

MUNICIPAL YEAR 2010/2011 REPORT NO. 140A

MEETING TITLE AND DATE:

Cabinet 15/12/10 (for referral to Council on 26/01/11)

REPORT OF:

Director of Health, Housing and Adult Social Care

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Agenda – Part: 1

Item: 9

Subject:

EMPTY PROPERTY COMPULSORY PURCHASE ORDERS (CPO V)

Wards: ALL

Cabinet Members consulted:

Cllr Del Goddard, Regeneration and Improving Localities

Cllr Ahmet Oykener, Housing and Area Improvements

1. EXECUTIVE SUMMARY

This report invites Cabinet to recommend that Council authorises Officers to make Compulsory Purchase Orders (CPOs) on two empty residential properties whose owners have proved un-responsive to attempts by Officers to bring them back into residential use. The report also highlights Enfield's reliance on external funding to run its CPO programme and the necessity to identify and prioritise resources if Members wish to sustain momentum in 2011/12 and beyond.

2. RECOMMENDATIONS

Cabinet are asked to recommend that Council on 26 January 2011 **authorise:**

- 2.1 the making of two Compulsory Purchase Orders (Orders) in respect of the following properties under Section 17 of the *Housing Act 1985* and the *Acquisition of Land Act 1981* (as amended by the *Planning and Compulsory Purchase Act 2004*): 25 Canonbury Road, EN1 3LW, and 81 Croyland Road, N9 7BE, as shown on the plans (appendices 1-2) attached to the report;
- 2.2 the preparation of Orders, and supporting documentation and the taking of all necessary steps (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the Orders by the Secretary of State;
- 2.3 the acquisition of the properties (either compulsorily or by agreement) following confirmation of the Orders, the payment of compensation and statutory interest and the instituting or defending of proceedings where necessary;
- 2.4 the disposal of the properties in accordance with the Property Procedure Rules; and
- 2.5 the identification and prioritization of financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the North London Sub-Region is reduced or ceases in 2011/12 and thereafter.

3.0 INTRODUCTION: AN ENABLEMENT AND ENFORCEMENT APPROACH

- 3.1. The Ongoing Commitment: The Borough implements its *Empty Property Strategy* to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list currently stands at around 6,500. An estimated 1,900 households require a three bedroom property and at current levels of supply it would take 26 years to clear this existing backlog of demand. Enfield's corporate *Housing Strategy 2005-2010* contains a target to reduce the number of empty properties by encouragement and enforcement as well as identifying the use of CPOs where appropriate to maximise the use of the Borough's housing stock. On 1 April 2009 Council authorised the relevant Directors to continue to identify and prioritise resources in order to maintain an ongoing CPO programme to address the needs of the Borough. The Council's 2010 *Making Enfield Better* manifesto pledges to employ compulsory purchase to return empty homes that "*scar the environment*" to use.
- 3.2. London Context of Enfield's Empty Property Strategy: *The London Housing Strategy* (February 2010) recognises that where encouragement measures fail to bring empty properties into use, "*The Mayor encourages boroughs to use their powers of enforcement through legal sanctions, including the use of Compulsory Purchase Orders and EDMOs (Empty Dwelling Management Orders).*" The strategy views such work as a tool for increasing supply in London, aiming: "*To deliver and maintain a reduction in the number of long term empty and derelict buildings - transforming these into homes for Londoners*". The Mayor directed £60 million of Targeted Funding Stream (TFS) resources in 2008-2011 to support boroughs bring empty homes back into use. However, according to the Greater London Authority (GLA) and London Council's *A Framework for Devolved Delivery* published in August 2010: "*There is no certainty over what level of funding may be available*" after the 2008-2011 programme.
- 3.3. Programme Delivery: The *Empty Property Strategy* is implemented by the Empty Property Enforcement Officer (EPEO), who is seconded from the North London Sub-Region (NLSR), and the Empty Property Officer (EPO). Enfield continues to work in partnership with its NLSR partners (Haringey, Islington, Camden, Barnet and Westminster) and Sub-Regional staff to tackle empty properties. Within Enfield, the EPO, EPEO and Head of Private Sector Housing, oversee the day-to-day running of the strategy and meet on a weekly basis. They work in partnership with the representatives of Environmental Health, Legal, Property Services, Finance, Council Tax, Christian Action Housing Association, Planning and RSL Enablement. Legal and Property Services, in particular, play a significant role in processing CPOs, acquisition and disposal.
- 3.4. Enablement: The EPO, targets advice, support and grant assistance by way of the Grants and Nominations Scheme (GANS) at owners of empty accommodation, encouraging them to bring their properties back into use. Enfield receives supporting funding for the GANS scheme via partnership working with the NLSR.

- 3.5. Enforcement: The Use of Compulsory Powers report approved by Cabinet in 2003, states that where encouragement and assistance have been exhausted, enforcement action will be considered. Since 2007, 18 CPOs have been approved by Enfield. A total of 11 CPOs have been confirmed by the Secretary of State to date, demonstrating the success of the programme. Enfield has disposed of properties acquired by CPO within a few months. Encouragingly, the new owners have swiftly proceeded with renovation works. This proactive strategy has placed Enfield at the forefront of London's campaign to reduce the blight of long term empty properties.
- 3.6. NLSR Funding Support: Each CPO approved by the Council attracts a capital allocation from the NLSR of £20k. The 18 CPOs approved by Enfield have attracted a total of £332k. This allocation is intended to cover enforcement expenditure, i.e. Legal and Property Services costs and the salary of the EPEO.
- 3.7. Review of the 1997 Empty Property Strategy: In light of experience of implementing the CPO programme since its launch in 2008, a new *Empty Property Policy* is under development that intends to shape the future direction of empty property work in the Borough.
- 3.8. Sustaining an Enforcement Climate: There is ongoing evidence that a real threat of CPO is motivating some previously intractable owners into action. Continuing the CPO programme together with ongoing publicity is expected to perpetuate this enforcement climate. Mirroring experience of CPO work elsewhere, Enfield Officers have found that when Orders are *actually* made on properties, most owners eventually belatedly offer to renovate and occupy their properties by doing works themselves or selling. To ensure that owners do not renege on 11th hour proposals, the Council uses legally enforceable cross-undertaking agreements which negate the need for public inquiries and the associated costs (see 3.11 for more information about undertakings). The upshot is that the Council does not have to take possession and disposal action in relation to *every* property subject to a confirmed CPO.

