

**The Housing Act 1985 (as amended)**

**And**

**The Acquisition of Land Act 1981**

**The County of Herefordshire Council**

**(2 Overross Farmhouse, Overross Farm)**

**Compulsory Purchase Order 2013**

**Statement of Reasons**

**Dated: 11<sup>th</sup> December 2013**

## **1. Description of the Order Lands**

- 1.1 The lands comprised in the above said Compulsory Purchase Order (“CPO”) is situated in Ross on Wye, South Herefordshire and comprises the land and property at 2 Overross Farmhouse, Overross Farm, Ledbury Rd, Ross on Wye, Herefordshire. HR9 7BN. (“the Order Land2) The site is approximately 0.05 hectares ( 476.18sq metres) (the Order Land)

The Order Land is situated in the northern neighbourhood of Ross- on-Wye, which is a market town. This neighbourhood is predominantly a residential area and is dominated by privately owned semi-detached & detached housing

### **1.2 The Order Land**

This is a semi-detached house, partly converted, in very poor condition, a shell with no floors or services, situated in a quiet cul-de-sac with garden to the rear. The area surrounding this property is typified by large areas of privately owned semi-detached housing built mainly between 1920 and 1990. The neighbourhood lies on the edge of the market town and close to an industrial park. (photos attached)

## **2. Special Considerations**

- 2.1 The Order Land is situated within existing residential estates. As such the County of Herefordshire District Council, known as Herefordshire Council (“the Council”) can confirm that there are no listed buildings, buildings subject to Preservation Notices, scheduled monuments, consecrated land nor special category land affected by the CPO, and the Order Land is not within any other designated areas such as Conservation Areas or Green Belt

## **3. The Case for Compulsory Purchase**

- 3.1 The Order Land ; has been empty since at least 1977. The building was an old farmhouse, divided into two semi detached dwellings, it was never fully converted. The Council became aware of this property in 1999 as a result of a number of complaints from local residents.
- 3.2 The Order Land is privately owned by one individual and in a state of obvious neglect and therefore impacts negatively on the adjoining property and surrounding community, as well as removing much needed family sized accommodation from a market with heavy demand. The owner lives locally and it is believed the owner is the freeholder of other long term empty property in Ross
- 3.3 The Council has made numerous attempts to encourage the owner to bring about the improvement and reoccupation of this property but the property remains neglected and unoccupied.
- 3.5 Outlined below is an overview of the Council’s involvement with this property. A case history outlining actions taken in respect of the Order Land is located at the Appendix of this Statement.

### 3.6 The Order Land

The Order Land first came to the attention of the Council in November 1999 when complaints were received, from the neighbouring property, reporting issues with damp on adjoining walls, due to the lack of windows and doors, rat & bird infestation, very over grown garden to the rear, and overgrown driveway to the front. This property has been in a very poor derelict condition since this time and is open to access at the rear

Upon receiving a complaint about any empty property, the Council carries out an external inspection of the property and determines its priority status. The level of priority awarded is dependent on the impact of the property upon local residents, in terms of criminal activities; anti-social behaviour; damage to neighbouring properties and the general appearance of the property. Greater priority is awarded to properties which are having a detrimental effect upon the local amenity and community. The Order Land has been determined as Priority 1 status and consequently funding has been secured to pursue this matter under compulsory purchase powers.

In 1999, the Order Land was already in a long term vacant state, which had caused the neighbours issues, and remained incomplete. It continued to deteriorate, despite many attempts to persuade the owner to carry out necessary repairs and maintenance.

Since it has been empty, the windows to the front have been broken and boarded up. The property and its curtilage are in a visibly poor condition. From the rear, as there are no windows or doors boarded up, it appears there aren't any floors remaining and birds appear to have taken residence within the building.

The overgrown gardens to the rear of the property may have led to the harbourage of rats. The elderly owner of the adjoining property endeavours to cut back the garden from her fence, as it has caused the dividing fence to collapse on several occasions. The gutter has also fallen down and causes issues to the adjoining neighbour.

