

Empty Property Strategy

Purpose of this Strategy

Epsom and Ewell Borough Council is committed to bringing empty homes back in to use across the borough. The Empty Property Strategy has been developed to achieve this. The success of this strategy will make a contribution to the continued prosperity of the Borough and an increase in the supply of homes for the many households in urgent need. This strategy sets out the range of initiatives the Council has adopted to tackle the problem of empty properties.

We will achieve this by:

Establishing an Empty Property Group

In order to co-ordinate and progress the work around empty properties, an officer working group, the Empty Property Group, will be established and chaired by the Head of Housing and Community. Attendance at the group may vary, although could include representation from the following council service areas:

- Legal,
- Council Tax
- Environmental Health
- Housing services
- Housing Strategy.

The Terms of Reference for the Empty Property Group are:

1. To co-ordinate the council's activity around empty property
2. To monitor the level of empty property within the borough
3. To report to the relevant committee with recommendations when considering Empty Dwelling Management Orders, Compulsory Purchase Orders and Enforced Sale interventions
4. To consider eligible applications for funds from the Empty Property Fund in accordance with the process agreed by the relevant committee

Taking further action

The Council would always seek to bring empty properties back into use through discussion and negotiation with the property owner. However, where necessary and when this cannot be achieved through negotiation, the Council will explore and apply existing appropriate options (as outlined in appendix 1) to bring empty properties back into use.

Contact Information

Epsom and Ewell Borough Council Empty Property Group

Email: EmptyHomes@epsom-ewell.gov.uk

Write to us at:

Epsom and Ewell Borough Council
Empty Property Group
Housing and Community
Town Hall, The Parade
Epsom, Surrey, KT18 5BY

Website at www.epsom-ewell.gov.uk/residents/housing/private-rented-housing/empty-homes

Empty Homes Agency: source of information and the national picture:
<http://www.emptyhomes.com/index.html>

Appendix 1

Options for further action

- Compulsory Purchase Order (CPO)

The Council may consider the use of CPO to acquire land/property where the owner is not willing to act or sell the property by agreement. The National Planning Policy Framework encourages councils to use their compulsory purchase order powers to bring empty properties back to use. The threat of a CPO is often sufficient to bring about engagement.

- Enforced Sale

When the Council takes action against an empty property owner resulting in an unpaid charge against the property, there is an option to enforce the sale of the asset in order to recover the debt. This would bring about a change in ownership with the intention that this results in occupation of the property.

There is some similarity between CPO and enforced sale in that they both result in the change of ownership of the property. In managing empty properties, there are circumstances when one would be preferred above the other.

- Empty Property Fund

There are occasions when a property owner lacks the financial resources to bring their property back into residential use and/or are unwilling market the property at below market value. The result is a property that remains unused and inevitably deteriorates further, increasing the negative impact on the area with restoration becoming increasingly unviable.

As part of the strategy the Council has identified funds which will be available whereby empty property owners can apply for funds, subject to criteria, limits and

binding obligations to assist them in the repair of their asset. Full details of any financial assistance available under this fund including the terms for accessing the fund, the limits of funds available and the binding obligations will be published separately to this strategy.

- s215 notices

The use of section 215 Town and Country Planning Act 1990 notices to address land adversely affecting the amenity of the neighbourhood, are particularly useful in managing empty properties. Appropriately authorised officers can serve s215 notices to protect the amenity around an empty property.

- Other legislative powers

There are many other legislative powers that the Council can use to help manage empty properties. These include notices to abate statutory nuisances under the Environmental Protection Act 1990. The Prevention of Damage by Pests Act 1949 can be used where mice or rats are found on a property, the Housing Act 2004 gives powers to councils where particular hazards are identified at a property and the council can board up properties under the Local Government (Miscellaneous Provisions) Act 1982

- Empty Dwelling Management Orders (EDMO)

Where there is a property that has been vacant for more than two years and is being heavily vandalised or actively used for anti-social purposes it is possible to enact an EDMO. The Council must apply to a Residential Property Tribunal for approval of an interim order (which applies for 12 months), this is the first stage in the process and the tribunal must see evidence that the property has been empty for at least two years, as well as being heavily vandalised or actively used for anti-social purposes.

The regulations also require that the property be "causing a nuisance for the community", and that there is local support for the use of an EDMO. If granted, a final EDMO is in place for seven years, is renewable, and allows the Local Authority to 'step into the shoes' of the empty homeowner and bring the property back into use without ownership itself, transferring.