

# North Norfolk Empty Homes Policy

## Foreword

The Council has a stated ambition that ‘Everyone in North Norfolk should have the opportunity to buy or rent a decent home at a price they can afford, in a community where they want to live and work.’

To achieve this, it is important that the existing housing stock is used as efficiently as possible to meet the housing need and demand across the district. An important part of the efficient use of the stock is ensuring that the number of empty homes is as low as possible.

Properties become empty for a number of reasons and many are re-occupied within a short period of time. However in August 2014, across North Norfolk, there were 496 empty properties which had been empty for a period of at least six months. These properties are the focus of this Policy, as many will be or have been empty longer than they need to be, or will not be brought back into use without the provision of advice, support or enforcement action.

## What is an Empty Home?

The Council has defined an Empty Home as a property which is empty of people and has been unoccupied for six months or more. This aligns with the definition used in Council Tax legislation, which also feeds into the calculation of the New Homes Bonus payments to the Council. This Policy will therefore concentrate on bringing back into use empty homes which have been empty for more than six months.

## Why does a property become an empty home?

There are many reasons why a property becomes empty and is not brought back into use, for example:

- Owner is in residential care and would wish to return (but often is unable to do so)
- Owner has no clear use for the property
- Reluctance or inability to let or sell the property
- Unclear ownership or probate issues
- Being marketed for sale or rent at unrealistic asking price
- Property needs repair, improvement, refurbishment or complete redevelopment
- Lack of funds to carry out any repairs or improvements needed
- Bankruptcy / repossession or abandonment

## Why does it matter if a property is empty?

An empty property is a wasted resource; it is a property which is not meeting the need or demand for housing in the district.

In many cases when a property is left empty for a period of time the condition of the property deteriorates. This increases the costs of bringing the property back into use and can make it unaffordable for owners to carry out the required works. Once the cost of improvement works become unaffordable, it becomes increasingly likely that the property will continue to deteriorate.

Once an empty property is in a poor state of repair, it will often become an increasing concern to neighbours and frequently starts cause blight to the local area. In some cases, an empty property in poor repair can cause repair problems for adjoining properties, such as damp, or can attract rats and other vermin. Some empty homes also attract anti-social behaviour.

### **Identifying Empty Homes**

The Council will use a range of information to identify empty homes:

- Council Tax records - identification of all properties which have been empty for at least 3 months and which have been empty for at least 6 months.
- Valuation Office and Council records on properties which are in such a poor state that they are not charged Council Tax.
- Public reports of empty homes
- Complaints from members of the public, especially regarding local blight caused by the property in question

### **The Council's approach to reducing the number of Empty Homes**

#### **Summary**

The Council wants to encourage and support the owners of empty homes to bring their property back into use and so will work with owners to identify reasons why a property is empty and which actions are needed to bring the property back into use.

Working with the owner, the Council will then provide a range of information, advice and support to assist the owner to return the property into use within an agreed timescale.

However, where an owner of an empty home is not willing to work with the Council to voluntarily bring the property back into use within a set timescale, the Council will take appropriate enforcement action to ensure the property is brought back into use.

#### **Financial**

In recognition of the fact that some dwellings will remain empty for a short period as part of the normal operation of the housing market, the Council provides a 3 month period where no Council Tax is charged on empty homes.

Once a property has been empty for 3 months, the full Council Tax charge is applied. When an empty home has been empty for 2 years, the Council Tax increases, as the Council imposes a financial levy of 50% of the Council Tax charge, so the total charge then becomes 150%.

#### **Advice and Assistance**

The Council will explore all the options available to the owner, for example:

- Selling in the current condition
- Carrying out works prior to selling the property
- Carrying out works to enable the property to be lived in by the owner or for it to be rented out.

The Council will then provide information, advice and assistance to support the owner to pursue their preferred option which will result in the property being brought back into use within a reasonable timescale.

## Enforcement

Where an owner of an empty property is working with the Council to voluntarily bring the property back into use within an agreed timescale, the Council will not generally use its enforcement powers, unless there are overriding reasons to the contrary.

Where an owner is unwilling to work with the Council to voluntarily bring their property back into use, the Council will consider what enforcement action is the most appropriate to secure the re-use of the property. The Council may use one or a number of enforcement options in order to secure the occupation of the empty home. The Council's Enforcement Policy sets out the Council's general approach to enforcement action and the range of enforcement action available.

The range of powers available to the Council when considering enforcement action includes:

- Buildings Act 1984 sections 77 to 79 - allows the Council to require an owner to make their property safe, carry out works of repair or demolition or, if the owner fails to carry out the works required, or in an emergency, for the Council to carry out works in place of the owner. Housing Act 1985 section 265 - this allows the council to demolish a property if it cannot be repaired.
- Housing Act 2004 - allows the Council to serve notices to advice of hazards in the property, require works of improvement to be carried out to the property, or carry out works in default.
- Local Government (Miscellaneous Provisions) Act 1982 section 29 - allows the Council to require that the owner secures a property which is insecure as well as allowing the Council to secure an insecure property in an emergency.
- Prevention of Damage by Pests Act 1949 - allows the Council to require works or undertake works on behalf of an owner or occupier to prevent damage to buildings being caused by rats and mice (can include works to property or gardens).
- Public Health Act 1936- allows the Local Authority to require and undertake works on behalf of an owner or occupier to improve filthy and verminous properties.
- Town and Country Planning Act 1990 section 215 - this allows the Council to take action to require the owner to improve the appearance of an unsightly building or land (including gardens).
- Housing Act 2004 section 132: enables the Council to take control of and manage a property that has been empty for 2 years or more by way of an Empty Dwelling Management Order.
- The Housing Act 1985 section 17 - allows the Council to apply to the Secretary of State to compulsorily purchase empty homes to bring them into use where there is a proven housing need.

In some cases the Council may force the sale of an empty home:

- When the Council is owed at least £1000 on matters relating to the property and a charging order has been unsuccessful in recovering the debt.
- When the Council has carried out works in default and the owner has not reimbursed the Council's costs.

The use of powers to enter into an Empty Dwelling Management Order or to apply for a Compulsory Purchase Order will only be used when other attempts to encourage the owner of an empty home to voluntarily return the property into use

has been unsuccessful.

The Council reserves the right to use any other powers which are appropriate in order to bring an empty home back into use.

### **Monitoring and Review**

The number of long term empty homes and the number of empty homes which have been brought back into use through the Council's direct action will be reported at least six monthly, through the Council's performance monitoring arrangements.

This Policy will be reviewed every 3 years.

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