Over the years, there have been numerous attempts to communicate with the owner to persuade the owner to either carry out repairs to bring the Order Land back into use, or to sell it privately (or private developer), on the open market, so that a new owner can bring it back into use. The Council has written to the owner and made formal offers to purchase the Order Land but the owner refused the offer, requesting above market value. The Council's Empty Homes Officer has offered to help the owner by providing advice and assistance, including grant schemes, but with no success. However, all attempts, to date, have failed, despite explaining to him that the Council would use compulsory purchase powers if necessary. To date the owner has not made an attempt to resolve the issues and try to bring Order Land back into use.

Despite the numerous offers of advice and guidance offered to the owner, since 1999, the owner has not carried out any works to improve or attempt to bring the Order Land back into use. The owner has attended pre-arranged meetings to discuss the various options available to assist him in bringing it back into use but shows no intention of doing so .

The Council has endeavoured to locate and work with the owner in the hope that, with the help of specialist officers, the owner will communicate with the Council's Housing Needs & Development Department to bring an end to this problem for the benefit of the wider community and the long suffering neighbours of this long term empty property.

Given the history of the Order Land, the Council is of the opinion that the compulsory purchase of it is now the only way of bringing it back into use. The Council considers that it has exhausted all options in trying to work with the owner so that the Order Lands can be voluntarily refurbished to prevent a continuation of the problems encountered by local residents.

Following Full Cabinet Approval, in April 2012, the Council therefore resolved to make a CPO to acquire the Order Land for housing purposes, under Part II, Section 17(1)(b) of the Housing Act 1985. This Statement forms part of the submission of the CPO to the Secretary of State for confirmation.

#### 4. Demand and Need for Housing

In accordance with Circular 06/04, the Council believes that there is a need for housing in Ross on Wye.

4.1 The high demand for council housing, is evidenced below by the Waiting List. Figures are from the Housing Strategy Statistical Appendix (HSSA)

Date	No on waiting list
April 2003	4878
April 2004	5686
April 2005	7740 (annual review clients reregistering)
April 2006	5377
April 2007	4193
April 2008	5314
April 2009	5217
April 2010	5064
April 2011	4873
April 2012	4747
April 2013	4820

4.2 The table below demonstrates the number of new tenancies created each year by the ho

Date	New tenancies created
April 2003/4	813
April 2004/5	772
April 2005/6	696

April 2006/7	735
April 2007/8	795
April 2008/9	846
April 2009/10	956
April 2010/11	807
April 2011/12	844
April 2012/13	701

4.3 With the high number of people registered for affordable housing on the Waiting List, it is necessary to look to the private sector to provide housing for those in need. The large number of private sector empty homes, if brought back into use, will help to meet this demand/need.

#### 4.4 Herefordshire Wide Statistics

The table of information below demonstrates further the level of supply of decent housing across Herefordshire.

<u>Type of data</u>	<u>Number</u>	<u>Source</u>
Total number of dwellings in Herefordshire	82,600	Housing Strategy Statistic Appendix (HSSA), 2013
Uninhabitable dwellings	41	Council Tax Data, October 2013
Vacant dwellings	1,114	Council Tax Data, October 2013o
Long Term Vacant dwellings	699	Council Tax Data, October 2013
Total number of households	80,000	Census 2011

4.5

Table below illustrates the number of households, as at October 2013 on the housing register waiting for housing in the Ross on Wye area.

<u>Type of property</u>	<u>No on waiting list</u>
1 Bed House	253
2 Bed House	99
3 Bed House	65
4 Bed House	8
5+ Bed House	3
Unclassified	
<b>TOTAL</b>	<b>428</b>

