

## MUNICIPAL YEAR 2008/2009 REPORT NO.213

### MEETING TITLE AND DATE:

Cabinet 25/03/09 (for referral to Council on 01/04/09)

### REPORT OF:

Director of Health & Adult Social Care

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Agenda – Part: 1

Item: 7

### Subject:

**EMPTY PROPERTY COMPULSORY PURCHASE ORDERS (CPO III)**

**Wards: ALL**

### Cabinet Members consulted:

Cllr Rye, Leader

Cllr Lavender, Deputy Leader

Cllr Laban, Housing Lead Member

## 1. EXECUTIVE SUMMARY

This report invites Cabinet to recommend that Council resolves to authorise Officers to make Compulsory Purchase Orders (CPOs) on five empty residential properties whose owners have proved un-responsive to attempts by Officers to bring them back into residential use. This is in accordance with Enfield's *Empty Property Strategy* adopted in March 1997, the *Use Of Compulsory Powers* report approved by Cabinet on 15 October 2003 and the *Enfield Council Housing Strategy 2005-2010*.

## 2. RECOMMENDATIONS

Cabinet are asked to recommend that Council on 1 April 2009 **authorise:**

- 2.1 the making of five separate 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*): 16 South Street, EN3 4JZ, 112 Woodberry Avenue, N21 3LB, 121 Empire Avenue, N18 1AP, 63 Osborne Road, N13 5PU, and 11 Harrington Terrace, N18 1JX, as shown on the plans (appendices 1-5) attached to the report;
- 2.2 the Directors of Health and Adult Social Care and Finance and Corporate Resources to undertake all necessary steps to prepare the Orders, and all associated documentation and thereafter take all necessary procedural steps (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the Orders by the Secretary of State;
- 2.3 the Director of Health and Adult Social Care and the Director of Finance & Corporate Resources to take all necessary action following confirmation of the Orders to acquire the properties subject to the Orders either compulsorily or by agreement, and to deal with all matters relating to the payment of compensation and statutory interest, including instituting or defending proceedings as necessary;
- 2.4 the disposal of the properties in accordance with the Property Procedure Rules; and
- 2.5 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.

### **3.0 BACKGROUND: MAINTAINING THE ENFORCEMENT CLIMATE AND UPDATE ON PREVIOUS CPO CASES**

- 3.1. The Borough implements its *Empty Property Strategy* to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when the number of households on the housing needs currently stands at 6,378 (excluding council transfers which number 1,828). This includes 3,507 households classified as being in a reasonable preference category. 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 *Use of Compulsory Powers* report, envisages that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered. In addition, the Private Sector Housing Renewal Strategy within Enfield's corporate *Housing Strategy 2005-2010* contains a target to reduce the number of empty properties by encouragement and **enforcement**.
- 3.2. By mid-2007, the number of empty properties in the borough where attempts to encourage owners to return them to housing use had been exhausted had grown to well over 30 cases. The next step was to consider enforcement with the assistance of an experienced Empty Property Enforcement Officer employed and funded by the North London Sub-Region. Consequently, on 23 January 2008 Council resolved to authorise Officers to make CPOs on the first three of these empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. On 17 September 2008 Council resolved to authorise Officers to make CPOs on a further five empty residential properties. It is in line with aforementioned strategy, policy framework and practice to date that the authority is seeking to compulsory purchase the properties referred to in this report.
- 3.3. The three CPOs authorised by Council on 23 January 2008 (Pilot CPO report) were submitted to the Government Office of London (GoL) in August 2008 seeking the Secretary of State's confirmation of the Orders. On 19 February 2009, GoL issued notification that the Secretary of State has empowered the Council to confirm the Order relating to 4 Broomfield Cottages, N13. The owner of this address and 199 St Mary's Road, N9, have both signed cross-undertakings agreeing to complete works and return the properties to full housing use (see 6.11 for more information about undertakings). After lodging an objection, the owner of 9 Lancaster Road, N11, opted to proceed by Written Representations rather than by Public Local Inquiry. The Secretary of State's decision is currently awaited on this property.
- 3.4. Only four out of the five CPOs endorsed by Council on 17 September 2008 (CPO II report) needed to be submitted to GoL in January 2009 because 35 Cecil Road, EN2, was renovated and reoccupied at the end of 2008. On 19 February 2009, GoL issued notification that the Secretary of State has empowered the Council to confirm the Orders relating to 26 Cavendish Road, N18, (in the same ownership as 4 Broomfield Cottages in the pilot CPO) and

