount of council tax paid on some empty has been devolved to local level. The aim of this strategy was to further incentivise the reoccupation of long term empty properties by increasing council tax payable or by removing reductions or exemptions that were previously in place. Local authorities are now able to decide whether to apply a discount for properties empty for up to six months and those properties empty and in need of considerable renovation. There is also the option of imposing an 'empty homes premium' whereby council tax levels are increased by a percentage depending on the length of time they have been empty.

New Homes Bonus

Launched in April 2011 the New Home Bonus grant is paid by central government to local councils for increasing the net level of housing. This bonus is currently for every additional home paid each year for four years. The bonus is based on the amount of extra Council Tax revenue raised for new builds, conversion and long term empty properties brought back into use.

The scheme is intended to act as an incentive for local authorities to have effective empty property strategies. Rewards are only paid for a net increase in housing, meaning that local authorities could miss out on rewards for new homes built if empty property levels are allowed to increase. For 2020/201 Herefordshire Council's New Homes Bonus is £2,200,000. At a time when local government grant funding has significantly reduced, this provides an added incentive to bring properties back into use.

Local Context

Herefordshire is a rural area covering over 800 square miles, with around 191,000 people living in the area it is a sparsely populated rural district.

In common with councils throughout England there is a demand for housing in the county. In February 2021 there were 1112 active applications registered on Home-point for housing, in addition there were 38 duty accepted for homelessness] There is a pressure to increase the supply of housing and affordable homes in the district. The growth and demographics in population together with the median house prices adds pressure to the housing markets and brings challenges to meet housing needs.

Our Approach to Empty Properties

Where properties do become empty, the council will try and locate owners and starting with an informal approach will work with them cooperatively in an attempt to bring properties back into use. Generally this will take the form of offering advice and guidance. Where this is not successful the council will move onto enforcement against the owner to require the property be brought back into use.

The Council's approach to tackling empty properties is summarised as follows:

- Identify Empty properties and the owners to establish the reason why the property is empty.
- Provide advice and support to establish the most appropriate course of action to bring the property back into use.
- Where applicable process an Empty Property Grant application.
- Monitor the empty properties to ensure they are brought back into use within agreed and appropriate timescale.
- Where other interventions have failed, enforcement action is considered and taken where appropriated to ensure the property is brought back into use.
- Utilise tracing agents where owners have moved away and cannot be found or where owners are deceased and efforts to track beneficiaries to the estate cannot be found.

The Council follows an investigation process in order to trace owners of empty properties with a view to encouraging them to bring their properties back into use. However, in certain circumstances it is not always possible to identify or make contact with owners, or owners are reluctant or unable to bring properties back into use.

Under these circumstance, if there is an imminent risk to health and safety the council will consider a number of enforcement options. The options available include but are not limited to:

- Empty Dwelling Management Order (EDMO) – Enables the council to secure occupation and responsible management of some privately owned houses and flats that have been empty for two years or more.
- Compulsory Purchase Order (CPO) – Enables the council to purchase and sell an empty property for the purpose of providing housing accommodation or facilities connected to housing accommodation
- Enforced Sale – Allows the council to force the sale of a property to recover debts owed to the council that are registered as a charge on the property.

A summary of the various enforcement powers that are available to the council in respect of property aesthetics, maintenance and addressing long term empty concerns are described in Appendix 1.

Monitoring

Progress against the strategy will be reported quarterly. To ensure the aims of the strategy are met, the objectives for each aim can be found in Appendix 2.

Appendix 1 – List of enforcement legislation

The principal legislation used to deal with derelict and vacant properties can be summarised as follows:

Local Government (Miscellaneous Provisions) Act 1976 - Section 16

Power to require information in respect of the ownership of a property

Prevention of damage by Pests Act 1949- Section 4

Power to require works to destroy pests

Local Government (Miscellaneous provisions) Act 1976 – Section 29

Power for premises to be secured against unauthorised entry

Environmental Protection Act 1990 – Section 80

Power to require abatement of statutory nuisances.

Town and County Planning Act – Section 215

Power to remedy land adversely affecting the amenity of a neighbourhood

Law of Property Act 1925 – Section 103

Power to force the sale of a property

Local Government (Miscellaneous Provisions) Act 1976 – Section 15

Power to enter the property to undertake a survey for Compulsory Purchase Order (CPO) purposes.

Housing Act 1985 – Section 17

Power to acquire land and houses by CPO

Housing Act 2004 Part 4, Chapter 2

Power to make Empty Dwelling Management Orders (EDMO)

Planning and CPO Act 2004

Compulsory purchase procedures

Housing Act 2004 – section 133

Power to serve an interim EDMO

Housing Act 2004 – section 136 & Schedule 6 and 7

Notice of intention to serve a final EDMO

Appendix 2 Objectives against Strategy Aims

Priority 1:

To maintain accurate information about the number of long term empty properties

Key Action Requirement	Timescale	Responsible Officer (s)
Update and maintain the property database (Civica) containing information provided by Council Tax and collected through investigations, reviews, complaints and surveys	June 2021	Empty Property Officer
To risk asses known empty properties and provide proactive enforcement	Ongoing from April 2021	Empty Property Officer EHTS Officer (s) Planning enforcement officer(s)

Priority 2:

Support owners of empty properties to bring them back into use by providing advice, information and in some instances grants.

Key Action Requirement	Timescale	Responsible Officer (s)
To produce and empty property leaflet for owners of empty homes and members of the public	July 2021	Empty Property Officer
To develop specific web pages around empty properties detailing options for addressing empty properties	July 2021	Empty Property Officer
To promote annually the Strategy to the community to include Town and Parish Councils, to coincide with 'National Empty Homes Action Week'	February 2022	Empty Property Officer Strategic Housing Manager

Priority 3:

Bring empty properties back into use to increase the supply of quality, affordable homes for residents in housing need.

Key Action Requirement	Timescale	Responsible Officer (s)
Design and produce an empty property procedure with standard templates	April 2021- March 2022	Empty Property Officer
Review the current enforcement options for the enforced sale on empty properties	April 2021- March 2022	Empty Property Officer Internal Legal Officer
Review the potential for using tracing services to find empty property owners or owners of estates in the case of deceased owners.	April 2021- March 2022	Empty Property Officer
Review the current enforcement options for Empty Dwelling Management Orders and Compulsory Purchase Orders	April 2021- March 2022	Empty Property Officer Internal Legal Officer
Explore and develop local agreements with housing associations with a view to them leasing/purchasing empty homes for use as social housing	April 2021- March 2022	Empty Property Officer Environmental Health Officer Internal Legal Officer
To Explore internal Housing Management function to enable Empty properties, along with council owned stock to be managed in house	April 2021- March 2022	Empty Property Officer Strategic Housing Manager Environmental Health Officer Internal Legal Officer