The Properties Recommended for CPO: 25 Canonbury Road, EN1 3LW, and 81 Croyland Road, N9 7BE

- 3.9. Details of each property, including a case history, valuation and plan, are contained in appendices 1-2.
- 3.10. Officers have already served a number of statutory notices in respect of the properties that still have effect. The purpose of these notices is to identify the works necessary to make the properties free of category 1 hazards (what used to be described as "fit for habitation") and in reasonable repair, and highlight steps to remedy conditions that adversely affect the amenity of the area. Although these works are unlikely to be carried out by the current owners, after compulsory acquisition and disposal, future owners (social or private sector) will be expected to carry out the required works.
- 3.11. If an owner belatedly starts work, CPO action will continue until such time that works have been fully completed and the property returned to *full continuous residential occupation* to the satisfaction of the Council. In addition, each

owner has the opportunity to enter into a legally enforceable cross-undertaking agreement with the Council to achieve a mutually satisfactory outcome. This would mean that the Council undertakes not to implement the CPO within the agreed time period, but if the owner fails to carry out works, then the CPO is confirmed without objection. This negates the need for a Public Local Inquiry and all the costs involved in the Inquiry process. Where owners enter into a cross-undertakings, they will be expected to submit proposals of the works to be done and execute all works necessary to meet the Government's "Decent Homes Standard".

- 3.12. Compulsory purchase provides the only realistic prospect of these properties being brought back into residential use in the foreseeable future. The best contribution to the Council's quantitative and qualitative housing need would be achieved if these empty properties were returned to use for the purpose of low cost social housing. It is therefore recommended that the properties are offered, in the first instance, to an RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishing the properties, then the properties will be offered for disposal to the private sector at auction or through other acceptable disposal. Sale will be subject to a covenant to ensure the properties are fully renovated and occupied within a defined timescale.

Budget Implications of CPO Activity

- 3.13. The total value of these two properties is estimated at £455k based on current indicative valuations (assuming a reasonable state of repair). Once the CPOs are confirmed, title can be obtained after three months under a General Vesting Declaration (GVD). Properties are re-valued at the time the Council takes possession. The properties will be sold on to an RSL, at auction, or through other acceptable disposal. The compensation payable to a dispossessed owner is based on the market value of the property. An owner could make a claim on the Council for up to 90% of the Council's valuation immediately after the date of possession. This must be paid within three months of the claimant's written request.
- 3.14. Full Council agreed capital funding of £600k on 17 September 2008 (CPO II report) to cover the Council for any interim costs incurred in the disposal process, i.e. an outstanding mortgage or early compensation claim (see 3.15). In practice, most properties subject to CPO are sold on prior to compensation being claimed. There should be minimal delay between acquisition and disposal and therefore the costs associated with these CPOs are revenue since they do not provide any ongoing economic benefit to the Council. Therefore, this report outlines a revenue mechanism to address these cash flows. (See Financial Implications at 6.1.3.)
- 3.17 Where an owner cannot be traced, there is a statutory process that provides for unclaimed compensation to be paid into court. After a full period of 12 years following the date of the payment, section 29 of the *Local Government (Miscellaneous Provisions) Act 1967* enables the Council to make an application to the High Court to have the money transferred back to it.

3.18 The *Planning and Compulsory Purchase Act 2004* introduced an entitlement for former owners to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. The Act provides that the entitlement to basic loss payment is lost if the following criteria are all met at the time the CPO is confirmed:

- a specified statutory notice/order has been served on the owner;
- the statutory notice/order has effect or is operative; and
- the owner has failed to comply with any requirement of the statutory notice/order.

If the owners of the above two properties do not comply with the notices before the CPOs are confirmed, basic loss payments will not be payable. To date, only two confirmed CPOs are liable to potential basic loss payment claims, and a third confirmed CPO may follow if the owner breaches the cross-undertaking agreement. Therefore, there is a need for an initial contingency pot of £86k to be set aside to address potential claims. It is likely that as the empty property enforcement programme progresses, less properties will require the service of a statutory notice and the risk of having to make basic loss payments may therefore increase.

Associated Non-Recoverable Revenue Costs

3.19 An Empty Property Enforcement Officer (EPEO) employed by the NLSR has been progressing the borough's empty property enforcement work. Annual salary cost is £26k.

3.20 Legal Services: The in-house legal costs for processing the Orders are estimated at £4k per property. If there are objections and a Public Local Inquiry is required, a further cost of around £10k per property will be incurred.

3.21 Property Services: In-house property disposal costs (including inspection, valuation, insurance, liaison with legal services, negotiations with the owner / purchaser, security and maintenance) are estimated at £3,500 per property. This estimate does not allow for the possibility of a contested valuation, which could go to the Lands Tribunal. If sale to the private sector via auction is chosen, the auctioneer's fees are estimated at 1% per property inclusive.

3.22 Total estimated Legal and Property Services costs: The overall estimated Legal and Property Services costs per property (including possible Public Local Inquiry costs and an auction fee of around £2.5k) are £20k. It should be noted that so far only three out of the 18 approved CPOs have required a Public Local Inquiry. It should also be noted that the aforementioned costs exclude Admin expenses, Legal fees to evict unauthorised occupiers, etc.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 All attempts to negotiate with, and assist the owners of the above properties to return them back into use have been exhausted. An assessment of the most appropriate course of enforcement action was therefore carried out. All options were considered, namely, service of legal notices, enforced sale, EDMOs and compulsory acquisition. The latter was deemed the most appropriate under the circumstances and will achieve a permanent solution.

- 4.3 The other option the Council might pursue is to do nothing. This will avoid budgetary implications, but is not recommended in the light of Council's priorities. By failing to take the proposed action, empty and eyesore properties remain untouched and residences with category 1 hazards remain. Enfield's regeneration strategy is impaired and the Council:
- ceases to recover any outstanding money it is owed on properties;
 - sends out a signal that if owners ignore the Council, it will "go away";
 - will not attract the investment on building works that accompanies this programme; and
 - will not be able to achieve lasting change on these properties.

5. REASON FOR RECOMMENDATIONS

The compulsory purchase of the above properties, and their subsequent onward sale, will produce a quantitative and qualitative gain to the borough's housing stock, will assist in the achievement of the Council's housing strategies and will turn existing eyesores into much needed homes. They will address the Council's strategic supply, regeneration and sustainability objectives, together with the Mayor of London's expectations cited above.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 This report seeks agreement to proceed with two Compulsory Purchase Orders. The revenue cost of processing CPO orders is set at £20,000 each for which grant funding can be applied for through the NLSR in 2010/11. Enfield Council has a nominal allocation of £350k set aside by the NLSR in 2010/11 for empty property work (CPOs and GANS assistance). Once the CPOs in this report are approved by Cabinet, Enfield can claim an amount of £20k per property. Details of expenditure on two CPOs is outlined below:

Revenue implications 2010/11	Cost of 2 CPOs, £
Legal costs	8,000
Property Services disposal costs including valuation and insurance	4,000
Security and maintenance	3,000
Auctioneer's fees (1% of property valuation)	5,000
Public Local Inquiry if there are objections	20,000
Total cost	40,000
Funded by income from Sub-Regional Funding	-40,000
Net	0

- 6.1.2 There is a potential cost for basic loss payments as set out in paragraph 3.18 above. To date, only two confirmed CPOs are liable to potential basic loss payment claims, and a third confirmed CPO may follow if the owner breaches the cross-undertaking agreement. It is recommended that an initial

contingency pot of £86k is to be set aside to address potential claims. This will be funded from the Council's corporate contingency.