28 Brettenham Road, N18. The owners of both these addresses have entered into cross-undertaking agreements with the Council. The owner of 24 Sutherland Road, N9, belatedly expressed an interest in pursuing a cross-undertaking and was sent a copy of the agreement to sign at the beginning of March 2009. The owner of 1 Brookside, N21, is in the process of selling and upon confirmation of sale, the Empty Property Officer will seek proposals and early timescales from the new owner for returning the premises to use.

- 3.5. Work is already underway on the next two reports (CPOs IV and V) asking Members to make CPOs on a further 10 to 12 empty properties as the next two phases in an ongoing CPO programme. The CPO IV report is scheduled for submission to Cabinet and Council in mid-2009. Cases in the fifth phase (CPO V) were identified by a comprehensive empty property audit of over 2000 properties carried out in 2007 funded by the North London Sub-Region to update and improve Enfield's empty property database. It is anticipated that future cases requiring enforcement action will result from this audit.
- 3.6. The initiation of compulsory purchase proceedings where owners are unwilling and/or unable to return empty properties to housing use is helping to create a climate of enforcement in the borough, and there are ongoing signs that a real threat of CPO is motivating some previously intractable owners into action. Continuance of the CPO programme together with ongoing publicity is expected to maintain this enforcement climate.

**4. THE PROPERTIES RECOMMENDED FOR CPO: 16 SOUTH STREET, EN3, 112 WOODBERRY AVENUE, N21, 121 EMPIRE AVENUE, N18, 63 OSBORNE ROAD, N13, AND 11 HARRINGTON TERRACE, N18**

- 4.1 Details of each property, including a case history, valuation and plan, are contained in appendices 1-5.
- 4.2 Officers have already served a number of relevant statutory notices in respect of the properties that are still substantive. The purpose of these statutory 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, where appropriate, highlight steps to remedy conditions that adversely affect the amenity of the area. It is recognised that though these works are unlikely to be carried out by the current owners, after compulsory acquisition and disposal, future owners, be they social or private sector, will be expected to address the specified works as part of their refurbishment schemes.
- 4.3 In the event that an owner belatedly starts work, CPO action will continue until such time that works have been fully completed and the properties returned to full residential use to the satisfaction of the Council. In addition, each owner has the opportunity to enter into a cross-undertaking with the Council to achieve a mutually satisfactory outcome (see 6.11 for more information about undertakings). Where owners enter into a cross-undertakings with the Council, they will be expected to address all the works specified in the statutory notices described in 4.2 and such other works necessary to meet the

Decent Homes Standard (as defined in paragraph 5 of the Department for Communities and Local Government's guidance update *A Decent Home: Definition and Guidance for Implementation* of June 2006).

## **5. CPO PROPERTIES AND INCREASING HOUSING SUPPLY**

- 5.1 Compulsory purchase provides the only realistic possibility 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 currently empty properties were returned to use for the purpose of low cost social housing. For that reason, it is recommended that the properties are offered, in the first instance, to 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 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.