## **5. National, Regional and Local Context**

- 5.1 The number of empty homes within our communities is a major issue. This is a waste of valuable resources; reducing the supply of decent housing, blighting local communities and providing an opportunity for criminal activities and anti-social behaviour
- 5.2 Bringing empty homes back is a Government priority and is an important contributor to meeting the Government's housing and regeneration objective of creating mixed, sustainable and cohesive communities where people want to and can afford to live.
- 5.3 The Government's Green Paper; "Homes for the Future": More Affordable, More Sustainable (2007,) also states councils, as part of their strategic housing role, need to reduce the number of homes that are left empty for long periods of time and reiterates the need to make use of empty homes.
- 5.4 The West Midland Regional Housing Strategy June 2005 recognises the re-use of empty homes as an important way of increasing the supply of affordable housing. This document further states that there will be no justification for building new homes when acceptable existing stock is unused, in whichever sector or tenure.
- 5.5 The Council's strategic approach, outlined in the Empty Homes Strategy 2011-2013, aims to encourage, and bring about, the re-use and occupation of empty homes in the private sector, in order to address the issues and problems caused by the existence of empty homes.
- 5.6 The Council is both reactive and proactive to the issue of empty homes, by responding to, and dealing with, complaints and referrals from the community, elected members, colleagues and partners. Proactively, the Council offers extensive guidance and support, as well as various options to provide owners with choices on how to deal with their empty property; these include grant funding, voluntary acquisitions, a matching service with landlords who wish to find tenants through a Rent Deposit Scheme, and Leasing Schemes, including Housing Associations as managing agents.
- 5.7 In cases where the property is a priority, is having a negative impact on the local community, is in an area of high housing demand and the owner is uncooperative, the Council really has no choice but to consider enforcement action for the benefit of the local and wider community.

## **6. Proposals for the Land**

- 6.1 Should the CPO be confirmed, it is intended that the Order Land will be offered for sale at public auction, with terms of sale to include covenants that the dwelling will be improved to a Decent Homes Standard within an 18 month period from the date of disposal. The sale of the property,, and compensation paid to the owner, will be subject to any statutory deductions.

## **7. Quantitative/Qualitative Housing Gain**

- 7.1 If the CPO is confirmed there will clearly be a quantitative and qualitative housing gain: both increasing the number of decent homes for occupation and refurbishment of properties to a Decent Home Standard.

## **8. Compelling case in the public interest**

- 8.1 Taking into account the shortage of residential accommodation, and the number of people on the housing register, the Council believes there is clearly a compelling case, in the public interest, to acquire the Order Land to assist in meeting increasing housing needs. The Council also believes that this course of action is further supported by the community as this property has had a negative impact upon the local community for over 30 years and there is an absolute need to improve the visual appearance of this property, this action will also help to sustain the community.
- 8.2 As outlined above, complaints have been received from the neighbours of this property, requesting that the Council take action to bring the Order Land back into use so as to end the on-going issues for the adjoining property, and prevent further deterioration. Therefore, the Council believes refurbishment and reoccupation of the Order Land will clearly be in the public interest and will have a positive impact on the local community.

## **9. Human Rights**

- 9.1 In reaching its conclusion to make a CPO, the Council believes that it has considered all relevant matters in discharging its statutory duties under the Housing Acts and relevant ministerial guidance. This has included the principles enshrined in Article 1 of the First Protocol to the European Convention on Human Rights and Article 8. The Council considers that it is acting within its statutory duties with respect to the need to provide housing accommodation for a legitimate and proper purpose and within the public interest. It believes that it has acted in a proportionate and fair manner in reaching its conclusions.
- 9.2 In accordance with Article 8 (1), everyone has the right to respect for his/her property but Article 8 (2) allows the State to restrict the rights to respect for a property, to the extent necessary in a democratic society and for the certain listed public interest purposes.

- 9.3 By taking this course of action, the Council will not be denying the owner a home, given, as stated above, the Order Land has been vacant for over 30 years and therefore the Council believes the owner is suitably housed. Whilst the Council acknowledges that, if the CPO is confirmed, it will be depriving the owner of a long term investment, the Council has offered the owner various options to prevent the CPO course of action, which is a last resort. Options offered include grant funding, to help towards the costs of refurbishment, and then letting to a Housing Association; leasing to a Housing Association with a guaranteed rent once works were completed, advise on what options are available to sell the dwelling and formal offers to purchase from the Council on at least two occasions. The take up of the grant would have resulted in both a capital gain, as his investment would have appreciated in value, In addition, the owner would have received a guaranteed rental income for the Order Land from the Housing Association. Had the owner chosen to sell it by voluntary means, he would have received capital from the subsequent sale.. Given the assistance the Council has offered, the CPO is considered to be both necessary and proportionate in that the land to be acquired is necessary to provide housing in an area where there is shortage of accommodation and will thus be of a benefit to the public.
- 9.4 The second relevant article is Article 1 of the First Protocol, which provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of those possessions except in the public interest and subject to the conditions provided by law.
- 9.5 At a time of rising demand for social housing, the owner of this empty property has not shown any interest in carrying out repairs and moving into the property in his ownership. Subsequently, the Council believes the owner has not shown any responsibility towards the property or the local community, in terms of harm, visual impact nor housing potential.