Basic Loss Payment Contingency Pot

Basic loss payments to dispossessed owners	Contingency required 2010/11
Basic loss payments of 7.5% of the value of a property subject to a maximum of £75,000	86,000

6.1.3 Title can be obtained under a General Vesting Declaration. On acquisition it is preferred that a pre-selected RSL will purchase the property from LBE immediately. However, if no such RSL is available there may be a minor time delay between acquisition and disposal, possibly at auction. If the property market falls between these two points in time there may be some loss of capital. The acquisition of a property and the disposal should be almost simultaneous and therefore the costs associated with CPOs in this context are revenue and would not qualify as capital since they do not provide any ongoing economic benefit to the Council. Any time difference in the cash flows to the Council will be recognised as debtors or creditors at the year end and an assessment will be made based on the circumstances prevailing at 31 March 2011 of the extent to which the Council's costs are recoverable.

6.1.4 There is no indication as yet of any grant funding in 2011/12 and at least nine of the previously approved 18 CPOs have the potential to incur further expenditure before a satisfactory outcome can be achieved. £212k funding is available in 2010/11 to finalise the CPOs previously agreed and in progress. The details of this is shown below:

Use of CPO balance at 31/3/2010	10/11	11/12	Total
	£	£	£
Public Local Inquiries and other legal costs	56,000	50,000	106,000
Disposal costs and auctioneer's fees	30,000	24,000	54,000
Staffing (0.5 FTE)	26,000	26,000	52,000
Total costs for 9 CPO cases remaining	112,000	100,000	212,000
Funded by CPO Grant balances at 31/03/2010	-112,000	-100,000	-
Total	0	0	0

6.1.5 Enfield receives its CPO funding through the NLSR who in turn received its budget via a bidding process from the GLA's TFS. As indicated in paragraph 3.2, the future of the TFS beyond 2010/2011 is uncertain at the time of writing (09 November 2010). Consequently, if Members wish to see the CPO programme continue at the current or an enhanced level beyond next year, it is recommended that the relevant Directors are authorised to give priority to identifying financial and staff resources to sustain the current CPO programme in 2011/12 and beyond.

6.2 Legal Implications

The Council has the power under Section 17 of the *Housing Act 1985* to compulsorily acquire land, houses or other properties for the provision of housing accommodation.

In exercising this power, the Council would need to demonstrate that the acquisition of these properties achieves a quantitative or qualitative housing gain. It would also have to confirm its proposals for the future disposal of the properties to prove that such proposals will secure the return of the properties to a habitable standard and back into use. Current practice is to dispose of such properties to the private or social sector with a contractual obligation to bring the premises up to a habitable standard within a defined time-sale.

In order to acquire legal title to the properties to facilitate their early disposal, the General Vesting Declaration procedure is recommended as the appropriate process to be adopted following confirmation of the Orders rather than the Notice to Treat procedure.

Once the properties have been vested in the Council, the disposal of them would need to be in accordance with the Council's Property Procedure Rules

In disposing of the properties, it is unlikely that the full costs of the initiation and implementation of the entire CPO process will be recouped and therefore a budget will have to be identified to meet these additional costs.

In respect of Human Rights, the Convention rights applicable to making of the Order are Article 1: Protection of Property, Article 6: Right to a Fair Trial and Article 8: Right to Respect Private Life and Family. It is not anticipated that Human Rights issues will be successfully raised in relation to these proposals.

6.3 Property Implications

It cannot be guaranteed that the capital funding for acquisition will be replaced entirely on disposal. As stated, the costs of the CPO process will be met out of revenue and in-house costs have been estimated. However, claimants are entitled to seek payment of their own legal and surveyor's fees as part of the compensation. It should be noted that in the event of the necessity of a referral to the Lands Tribunal to determine CPO compensation, additional costs may be substantial. If the disposal is to a RSL, it is important that the pre-selection of the RSL complies with the Council's Property Procedure Rules.

If a sale to the private sector by auction is chosen, then the auctioneer's fees will have to be taken into account, together with other relevant costs.

7. KEY RISKS

7.1 By taking the action proposed, the Council incurs the following risks:

- Refusal by the Secretary of State to confirm any CPO submitted.

- Although only likely to happen in the event of a sudden collapse in the property market, it is possible that a valuation may be higher than the resale value of the property. Any resulting shortfall would have to be funded from Council resources. (See Financial Implications under 6.1.3.)
- If the Council fails to deal with empty properties, it risks both a negative assessment of its strategic housing performance by Central Government and the Mayor of London and negative perception by residents of its ability to tackle the problems associated with empty properties.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The compulsory purchase of the above properties, and their subsequent onward sale, will contribute towards the Council's strategic and manifesto commitment to return empty homes that scar the environment to meet the needs of each area.

8.2 Growth and Sustainability

The compulsory acquisition and onward sale of these properties will produce a quantitative and qualitative gain to the borough's housing stock, will assist in the achievement of the Council's *Empty Property Strategy* and corporate *Housing Strategy 2005-2010*, thus addressing the Council's strategic regeneration and supply objectives, together with the Mayor of London's 2010 *London Housing Strategy*. In particular, tackling empty homes impacts on the local economy by attracting investment in building works (and associated employment opportunities) and generates revenue once vacant properties are reoccupied.

8.3 Strong Communities

Empty property can have a serious negative effect on the local community. In June of 2003 a survey produced by *Hometrack*, showed that empty properties devalue neighbouring properties by as much as 18%. Typical neighbourhood complaints associated with empty properties include accumulations of rubbish, rodent infestations, overgrown gardens and unsecured premises (attracting anti-social behaviour such as vandalism, drug taking and arson), all issues that mar the street scene and impact on saleability and property value. Bringing these properties back into use will inspire confidence in the locality and be a positive step in regeneration.

9.0 PERFORMANCE MANAGEMENT IMPLICATIONS OF THE CPO PROGRAMME

- Enforcement action to tackle vacant private housing where owners are unwilling or unable to return them to use, contributes towards regeneration, building sustainable communities and meeting local needs.
- Properties returned to use can minimise demand for Council resources, enabling these to be focused on other priorities. For instance, there will be a reduction in service requests as empty properties attract a disproportionate

number of complaints to Members and Council services such as Environmental Health.

- Acquiring properties under confirmed CPOs earmarks them for social housing.
- Sufficient resourcing together with effective corporate and partnership working are imperative to sustain the delivery of CPO activity.

Background Papers

Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.

Enfield's *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.