## **6. BUDGET IMPLICATIONS OF CPO ACTIVITY**

### **Capital**

- 6.1 The total cost of purchasing these five properties is estimated at £1,555k based on current indicative valuations (assuming a state of reasonable condition, that is to say, current values as if works had been carried out in each case). Once the CPOs are confirmed, title can be obtained after three months under a General Vesting Declaration. Properties are re-valued at the time the Council takes possession. At this point the properties will be sold on to an RSL, or at auction, or through other acceptable disposal.
- 6.2 Under *The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003* the disposal of housing land would be subject to pooling regulations and 50% of the receipt would be paid over to the government. However, an authority may reduce the amount payable by its capital allowance (this is its planned expenditure on affordable housing). The Council has sufficient capital allowance to utilise the whole of the receipts in question, there would be no requirement to pool the monies received in this case, so the whole receipt would be usable.
- 6.3 In practice, most properties subject to CPO are sold on prior to compensation being claimed. However, a capital budget is required to cover any deficit incurred (see financial implications at paragraph 9.1 below).
- 6.4 Where an owner is unidentified, or has proved to be un-contactable, there is a statutory process that provides for compensation monies and costs to be paid into court. In certain limited circumstances and after a period of time, the Council may apply to the Courts for such monies to be returned to it in the event that the former owner has not claimed them.

## **Associated Non-Recoverable Revenue Costs and Impact of Successful Enforcement Action on Corporate Resources**

- 6.5 An Empty Property Enforcement Officer employed and funded by the North London Sub-Region has been progressing the borough's empty property enforcement work on a two and half days a week basis since July 2007 and is working in partnership with the Empty Property Officer and Private Sector Housing section to develop the necessary in-house procedures, future enforcement programme and review strategy.
- 6.6 The in-house legal cost for the processing the Orders are estimated at £3,750 per property (subject to review). If there are objections and a Public Local Inquiry is required, a further cost in the region of £10,000 per property would be incurred.
- 6.7 In-house property disposal costs (including inspection, valuation, liaison with legal services, negotiations with the owner and liaison with the purchaser throughout the CPO / disposal process) are estimated at £3,500 per property (£2,000 for the above services plus £1,500 for security and maintenance as needed). This estimate does not allow for the possibility of a contested valuation that cannot be negotiated to a settlement, 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.
- 6.8 The acquisition and immediate disposal of these properties via an RSL may result in nomination rights for the Council to meet the needs of accepted homeless families. Officers propose to offset the revenue costs of CPO and disposal in these cases against existing funding available for the implementation of the Homelessness Strategy.
- 6.9 While enforcement engenders the aforementioned revenue costs, once the properties in question are returned to use, they will no longer generate a 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.

### **Basic Loss Payments**

- 6.10 It should be noted that 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 certain criteria are all met. The criteria are as follows:
- a specified statutory notice/order has been served on the owner;
  - at the time the CPO is confirmed the statutory notice/order has effect or is operative; and
  - the owner has failed to comply with any requirement of the statutory notice/order.

A consequence of the actions described at 4.2 above will mean that basic loss payments will not be payable in any of these cases provided that the owners do not comply with the notices before the CPOs are confirmed.

## **Undertakings**

- 6.11 Experience of the use of compulsory purchase powers has demonstrated that once CPO action has been initiated, an owner may belatedly come forward with proposals. In such instances, the local authority can accept an undertaking (in the form of a legally enforceable agreement) from the owner to bring the property back into use within an agreed reasonable time-scale. This would mean that the Council cross-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 an Inquiry and all the costs involved in the Inquiry process.

## **7. RISK MANAGEMENT ISSUES AND ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 As all attempts to secure the consent and co-operation of the owners to return the properties referred to in this report to housing use have been exhausted, an assessment of the most appropriate course of enforcement action was carried out. Of the available options considered, namely, service of legal notices, enforced sale, empty dwelling management orders and compulsory acquisition, the latter most appropriately addresses the circumstances of the properties in question.

- 7.2 By taking the action proposed, the Council incurs the following risks:

- Refusal by the Secretary of State to confirm any CPO submitted (but the number of properties actually CPO'd compared with the number skilfully resolved informally without submission to the Secretary of State are relatively few).
- Where a CPO is confirmed, there could be a possible shortfall between the sale value and compensation payable to the owner. (The compensation payable [the market value of the property] is normally offset by the revenue received from the sale of the property, thus minimising the risk to the Council).
- 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. (To reduce the risk, it is essential that disposal occurs as soon as possible - see capital implications under 9.3.)