## 10. Additional Information

- 10.1 The owner, or any persons with any interest, or who are interested in any aspect of the CPO, who wish to discuss this matter with the Council should contact the appropriate council named officer below:

Name	Further Information	Telephone	Address	Email
Mark Robinson	Legal queries concerning the CPO	01432-261870	Legal Services Shirehall, St Peters Square, Hereford, HR1 2HY	marobinson@herefordshire.gov.uk
Laura Lloyd (Wednesday sThursdays & Fridays)	Housing Needs & Development queries	01432 261905	Plough Lane PO Box4, Hereford HR4 0LE	lelloyd@herefordshire.gov.uk
Jane Thomas	Housing Needs & Development	01432 261910	Plough Lane PO Box4, Hereford HR4 0LE	jthomas@herefordshire.gov.uk



Suzanne Garlick	Market Valuation queries Property Operations - Estates and Valuation	01432 260689	Plough Lane, PO Box 4, Hereford HR4 0LE	<a href="mailto:sgarlick@herefordshire.gov.uk">sgarlick@herefordshire.gov.uk</a>

10.2 Copies of the Order, Order Map and this Statement of Reasons can be inspected during normal office hours at:

- Ross-on-Wye Customer Service Centre, Ross Library, Cantilupe Road, Ross-on-Wye, Herefordshire HR9 7AN (tel: 01989-260500)

and also on the website of the Council at: [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

10.3 This Statement of Reasons is not intended to discharge the Council's statutory obligations under the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 2007 but may be relied on as part of its obligations under the said Rules. Nor will it comprise the full representations of the Council pursuant to the Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004 should any objections to the Order be considered by the Written Representations Method. This statement is not a statement under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 2007 and the Council reserves the right to alter or extend it as necessary.

## 11.0 List of Relevant Documents

In the event of a Public Inquiry, the Council may refer to or put in evidence the following documents, but this is not intended to be a definitive list:

1. Compulsory Purchase Order and Plan
2. Compulsory Purchase and the Crichel Down Rules ODPM Circular 06/2004
3. Delivering a housing vision for the West Midlands in the 21<sup>st</sup> Century: Pathways of Choice. West Midlands Regional Housing Strategy June 2005
4. Empty Homes Strategy 2011-2013
5. Cabinet Report (open edition) and Minutes of Cabinet decision dated 5<sup>th</sup> April 2012

## Appendix

### Overview of Case History for 2 Overross Farmhouse, Overross Farm, Ledbury Road, Ross on Wye, Herefordshire

<u>Date</u>	<u>Action</u>
02.02.1977	Planning permission granted for the conversion of the property into two dwellings but the permission was never implemented for number 2 Overross farmhouse
Sep & Nov 1997	Council served notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requesting Mr Cropper, the owner of the property, to provide details of interest in the land, neither of which received a response.
17.02.1997	Completion Notice served by the Secretary of State under Town and Country Planning Act 1990
16.03.1999	Owner returned Information Required for notice dated 08.11.2000
30.06.1999	Survey report done by Denise Bradley Lloyd
26.08.1999	Letter to owner from Empty Homes Officer, offering advice and assistance (notification of posting) – no response
27.10.1999	Letter of complaint received from adjoining property re condition of house and on-going issues as empty
29.10.1999	Letter to owner from Empty Homes Officer, offering advice and assistance – no response
06.01.2000	Letter to owner from Empty Homes Officer, offering advice and assistance – no response
06.04.2000	Open Market Valuation carried out
28.09.2000	Request For Information Notice served – Section 16 of Local Government (Miscellaneous Provision) Act 1976
03.10.2000	Land Registry confirmed property is unregistered
01.11.2000	Property inspected by John Burton Lead Surveyor & Susannah Burrage Enforcement Officer. Hand delivered second copy of notice (28.09.2000)
01.11.2000	Letter hand delivered to owner regarding no response to Information Request Notice – owner advised returned but unsure to what department
01.12.2000	Letter to owner chasing notice as not received (letter 28.09.2000)
19.12.2000	Letter to owner chasing notice as not received (letter 28.09.2000)
07.02.2001	John Burton, Lead Surveyor provided report of works required