Enfield Council Housing Strategy 2005-2010.

The London Housing Strategy, February 2010.

Making Enfield Better by Delivering Fairness, Growth, Sustainability, Labour manifesto 2010

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**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2010/11
25 CANONBURY ROAD, ENFIELD, EN1 3LW**

Section 17 Housing Act 1985 and the Acquisition of Land Act 1981

**STATEMENT OF REASONS
(Addressing the requirements of *ODPM Circular 06/2004*)**

1.0 Description Of The Order Land, Summary Of History And Valuation

- 1.1 The Order area comprises of 25 Canonbury Road, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected since the death of the owner in December 2005. It has in that time proved to be a detriment to the amenity of the area, with a history of overgrown gardens and concern about the external deterioration of the property.
- 1.2 The property is a three-bedroom, mid-terrace house built at the beginning of the 20th century. Between 2000 and 2003, the Council paid a total of £7850.85 in grant aid towards repairs and disabled facilities.
- 1.3 Though the Empty Property Officer first spoke to the sister of the late owner in November 2007, it was not until June 2009 that he became involved in earnest. Despite continual attempts to encourage her to effect the renovation and reoccupation of the property; it has become evident that she is unwilling and/or unable to achieve this.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 21 October 2010 of £240k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).

2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale. However, the Council will continue to encourage the sister of the late owner to take steps to bring the property back to use.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list stands at 6,532 (excluding existing social tenants wishing to transfer). In particular, there is a very large demand for three bed properties. 1,903 households require a three bedroom property and 1,499 of these are in a reasonable preference category. At current levels of supply it would take 26 years to clear this existing backlog of demand for three bed properties. (The figures quoted are from 01 September 2010.) The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further 15 empty residential properties on 17 September 2008, 01 April 2009 and 11 November 2009. Council on 1 April 2009 authorised the Directors of Health and Adult Social Care and Finance and Corporate Resources to continue to identify and prioritise resources in order to maintain an ongoing CPO programme that is proportionate and appropriate to address the needs of the Borough. It is in line with aforementioned strategy, policy framework, commitment and practice that the authority is seeking to compulsory purchase 25 Canonbury Road.

3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 100,404 private sector dwellings, of which 3,917 are vacant; 3.9% of the private housing sector. 1,166 of these private empty properties have been vacant for longer than six months. Currently there are 6,532 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,854 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,284 at the end of August 2010.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 25 Canonbury Road is a three-bedroom, mid-terrace house that has been vacant for five years. Prior to her passing in 2005, the owner received a grant of £1,018.73 from the Council in January 2000 to assist with repairs to the property. In October she received a Disabled Facilities Grant of £4,975.62 from the Council for adaptations made to the property. The Council paid further grant aid of £1,856.50 towards the cost of repairs in February 2003. The Empty Property Officer first encountered the property in November 2007 during an empty property street survey being carried out across the borough. He telephoned the late owner's sister, who stated that she had not yet obtained probate and did not want to be sent any information about the

possibility of grant aid. In September 2008, the Council received a letter from a local resident expressing sadness that the property was “going to ‘rack and ruin’” since the owner died nearly three years prior. On 19 May 2009, the Empty Property Officer received a message from a neighbouring resident complaining about the overgrown garden that was growing through his fence and wanting something done about the vacant property. The following key events ensued:

Case History

- 3.2.1 01 June 2009: The Empty Property Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region) visited 25 Canonbury Road in connection with the complaint about the overgrown garden. The complainant said that he had not seen anyone visiting the property for a “long time” and was continuing to have problems with the overgrown garden.
- 3.2.2 15 June 2009: The Empty Property Officer wrote to the sister of the late owner to advise her that he received complaints from local residents about the property. The Empty Property Officer stated that he had visited the house and noted that the front garden was in an overgrown condition, the window frames were starting to rot and the property gave the general impression of being neglected and unoccupied. He reminded her of their earlier telephone conversation when she had explained that probate had not yet been obtained following the death of her sister in 2005. The letter advised that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 14 July 2009, when it was hoped he would be able to provide a full and concise plan of action within realistic timescales.
- 3.2.3 24 July 2009: The Empty Property Officer wrote to the late owner’s sister reminding her that he had written to her on 15 June 2009 and, apart from a brief and unclear telephone message, he had not received a response. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist her. He emphasised that it was very important that she contact him to discuss her plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the late owner’s sister was reminded that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the late owner’s sister to get in contact before 28 August 2008.
- 3.2.4 10 August 2009: The late owner’s sister sent a reply to the Empty Property Officer’s letters of 15 June 2009 and 24 July 2009 enclosing a completed requisition for information questionnaire dated 09 August 2009.

- 3.2.5 27 August 2009: The late owner's sister wrote to the Empty Property Officer to advise that she did "not wish to get involved with local authority grants or leasing schemes" and that: "Sale of the property on the open market or by auction is a possibility." Adding that she did not have "any specific plans at the moment" until she had exhausted "all the options". The late owner's sister stated that she would be making a further appointment with her solicitor in the near future and undertook to contact the Empty Property Officer as soon as she had any further information.
- 3.2.6 12 October 2009: The Empty Property Officer sent a reply to the correspondence from the late owner's sister dated 10 and 27 August 2009 noting her statement that she did not wish to apply for an empty property renovation grant due to the attached conditions. With regard her question about whether the Council could assist her carry out repairs or sell the property, the Empty Property Officer advised that the only initiative that helps with repairs to housing which is not a main home is the empty property renovation grant; an option she did not wish to consider. The Empty Property Officer also advised that the Council is unable to purchase privately owned properties. The letter noted that the late owner's sister was considering selling the property and her intention to "appoint a solicitor in the near future." The Empty Property Officer highlighted that he had continued to receive complaints from neighbours about the overgrown gardens and encouraged the late owner's sister to take any necessary action. The Empty Property Officer stated that while he was sympathetic to the history and sentimental value associated with the property, he was aware that the house had been unoccupied for almost four years and allowing the property to remain vacant, deteriorating and causing annoyance to neighbours was not an option. The letter reiterated that the Council, together with other Boroughs in the North London Sub-Region, have an active policy to compulsory purchase property if it is left vacant for a significant length of time; a route the Council only takes as a last resort, when other attempts to bring a property back into use have failed. The letter concluded by urging the late owner's sister to get in contact before 10 November 2009.
- 3.2.7 09 November 2009: The sister of the late owner wrote to the Empty Property Officer stating that the probate process had still not been concluded. Her letter further stated that she was still keeping her options open, did not have a specific plan of action and had been unable to deal with the overgrown gardens. She advised that she had an appointment with a solicitor and would hopefully be able to conclude the probate process.
- 3.2.8 23 November 2009: The Empty Property Officer wrote to the late owner's sister acknowledging receipt of her letter dated 09 November 2009. The Empty Property Officer explained that after checking some of the Council records, he was dismayed to see that in a letter to the Council Tax department, dated 15 January 2007, she had written a similar explanation stating: "I do not know the date for probate...but do not think it will be very long". The letter highlighted that despite the property being empty for almost four years and it being two years since he and other Officers had been in contact with her, it seemed that she was no nearer to reaching a satisfactory conclusion with regard returning the property to use. The Empty Property Officer stated that the Council would prefer the property to be brought up to a

satisfactory standard and occupied on a voluntary basis. However, given that the property had remained unoccupied with no satisfactory explanation, he was now left with no alternative other than to refer the property to a forthcoming Cabinet meeting during 2010 with a recommendation that the Council resolve to make a Compulsory Purchase Order (CPO). The Empty Property Officer urged the late owner's sister to contact him as soon as possible, and certainly no later than 22 December 2009.

