

Meeting:

COMPULSORY PURCHASE ORDER – 2 WOODSTOCK AVENUE REDDISH SK5 7HX

Report of the Corporate Director (Place) and Deputy Chief Executive

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To advise of the intention to purchase compulsorily long term vacant property, being 2 Woodstock Avenue Reddish Stockport SK5 7HX Stockport (**Property**). The Property is having a detrimental impact on the environment and amenity of the local area by reason of its dilapidated condition. A plan showing the location of the Property is attached

2. INFORMATION

- 2.1 Section 17 of the Housing Act 1985 contains provisions allowing Housing Authorities to acquire residential property compulsorily, subject to the Authority being able to demonstrate that certain criteria have been met. Any decision by the Council as Housing Authority to progress with the making of a Compulsory Purchase Order (**CPO**) must be a last resort where all other avenues to rectify the issues with a property have been exhausted and attempt to acquire by agreement have failed. The decision as to whether to confirm a CPO will ultimately lie with Secretary of State for Housing, Communities and Local Government. All persons affected by the potential compulsory purchase acquisition have the right to make representations to the Secretary of State, who may then decide whether the CPO must be considered at a public local inquiry, prior to reaching a decision in respect of the determination of the CPO.
- 2.2 Compulsory purchase powers should only be used where there is a compelling case in the public interest, as a last resort where attempts to acquire land by negotiation has failed and where there are no impediments to delivery of the benefits that the CPO is being made to deliver.
- 2.3 Where a CPO is confirmed, the Council will have 3 years within which to implement the powers within that CPO, such period running from the date of advertisement of the confirmation of the CPO within the local press. The powers within the CPO will allow the Council to obtain title and take possession of a Property. Following acquisition by the Council it is envisaged that the Property will then be offered for sale to the open market.
- 2.4 The timeline to confirmation of a CPO can vary depending on the complexity of the CPO and the prevailing circumstances –
- i. In the event of an unopposed CPO, where no public local inquiry is needed (i.e. where no relevant objection is made) the Council would expect to obtain

CPO powers within 5 months from the CPO being submitted for confirmation;

It is unusual for CPO objections to be lodged by owners who are unknown or known but cannot be traced. In such cases the process can be relatively swift with the Council acquiring the Property by operation of the powers within the CPO in matter of months, observing the statutory timescales prescribed by the process. This would mean that the Property could be offered for sale to the open market relatively quickly.

- ii. If a public local inquiry is required, where the CPO is successful confirmed compulsory purchase powers would be available within 8 to 15 months from the date that the CPO is lodged with the Secretary of State.

3.0 JUSTIFICATION FOR COMPULSORY PURCHASE

3.1 In deciding whether to progress with the making of a Compulsory Purchase Order, the Council as Housing Authority must be able to demonstrate due diligence in having regard to a number of factors, including:

- That the Property will be required for housing (i.e. that the Housing Authority can demonstrate a housing need);
- That the actions of the Housing Authority will ensure that the Property is returned to beneficial residential housing use;
- That despite repeated requests and warnings in line with the Authority's adopted processes, the owner has failed to respond or make reasonable efforts to bring the Property back into residential use;
- That the repair and improvement of the Property is a high priority when compared to others, (i.e. that the Housing Authority has considered the relative merit of taking such action against other empty property and unfit properties and can justify why the particular property has been selected); and
- That there is no reasonable expectation that the owner will bring the Property back into use within a reasonable time frame

3.2 In accordance with Government guidance, Stockport Council undertakes an independent assessment of housing need every 3 years. The 2019 Housing Needs Assessment (HNA) identified a significant shortage of housing across all tenures, especially affordable housing. In addition, there are currently over 6,500 households on the Council's housing register in need of accommodation, with over 3,500 being classed as in 'priority need'.

3.3 As the supply of housing within the Borough is currently unable to match projected demand it is important that any empty properties which could provide accommodation are brought back into the housing stock in order to increase supply.

3.4 The Council's Housing Strategy for 2016-2021 (**Strategy**) confirms that tackling empty properties is a key priority for the authority that will not only increase

availability of housing but also improve the amenity of local communities. The Strategy sets out the work that will be undertaken by the Council to bring empty properties back into use, with CPO being an ultimate sanction where owners are unable to be traced or are unwilling to work with the Council to ensure the properties can be occupied.

- 3.5 The remaining criteria listed in 3.1 will be addressed in section 4.0 where we detail the specific actions against the Property for which a CPO is sought.

4.0 PROPERT DETAILS: 2 WOODSTOCK AVENUE REDDISH STOCKPORT SK5 7HX

- 4.1 Plans showing the location of the Property are appended hereto.
- 4.2 The Property a two storey end-terrace built in the 1930's and has been empty since approximately 2012. The Housing Standards Team received 6 complaints regarding the poor state and condition of the Property between 2015 and 2020.
- 4.3 The Property is in a very poor dilapidated condition and has extensive damp and dry rot throughout. The owner is believed to have left the Property in 2012 and cannot be traced, despite significant efforts having been made by the Council's officers.
- 4.4 The neighbouring property has been adversely affected by damp and dry rot due to the condition of the Property, which had resulted in enforcement notices being served. Works in default are currently being undertaken due to ongoing damage that has been caused. The works are being carried out at a cost to the Council. Unless the Property is renovated to a satisfactory condition, it is believed it will continue to have an adverse effect on next door.
- 4.5 Numerous attempts have been made to contact the owner. Communication attempts have been on-going and have included the use of a professional tracing agent. All attempts have failed to bring about a satisfactory result.
- 4.6 A score of 125 out of a possible 179 on an inspection scoring matrix has been assigned to the Property, with the highest possible points allocated for: property condition, length of time empty and the amount of debt secured against the property. This makes the Property one of the highest scoring in the Borough.
- 4.7 The Property is impacting on the local environmental quality and the amenity of the local area and will not be brought back to use without intervention.

5.0 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 With regards to the financial implications involved with this action, funds were secured to undertake an initial project requiring CPO powers which was successful and saw two very long standing empty properties brought back to use. It is

proposed that funds that remain available following completion of this earlier project be invested into further CPO work such as that proposed by this Report.

- 5.2 The Housing Standards team recovered the expense with subsequent sales and by acquiring the next lot of properties one property at a time with available budget; we consider that the financial risk is very small. If the CPO is confirmed the Council will need to make a payment into Court in respect of the market value of the Property should the owner ever come forward at a future date after completion of the compulsory acquisition.

6.0 CONCLUSION

- 6.1 Despite all attempts and endeavours made to encourage those with the capacity to carry out much needed improvements, there is still no prospect of the Property described above being repaired and brought back into beneficial residential use as a unit of much needed housing stock in the foreseeable future.
- 6.2 Consequently there is considered to be no alternative, other than to resort to the use of CPO powers to achieve the desired housing provision objectives. Notwithstanding this the Council will continue to try to open negotiations with the owners of the Property if and when the opportunity arises.

7.0 RECOMMENDATION

- 7.1 That the Area Committee, Scrutiny and Cabinet:
- 7.2 Note the contents of the report and agree in principle to the use of CPO powers to acquire the land
- 7.3 Agree that powers to approve the remaining phases of the compulsory purchase process, including authorising and the making of an Order under Section 17 Housing Act 1985 (as amended) and all other powers as appropriate for the compulsory purchase of land to bring the empty property back into occupation are delegated to the Deputy Chief Executive.

BACKGROUND PAPERS

Location map attached.

Anyone wishing to inspect the above background papers or requiring further information should contact Mark Glynn on Tel: 0161-474-3700 or by email on mark.glynn@stockport.gov.uk