- 7.3 The other option the Council might pursue is do nothing, which will avoid the potential budget implications but this is not recommended in the light of the priorities especially in terms of social, economic and environmental welfare.

- 7.4 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 the properties;
  - sends out a signal to the community that if they 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 irreversible change on these properties.

- 7.5 As part of their strategic housing role when looking at the need to increase housing supply, the Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, published in July 2007, expects Councils:

*"to do more to bring long term empty homes back into use" and "to reduce the number of homes that are left empty for long periods of time."*

- 7.6 On 8 July 2008 the Mayor of London announced a £60million package to tackle the capital's empty homes problem to help deliver his manifesto commitment to reduce long term empty homes to 1% of London's total housing stock. The Mayor's press release quotes him as saying:

*"It is an absurdity that so many properties are empty in London when families are languishing on council housing waiting lists desperately hoping for a home. Empty properties cannot be left to rot and blight local neighbourhoods."*

- 7.7 With regard to increasing supply in London, *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies* of November 2008 aims:

*"To deliver and maintain a reduction in the number of long term empty and derelict buildings – transforming these into homes for Londoners."*

The draft *London Housing Strategy* recognises that *"local authorities play the key role in tackling empty homes"* and where encouragement measures fail to bring empty properties into use, *"there are opportunities for enforcement through the use of Compulsory Purchase Orders and Empty Dwelling Management Orders and a range of other legal sanctions and powers"*.

The draft *London Housing Strategy* sets the following policy objectives:

*"No more than 1% of homes should stand empty and unused for over six months" and "Long term empty homes, derelict empty homes and listed buildings at risk should be brought back into residential use."*

To put these policies into action, the Mayor resolves to work with the Homes and Communities Agency, London boroughs and other partners to *"use £60million of the Targeted Funding Stream to bring empty homes back into*

use” as well as undertake and audit of derelict homes (Enfield conducted its own audit in 2007 - see 3.5) and use discretionary powers to remove Council Tax discounts on long term empty homes.

## **8. REASON FOR RECOMMENDATIONS**

To secure the bringing back into use of vacant and derelict properties, thus addressing the Council’s strategic regeneration and supply objectives together with Central Government and the Mayor of London’s expectations cited above.

## **9. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

### **9.1 Financial Implications**

This report seeks agreement to proceed with five Compulsory Purchase Orders. This has both revenue and capital implications.

9.2 These orders will initially be processed consecutively and acquisition and disposal should be almost simultaneous.

### **9.3 Capital Implications**

9.3.1 Title can be obtained under a General Vesting Declaration.

9.3.2 On acquisition it is anticipated that a pre-selected RSL will purchase the property from LBE immediately. However, if no such RSL is available there may be a 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. This will be funded by a contribution from revenue.

9.3.3 An allocation of £600k capital funding was agreed in the CPO II report. This will fund the acquisition of each property and be replaced on disposal. The capital funding will be reviewed in the light of experience to date and the properties in this report.

9.3.4 If a delay results in favourable movement in the property market, and thus a surplus on disposal, this may be retained and used to contribute towards any future CPO deficits (as detailed in 9.3.2 above).

### **9.4 Revenue Implications**

9.4.1 Legal costs for processing these Orders are estimated at £3,750 per property (subject to review).

9.4.2 If there are objections and a Public Local Inquiry is required further legal costs of approximately £10,000 would be incurred.



9.4.3 In-house property disposal costs are estimated at £3,500 per property. This estimate does not allow for the possibility of a contested valuation that cannot be negotiated to a settlement, which would go to a Lands Tribunal. The costs associated with a Lands Tribunal are as yet unknown.

9.4.4 Bringing these properties back into use where nomination rights for the authority will assist with Homelessness in the Borough. All of the above revenue costs would then be funded from within existing Homelessness budgets.

## **9.5 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 clearly 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 sector, Housing Associations or owner-occupiers 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 onward disposal of them would need to be in accordance with the Council's Property Procedure Rules

In disposing of the properties on the open market, 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 issues relating to Human Rights will be successfully raised in the context of these proposals.