- 3.2.9 21 December 2009: The sister of the late owner's reply to the Empty Property Officer's letter of 23 November 2009 advised that because of her husband's heavy workload, he had not been able to take her to the solicitor, but she hoped to get to the solicitor in the New Year. The letter confirmed that the front garden had now been "tidied".
- 3.2.10 14 January 2010: The Empty Property Officer spoke by telephone to a neighbour who had been forced to contact the late owner's sister about a broken window at 25 Canonbury Road. The neighbour also expressed concern about rodents in the gardens and stated that he was aware that a relative of the late owner's sister had offered to assist with clearing out the property.
- 3.2.11 01 February 2010: The Empty Property Enforcement Officer wrote to late owner's sister enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Tuesday 09 February 2010. She responded by telephoning the Empty Property Officer and it was agreed to reschedule the survey for 09 March 2010.
- 3.2.12 10 February 2010: The Empty Property Officer wrote to the late owner's sister to confirm her undertaking to be in attendance at the property on 09 March 2010. Enclosed with the letter was another notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* confirming the proposed survey on Tuesday 09 March 2010 between 1:30pm and 3:00pm. The letter strongly recommended the late owner's sister to finalise her legal affairs to enable her to make definite decisions about selling or letting the property. The Empty Property Officer requested her to confirm her plans for the property and provide fully detailed proposals and timescales for returning the premises to full time occupation.
- 3.2.13 09 March 2010: The Empty Property Enforcement Officer and Empty Property Officer conducted a survey. The late owner's sister and her husband were in attendance. The Empty Property Officer took photographs. The Empty Property Enforcement Officer advised the late owner's sister to give priority to addressing a severe leak to the rear of the main roof affecting the first floor rear room.
- 3.2.14 29 March 2010: The sister of the late owner wrote to the Empty Property Officer advising the date of probate for 25 Canonbury Road would be 19 March 2010.
- 3.2.15 07 April 2010: The Empty Property Enforcement Officer served an Improvement Notice under section 11 of the *Housing Act 2004* on the late

owner's sister requiring works to remedy category 1 hazards identified at the property.

- 3.2.16 20 April 2010: The Empty Property Officer sent a reply to the letter from the late owner's sister dated 29 March 2010 stating that he was pleased to hear that probate was complete and she was now free to make decisions relating to the future of the property. The Empty Property Officer enclosed a copy of the Council's "Building Confidence" list with the letter and advised that page 14 of the list featured a specific section on roofing contractors. The letter emphasised that it had now been six weeks since he and the Empty Property Enforcement Officer had visited 25 Canonbury Road when various defects were identified to the property and photographs were taken. At that time it had been agreed that not only did the property clearly require modernisation throughout, but there were also immediate concerns about the water penetration to the back wall of the rear (middle) first floor bedroom. The letter confirmed that the late owner's sister had indicated that it was her preferred option to sell the property once the outstanding probate issues had been resolved. The Empty Property Officer advised that on 19 April 2010 he had received a new complaint from a neighbour relating to concerns about the encroachment of branches from a tree at the rear garden of No. 25 together with ivy growth nearby. The late owner's sister was requested to arrange to look into this complaint and take any necessary action. The Empty Property Officer advised that he would re-contact her before 31 May 2010, by which time it was hoped that she would be able to confirm her definite plans for the property. The letter warned that the Council retained the option to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO.
- 3.2.17 20 April 2010: The late owner's sister wrote to the Empty Property Enforcement Officer to advise that she had instructed solicitors to sell the property.
- 3.2.18 10 May 2010: The late owner's sister telephoned the Empty Property Enforcement Officer to discuss the Improvement Notice in the light of her intention to sell the property. The Empty Property Enforcement Officer emphasised the importance of remedying the category 1 hazards and repeated the advice he gave on site on 09 March 2010 to give priority to addressing the severe leak to the rear of the main roof.
- 3.2.19 02 June 2010: The Empty Property Officer received a telephone call from a neighbour complaining about excessive ivy growth emanating from No. 25.
- 3.2.20 07 June 2010: The Empty Property Officer sent an email to the Planning Enforcement team requesting they investigate the neighbour complaint received on 02 June 2010.
- 3.2.21 02 July 2010: The Empty Property Officer spoke with the late owner's sister on the phone. She advised that title had now been transferred, but remedial works (prior to selling) had not started due to her husband's commitments. She hoped that works would start before the end of July 2010. The Empty Property Officer checked the Land Registry on 26 July 2010 and established

that title was still registered in the names of both sisters; therefore rendering her unable to sell.

3.2.22 27 July 2010: The Empty Property Officer and Empty Property Enforcement Officer made an unannounced visit to the property. There was no evidence of works having commenced. The front elevation appeared unchanged, but the condition of the rear slope to the main roof had deteriorated, in that there were three slipped slates and the roof was holed.

3.2.23 25 August 2010: The Empty Property Officer and Empty Property Enforcement Officer made an unannounced visit to the property. It was noted that the rear slope to the main roof had been repaired. No change was observed to the front elevation.