20.04.2001	Completed requisition by owner for notice served 28.09.2000
23.07.2001	Works required and estimates from Denise Bradley Lloyd
03.08.2001	Letter sent to owner advising of intention to serve notice of improvement
23.08.2001	Repairs Notice served to owner under section 189 of the Housing act 1985
24.04.2002	Letter to owner from Geoff Hardy in Legal outlining the Council concerns and requesting his intentions
31.05.2002	Owner architect, J Kendrick, Counties Planning Consultancy, met with legal and planning enforcement - owner indicated he wasn't happy with cost of building reg fees. Owner is to submit planning application or Council will pursue CPO
14.06.2002	Letter to J Kendrick, Counties Planning Consultancy commenting on proposal for planning
05.07.2002	Chasing J Kendrick, Counties Planning Consultancy for response and reiterating offer to by property.
19.07.2002	Letter to owner, advising not getting response from J Kendrick, and Council have concerns
07.08.2002	K Matthew, Enforcement Officer met with owner on site
20.08.2002	Letter from K Matthews to owner confirming building control do not require an application to renovate as commencement had taken place under the original application and it remains valid and still necessary to submit planning application for conversion.
22.01.2003	Planning Permission granted to owner for conversion within 3 years Planning Ref: SE2003/0262/F
26.02.2003	Sharon Rivers, Empty Property Officer supported planning application
25.03.2003	Letter sent to owner advising support for application
01.10.2003	Letter to owner offering advice and assistance and requesting intentions – no response
02.06.2004	Letter to owner offering advice and assistance and requesting intentions – no response
18.10.2004	Letter to owner offering advice and assistance and requesting intentions – no response
23.11.2004	Letter to owner offering advice and assistance and requesting intentions – no response
01.04.2005	Letter to owner offering advice and assistance and requesting intentions – no response
09.06.2005	Letter to owner offering advice and assistance and requesting intentions – no response
15.07.2005	Letter to owner offering advice and assistance and requesting intentions and notified CPO maybe considered – no response
01.08.2005	Consideration given to CPO and viability of working with an Registered Social Landlord (RSL)
24.08.2005	Letter to owner chasing again – no response
07.09.2005	Legal wrote to owner requesting his intentions – no response
16.11.2005	Letter to owner offering advice and assistance and requesting intentions and notified CPO maybe considered – no response
19.01.2006	Letter to owner chasing again – no response
10.03.2006	Owner called to advise he has started renovation works to the property and would be completed later this year (2006)
13.03.2006	Letter to owner confirming telephone conversation