3.3 Human Rights Considerations

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

4.0 Proposals For The Use Of The Land

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

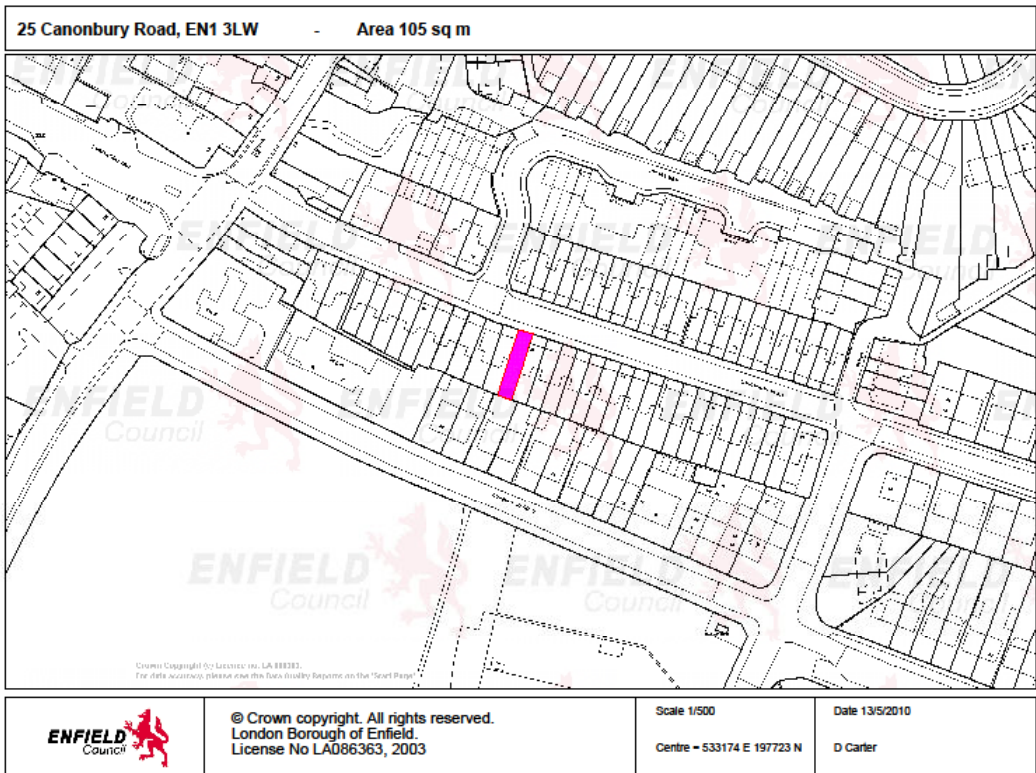
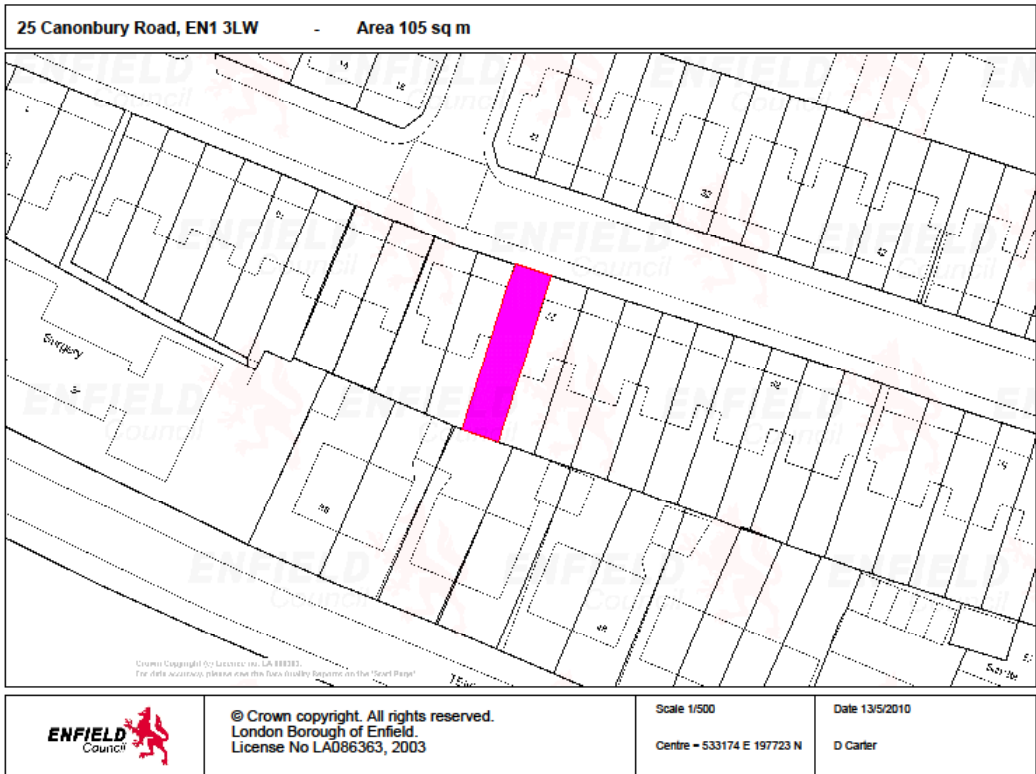
7.1 None are known.

- 8.0 **Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**
- 8.1 No obstacle or required prior consent applicable.
- 9.0 **Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**
- 9.1 No obstacle or required prior consent applicable.
- 10.0 **Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**
- 10.0 Not applicable.
- 11.0 **Any Other Information That Would Be Of Interest To Persons Affected By The Order**
- 11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: dave.carter@enfield.gov.uk; phone: 020 8379 4314, from whom further information can be obtained.
- 12.0 **Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**
- 12.1 There are no current related orders, applications or appeals.
- 13.0 **List Of Documents Likely To Be Used In An Inquiry**
- 13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.
- 13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.
- 13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.
- 13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.
- 13.5 Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.
- 13.6 *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.
- 13.7 Enfield's *Corporate Housing Strategy*.
- 13.8 *The London Housing Strategy*, February 2010.

13.9 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.

13.10 Empty Property Officer's case file on 25 Canonbury Road, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2010/11
81 CROYLAND ROAD, EDMONTON, LONDON, N9 7BE
Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS
(Addressing the requirements of *ODPM Circular 06/2004*)**

1.0 Description Of The Order Land, Summary Of History And Valuation

- 1.1 The Order area comprises of 81 Croyland Road, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected since 2008. It has in that time proved to be a detriment to the amenity of the area, with a history of Council involvement and enforcement with regard complaints about rodents and vermin, accumulations and overgrown front and rear gardens.
- 1.2 The property was originally a three-bedroom, mid-terrace house built in the late 1920s. Some conversion works have been undertaken, but these halted prior to March 2009. At the time of the initial internal inspection on 19 January 2010, a small “studio” flat had been created in the roof space and preliminary works consistent with the formation of a further three “studio” flats were observed to the ground and first floors.
- 1.3 The Empty Property Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region) initially became involved in March 2009. Despite repeated attempts to encourage the owner to renovate and enable the occupation of the property, to date she has failed to do so. Furthermore, to date, Officers have had no choice but to correspond with the owner via 81 Croyland Road as, despite numerous requests, no alternative mailing address has been forthcoming.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 21 October 2010 of £215k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).

2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale. However,

the Council will continue to encourage the owner to take steps to bring the property back to use.

2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted at a time when the number of households on the housing needs list stands at 6,532 (excluding existing social tenants wishing to transfer). In particular, there is a very large demand for three bed properties. 1,903 households require a three bedroom property and 1,499 of these are in a reasonable preference category. At current levels of supply it would take 26 years to clear this existing backlog of demand for three bed properties. (The figures quoted are from 01 September 2010.) The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.

2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further 15 empty residential properties on 17 September 2008, 01 April 2009 and 11 November 2009. Council on 1 April 2009 authorised the Directors of Health and Adult Social Care and Finance and Corporate Resources to continue to identify and prioritise resources in order to maintain an ongoing CPO programme that is proportionate and appropriate to address the needs of the Borough. It is in line with aforementioned strategy, policy framework, commitment and practice that the authority is seeking to compulsory purchase 81 Croyland Road.

3.0 **The Authority's Justification For Compulsory Purchase**

3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 100,404 private sector dwellings, of which 3,917 are vacant; 3.9% of the private housing sector. 1,166 of these private empty properties have been vacant for longer than six months. Currently there are 6,532 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,854 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,284 at the end of August 2010.

3.2 Justification for the compulsory acquisition of an empty property for housing use: 81 Croyland Road is a mid-terrace house that has been vacant since 2008. Between December 2008 and February 2009 Environmental Health investigated complaints relating to rats, mice and accumulations of rubbish to the front and rear gardens. The Empty Property Officer and Empty Property Enforcement Officer first visited the property on 23 March 2009. On 30 March 2009, the Empty Property Officer and Empty Property Enforcement Officer received an email message from a Senior Enquiry Officer in Enfield's Council

Tax department. The email stated that the owner was claiming for a Council Tax exemption due the property being uninhabitable as a result of building works at the address, but the Senior Enquiry Officer had been unable to gain access because the owner “never answers her phone.” The Senior Enquiry Officer added that she had spoken to the neighbours at No. 83 who complained that the back garden of No. 81 was full of rubbish providing harbourage for rats and mice that were entering their house. The following key events ensued:

Case History

- 3.2.24 08 May 2009: Following a Land Registry search that gave the owner’s address as 81 Croyland Road, the Empty Property Officer wrote to her at the premises to advise that the property had been identified as being unoccupied. The letter pointed out that following consultation with his colleagues in other Council departments, it was now clear to the Empty Property Officer that not only was the property a long-term empty property but it had also become an eyesore and blight for many in the local community. The Empty Property Officer indicated that he was also aware of reports about mice and rat infestations in and around the house and that even though there had been planning applications approved during 2008, apparently no meaningful work had so far occurred to fulfil this planning approval. The letter advised that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 08 June 2009, when it was hoped he would be able to provide a full and concise plan of action within realistic timescales.
- 3.2.25 24 July 2009: Further to his letter of 08 May 2009 and a subsequent telephone conversation with the owner, the Empty Property Officer wrote to her again via 81 Croyland Road. The letter confirmed that during their telephone conversation the owner had stated that she had been slowly undertaking renovation work to the property and hoped to have the project completed “soon”. The owner enquired about the possibility of obtaining grant assistance from the Council to complete the project. The Empty Property Officer explained that this was not appropriate in her circumstances due to the fact that she had stated that most of the “renovation” work was complete and the remaining tasks were “new build and conversion work”. The letter requested the owner to provide confirmation of when the property would be in a condition that will enable it to be occupied on a full time basis and supply a correspondence address. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist her. He emphasised that it was very important that she contact him to discuss her plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was reminded that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase

property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 28 August 2008.

3.2.26 21 August 2009-30 October 2009: Environmental Health began an investigation in response to a complaint about foxes, rats and a very badly overgrown garden from a next door neighbour. The investigating officer took photographs of the overgrown rear garden on 01 September 2009 and sent a letter to the property on the same day requesting the owner to clear away the rubbish and vegetation by 13 September 2009. As no works were done, the investigating officer again wrote to the owner on 01 October 2009 requiring her to ensure that the rubbish and vegetation is cleared away by 08 October 2009. The officer's case notes for 01 October 2009 comment that the owner had "refused to give any address for contact other than 81 Croyland Road." When the investigating officer revisited the complainant on 30 October 2009, he established that no works had been done and took further photographs.

3.2.27 15 September 2009: The Empty Property Officer wrote to the owner at 81 Croyland Road reminding her of his letters of 08 May 2009 and 24 July 2009 (enclosing a requisition for information questionnaire, which the owner failed to complete and return). In particular, he pointed out that he had received no response to the question in his letter of 24 July 2009 asking her to confirm when the property would be in a condition to enable it to be occupied on a full time basis after the completion of works. The Empty Property Officer reminded the owner that if the Council is unable to bring empty properties back into use, then there is no alternative but to consider the use of compulsory purchase powers to achieve this purpose. The Empty Property Officer stated that it was proposed to refer this case to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged to finalise her proposals and submit detailed written schedules of work for completion of the renovation of the property with estimates where appropriate; together with detailed written timescales for all of the work, outlining when she intended to complete each stage and a time when the house would actually be available for full time occupation. The owner was further urged to make contact as soon as possible, but certainly no later than 14 October 2009.

3.2.28 03 November 2009-10 February 2010: Environmental Health served a notice under section 4 of the *Prevention of Damage by Pests Act 1949* on 03 November 2009 requiring the owner to carry out full and comprehensive pest control treatment and remove all rubbish and vegetation that may provide habourage for rodents from the rear of the premises within 21 days. According to the investigating officer's case notes, despite a claim from the owner on 18 January 2010 that the rear of the property had been cleared and baited, his entry for 10 February 2010 remarks that: "Some rubbish and vegetation removed, but not really enough, backyard could still easily provide habourage for rodents. No evidence of pest control on the property either. Photos taken."

3.2.29 16 November 2009: The Empty Property Officer received a telephone call from the owner stating that she intended to start works in January 2010 and eventually occupy the property herself, possibly with lodgers.

- 3.2.30 10 November 2009: The Empty Property Enforcement Officer wrote to the owner at 81 Croyland Road enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Monday 16 November 2009.
- 3.2.31 08 December 2009: As the owner failed to provide access on 16 November 2009, the Empty Property Enforcement Officer wrote to the owner at 81 Croyland Road enclosing another notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Wednesday 16 December 2009. The letter warned that the Empty Property Enforcement Officer would be accompanied by a locksmith to provide access and re-secure the property against unauthorised entry after the survey.
- 3.2.32 14 December 2009: Following a telephone call from the owner to the Empty Property Officer, the Empty Property Enforcement Officer again wrote to the owner at 81 Croyland Road enclosing a further notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on Tuesday 19 January 2010.
- 3.2.33 18 January 2010: Following a telephone call from the owner, the Empty Property Enforcement Officer sent an email to her re-confirming the intention to proceed with the visit on 19 January 2010. The email warned that unless she or a representative were present to provide access, as advised in previous correspondence, a locksmith would effect access and re-secure the property against unauthorised entry after the survey. The owner confirmed that despite being aware of the proposed survey, she would be elsewhere (she mentioned Stoke) and had made no arrangement for anyone else to give access. She offered no explanation for why she regarded her non-attendance on the 19 January as more urgent or of greater priority than providing access to 81 Croyland Road. The Empty Property Enforcement Officer raised the correspondence that she had received from the Empty Property Officer since May 2009 and that despite requests; we had not received detailed written proposals from her outlining works and associated timescales for renovating and returning the property to full residential use. Although she said that she visited the property on a monthly basis, she said she could not recall seeing the Empty Property Officer's letter of 15 September 2009 advising that it was proposed to refer 81 Croyland Road to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO in respect of the property. The owner advised that she was calling from a mobile phone, but was not prepared to reveal her location. She supplied an email address but was unwilling to provide an alternative postal address. Despite undertaking to get back with an address once she had spoken with the people she was staying with, she failed to do so. The email confirmed that at the end of their telephone conversation, the Empty Property Enforcement Officer urged the owner to give priority to making arrangements for either herself or a representative to be present on the 19 January to give access at 2:00pm. Otherwise we would proceed as described. The owner was also requested to advise of these arrangements at her earliest opportunity.