19.03.2006	Planning Permission expired as no work started
24.03.2006	Sharon River, Empty Property Officer inspected site – no work started
27.03.2006	Letter to owner to advise site inspected and no work started, requested new dates from owner
21.06.2006	Amanda Knowles, empty property officer, inspected site, no works started
03.07.2006	Letter to owner advising site inspection confirmed no work started
01.11.2006	Letter to owner going over property history & enquired if owner will be willing to sell to Council voluntarily & intention to CPO if no response – no response
15.01.2007	Letter to owner advising Council are taking CPO forward
21.02.2007	Valuation report completed
03.04.2007	RSL (Two Rivers) assessing viability of converting into two units on 'back to back' CPO
04.05.2007	RSL provide costs and grant level required
16.08.2007	Letter to P Keetch MP from M Willmont Planning Officer, advising of possible CPO
14.08.2007	Cabinet Member Approval gained for CPO with 'back to back' sale to RSL
Feb 2008	Letter sent to owner informing him of intention to make CPO and notice served under section 5A of the Acquisition of Land Act 1981 requiring Mr Cropper to provide details of interested parties
Jan – May 2008	RSL and Council reviewing options as may not be viable
21.05.2008	Updated valuation report completed
18.06.2008	Neighbour having issues with over grown trees that are diseased in the owner's property – passed to Environmental Health
25.06.2008	Letter to owner with offer for freehold of property and payment of legal fees, from Alison Hext Property Services –no response.
June 2008	RSL & Council working on Value for Money issues connected to development of site
14.08.2008	Letter to owner chasing lack of response to previous offer and once again offering the same offer from Alison Hext Property Services – no response
02.09.2008	Pursuing CPO, confirmed with RSL
17.02.2009	Alison Hext made enquiry with Edward Thomas in Planning to ascertain if planning would be granted for 2 units
04.03.2009	Edward Thomas, Planning confirmed there is not enough parking for two units as too far away from town centre and planning would not be granted
04.03.2009	Alison Hext requested new valuation, taking into consideration the new information that planning would not be granted for two units.
05.03.2009	Updated District Valuers Valuation report completed

27.03.2009	Council Letter to owner with offer to purchase
12.06.2009	Fax from Mr Cropper rejecting offer and seeking improved offer
13.08.2009	CPO on hold until RSL make agreement with Council
March 2011	Decision made by Housing Needs & Development to pursue CPO and if successful sell property at public auction as not enough grant funding available and scheme would not provide value for money
31.03.2011	Site inspection confirmed no work has been undertaken and still in very poor condition –requested Planning Enforcement, Environmental Health & Building Control to inspect site and to consider serving appropriate notices to help improve the site – non possible
10.05.2011	Neighbour called to complain about guttering that has come away at owners property– passed to Environmental Health
23.06.2011	Letter sent to owner offering range of advice and assistance to bring property back into use – no response
29.06.2011	Letter to owner regarding guttering and complaint – no response
14.07.2011	Letter to owner as no response and requesting site meeting with him on 28 <sup>th</sup> July 2011
27.07.2011	Owner left message saying he could not attend meeting and re-arranged for 5 <sup>th</sup> August 2011
05.08.2011	Site meeting with owner, Laura Lloyd & Hayley Crane – Offered grant assistance, leasing option, VAT reduction and advice on letting and selling options – owner not interested but may be willing to sell to the Council but would a much higher price – he was advised this was over true value but the Council would give it consideration
11.08.2011	Letter to owner confirming meeting and advice and assistance Council could offer
26.08.2011	Neighbour called to complain about garden
08.09.2011	Council letter to owner with further offer to purchase– no response
08.09.2011	Letter of complaint received from two neighbours regarding on going issues with empty properties
05.04.2012	Updated Cabinet Approval obtained
16.05.2012	Letter to owner confirming Cabinet approval for CPO and making a further offer
04.07.2012	Section 16 Notice (Local Government (Miscellaneous Provisions) Act 1976) served on owner
11.07.2012	Letters sent to neighbours confirming CPO action
18.07.2012	Complaints received from neighbours concerning overgrown condition of garden that is affecting their properties
26.07.2012	Letter sent to owner bringing to his attention complaints from neighbours regarding condition of garden.
16.08.2012	Further complaint from neighbours that no work carried out to improve condition of garden
10.01.2013	Site visit carried out by District Valuer to undertake updated valuation

31.01.2013	Further Section 16 Notice Local Government (Miscellaneous Provisions) Act 1976 request for information sent to Owner by Legal Team.
04.02.2013	Letter sent to owner confirming new valuation of property and offer of purchase
02.04.2013	Follow-up letter sent to owner by Legal Team stating court action would be considered if requested information on ownership not advised by owner
17.05.2013	Draft CPO submitted by Legal Team to DCLG Regional Office in Birmingham