- 3.2.34 19 January 2010: A friend of the owner provided access for the Empty Property Enforcement Officer and Empty Property Officer to conduct a survey. The Empty Property Officer took photographs.
- 3.2.35 23 February 2010: The Empty Property Enforcement Officer served an Improvement Notice under section 11 of the *Housing Act 2004* on the owner at 81 Croyland Road requiring works to remedy category 1 hazards identified at the property. A letter accompanying the notice reminded the owner that the Empty Property Officer's letter of 15 September 2009 had warned her of the intention to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO because of her failure to renovate and return the house to full residential use. The letter emphasised that despite the Council's intention to take compulsory purchase action, there was still an opportunity for her to finalise and submit proposals for bringing the property back into use and pointed out that the works specified in the Improvement Notice should be addressed as part of her refurbishment scheme for returning the property to use. The Improvement Notice and accompanying letter were also emailed to the owner on 23 February 2010.
- 3.2.36 01 April 2010: The Empty Property Officer received a telephone call from the owner confirming that she had received the Improvement Notice. She claimed that she was waiting for Building Control and Thames Water Authority to get back to her regarding sewerage issues at the rear of the property.
- 3.2.37 16 April 2010: The Empty Property Enforcement Officer wrote to the owner in response to a voice mail of 29 March 2010 and her telephone conversation with the Empty Property Officer on 01 April 2010. The letter confirmed that it was understood that she had sustained an injury that had affected her ability to write. The Empty Property Enforcement Officer pointed out that the works observed at the time of inspection on 10 January 2010 appeared to deviate from the planning permission to convert into two flats (comprising 1 x 1-bed and 1 x 2-bed) with a single storey rear extension granted on 18 March 2008. The letter also advised that Enfield's Building Control department had advised on 07 April 2010 that her "Full Plans application" of 22 March 2010 for conversion into two flats with single storey rear extension was pending because the incorrect fee had been submitted. The letter confirmed that it was understood that she had told the Empty Property Officer on 01 April 2010 that there was a problem with Thames Water and Building Control regarding the rear extension and public sewer which could take up to six months to resolve, although she hoped that this would be determined long before this. The owner was urged to seek assistance with finalising her detailed documentary proposals for renovating and occupying the property and submit these to the Council as a matter of urgency. She was further reminded that the Council had indicated its intention to continue seeking a CPO until such time that works have been fully completed and the property returned to full residential use to the satisfaction of the Council. No reply was received.
- 3.2.38 20 April 2010: The Empty Property Officer sent a letter to the owner reminding her that when he visited the property on 19 January 2010, entry was granted by her friend as she was unable to attend. The letter commented that during the visit it was observed that extensive work had commenced, but it was

estimated that completion of work would take several months. She was reminded that the Empty Property Enforcement Officer had identified various category 1 hazards to the property outlined in the Improvement Notice served on 23 February 2010, which was due to expire during the week commencing 17 May 2010. The letter confirmed that the owner had indicated in the past that it was her preferred option to let the property once the outstanding repair / conversion issues had been completed. With regard the planning permission to convert the property into two flats (comprising 1 x 1-bed and 1 x 2-bed) with a single storey rear extension granted on 18 March 2008, the Empty Property Officer commented that the works observed seemed to indicate that she may have recently changed her mind and gave the impression of plans for up to four separate bedsits / studio flats. If this was the case, she was advised that it was imperative for her to consult with the Council's planning department as soon as possible. Some literature relating to HMO (Houses in Multiple Occupation) regulations was also enclosed. Regarding the owner's concern about possible delays to the renovation work due to problems with the sewer at the rear of the property, she was reminded that the Empty Property Enforcement Officer had contacted her seeking clarification about her overall proposals for the completion of the remaining work. The owner was urged to respond to the Empty Property Enforcement Officer as soon as possible and also keep the Empty Property Officer informed of any negotiations with Thames Water and other Council departments. She was again reminded that the Council had indicated its intention to continue seeking a CPO until such time that works have been fully completed and the property returned to full residential use to the satisfaction of the Council.

3.2.39 21 May 2010: The owner telephoned the Empty Property Officer stating that she had not created bedsits but was adding en-suite bathrooms to bedrooms.

3.2.40 03 August 2010: In response to an email request from the Empty Property Enforcement Officer for an update, the Building Control department advised that: "The current situation with this one is that a 34 item Rejection Notice was issued for submitted plans on 14 July 2010. This means we are now waiting for revised plans to be sent in when a 'Re-sub' file will be set up. To date we have not received any notice that works on-site have commenced and no site inspections have been requested. The actual application has now been accepted following its initial time in pending due to an incorrect fee payment."

3.2.41 25 August 2010: The Empty Property Officer and Empty Property Enforcement Officer made an unannounced visit to the property. There was no evidence of works having commenced and the front elevation appeared unchanged.

3.3 **Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

4.0 **Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

7.1 None are known.

8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

8.1 No obstacle or required prior consent applicable.

9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented

9.1 No obstacle or required prior consent applicable.

10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site

10.0 Not applicable.

11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email:

dave.carter@enfield.gov.uk; phone: 020 8379 4314, from whom further information can be obtained.

12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order

12.1 There are no current related orders, applications or appeals.

13.0 List Of Documents Likely To Be Used In An Inquiry

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

13.5 Enfield's *Empty Property Compulsory Purchase Orders (CPO III)* report, agreed by Cabinet on 25 March 2009 and Council on 01 April 2009.

13.6 *Empty Property Compulsory Purchase Orders (CPO IV)* report, agreed by Cabinet on 04 November 2009 and Council on 11 November 2009.

13.7 Enfield's *Corporate Housing Strategy*.

13.8 *The London Housing Strategy*, February 2010.

13.9 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.

13.10 Empty Property Officer's case file on 81 Croyland Road, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.