## 9.6 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. It will be important if the disposal is to a RSL, to ensure 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.

## 10. PERFORMANCE MANAGEMENT IMPLICATIONS INCLUDE:

- Building sustainable communities through direct action to tackle poor privately owned housing.
- Earmarking properties acquired under confirmed CPOs for social housing.
- Delivering the CPO activity by partnership working between Private Sector Housing, the Empty Property Officer and other Council services, notably Legal, Finance, Valuation and Planning, and a Registered Social Landlord.

## 11. COMMUNITY IMPLICATIONS

Empty property can have a serious negative effect on the local community. Typical 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.

## 12. PUTTING ENFIELD FIRST

The adoption of the practice, process and policy encompassed within this report is considered to contribute towards the six key aims of *Putting Enfield First 2007/2010* and most particularly: "*Cleaner, Greener Enfield*"; "*Safer Enfield to live, work, study and do business*"; and "*Economically successful and socially inclusive*".

## 13. CONCLUSION AND SUMMARY OF RISKS

- 13.1 The compulsory purchase of the above properties, and their subsequent onward sale, will produce a quantitative and qualitative gain to the borough's housing supply, will assist in the achievement of the Council's *Empty Property Strategy* and corporate *Housing Strategy 2005-2010* and will return existing eyesores into much needed homes.

- 13.2 There are two main areas of risk associated with compulsory purchase: financial and perception of performance. If the resale value of a property, once acquired, is less than the compensation paid at the time of possession. This is most likely in a declining housing market. To reduce the risk, it is essential that disposal happens as soon as possible after acquisition. The corollary is that the Council would benefit from any increase in value in an appreciating market, which could be used to offset the costs of acquisition. Any shortfall would have to be funded from Council resources. Secondly, 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 besetting them.

#### **14. 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.

*Putting Enfield First 2007/2010.*

*Enfield Council Housing Strategy 2005-2010.*

Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

Mayor's Press Release, 8 July 2008.

*The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.

*Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.

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**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
16 SOUTH STREET, EN3 4JZ**

**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 16 South Street, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over two years. It has in that time proved to be a detriment to the amenity of the area, with a history of badly overgrown gardens, fly tipping, accumulations of rubbish, damaged boundary fencing, vandalism and use as a urinal.
- 1.2 The property is a three-bedroom, mid-terrace house with a back addition built between 1897 and 1914.
- 1.3 The Empty Property Officer initially became involved in 2007. Despite repeated attempts to encourage the owners to renovate and reoccupy the property, to date they have failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £215k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**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.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. 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 five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 52 Unity 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 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 16 South Street is a three-bedroom, mid-terrace house house that has been vacant for over two years. There is a record of involvement by Environmental Health in 1999 to treat an infestation of mice. Complaints were made in January 2007 about men seen urinating on the property and Environmental Health again became involved between May to October 2007 in connection with an accumulation of rubbish to the front garden, a tree overhanging the public footway, overgrown vegetation to the rear garden and an alleged un-secured back door. The Empty Property Officer became involved in June 2007 and the following key events ensued:

## Case History

- 3.2.2 14 June 2007: The Empty Property Officer referred a complaint from a resident of a neighbouring property to Environmental Health about damaged boundary railings/fencing to 16 South Street. The department subsequently arranged repairs.
- 3.2.3 06 July 2007: After conducting Land Registry and Electoral Roll searches, the Empty Property Officer identified the male co-owner and informed an Environmental Crime Officer, who then wrote to the said co-owner (a postal address was not available for the female co-owner at the time) advising that she had received complaints that trees to the front garden were overhanging the public footway and obstructing the free passage of pedestrians. She added that there were accumulations to the front and rear gardens, which could provide harbourage for vermin, and warned that if the situation should deteriorate, formal action may be necessary. The letter concluded by requesting the owner to carry out the necessary works within 14 days.
- 3.2.4 16 July 2007: After telephone contact was established with the male co-owner, he faxed signed authorisation to the Empty Property Officer to obtain independent valuations for the sale of the property.
- 3.2.5 15 August 2007: The Empty Property Officer wrote to the male co-owner enclosing valuations from two local estate agents and advised of a further local company interested in purchasing the house.
- 3.2.6 17 August 2007: The female co-owner collected copies of the above mentioned valuations in person from the office of the Empty Property Officer.
- 3.2.7 10 September 2007: The Empty Property Officer wrote to the male co-owner enclosing a letter from a property developer offering to purchase the property.
- 3.2.8 16 October 2007: Environmental Health caused an Abatement Notice under section 80 of the *Environmental Protection Act 1990* to be served on the male co-owner requiring the removal and correct disposal of an accumulation of rubbish to the front garden within 14 days. As the notice was not complied with, the work was carried in his default. Action was also taken by the Council to cut back overhanging branches to the boundary of the property.
- 3.2.9 01 November 2007: The Empty Property Officer received a complaint from a neighbouring resident that the outer pane to the double-glazing to the middle ground floor bay window had been smashed.
- 3.2.10 02 November 2007: The Empty Property Officer received a telephone call from the male co-owner to advise that he had decided to sell his interest to the female co-owner.
- 3.2.11 19 November 2007: Property lawyers acting on behalf of the female co-owner wrote to Environmental Health advising that she had an interest in the property. The case officer's reply dated 21 November 2007 explained that as

the female co-owner had a history of not disclosing her contact details to the Council, it had not been possible to directly communicate with her about enforcement action. The letter pointed out that if the owners checked their property intermittently, the recent enforcement action by the Council could have been avoided.

- 3.2.12 12 March 2008: The Empty Property Officer wrote separately to both co-owners (via lawyers in the case of the female co-owner) reminding them that he had spoken to them on many occasions during the previous year in an attempt to facilitate an easy disposal mechanism. Firstly by enabling negotiations to sell to the female co-owner and secondly via introductions to agents and developers. The Empty Property Officer highlighted the history of complaints to the Council and recent complaints about accumulating rubbish to the front garden and overgrown nature of the rear garden occupied by a family of foxes. He added that the back door of the premises was open, thus increasing the risk of vandalism or squatting. It was evident that the house had become a long-term empty property as well as an eyesore and blight to many in the local community. 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 them 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 11 April 2008.
- 3.2.13 13 May 2008: The Empty Property Officer alerted the Environmental Crime case officer of further rubbish accumulated to the front of the property.
- 3.2.14 19 May 2008: The Empty Property Officer wrote to the joint owners enclosing a requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* and warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase long term vacant property. The letter reminded the joint owners that the Empty Property Officer had spoken to them on many occasions during the previous year to discuss various options for returning the property to use, but it appeared that they had failed to act upon any of the advice and/or schemes offered by the Council. The Empty Property Officer pointed out that he was continuing to deal with neighbour complaints and had requested Enviro Crime to investigate an accumulation of rubbish to the front garden and overgrown condition of the rear garden, which was still occupied by a family of foxes. The letter concluded by urging the owner to get in contact before 18 June 2008.
- 3.2.15 17 June 2008: A completed questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was received from the second co-owner.
- 3.2.16 12 September 2008: Following further complaints from neighbours, the Empty Property Officer requested the Environmental Crime case officer to investigate

rubbish accumulations to the front garden and state of the back garden and arrange clearance as necessary. It is understood that a representative of the male co-owner subsequently cleared the front garden and removed a broken outer layer of glass to the double glazed ground floor bay window.

3.2.17 08 October 2008: Improvement Notices under sections 11 and 12 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 and 2 hazards identified at the property. The joint owners have to date failed to comply with these notices.

3.2.18 September 2008 to December 2008: An exchange of various items of correspondence and a number of telephone conversations between the joint owners, their representatives and the Empty Property Officer regarding the future of the property proved inconclusive.

3.2.19 12 January 2009: In his reply to a letter from the female co-owner's dated 22 December 2008, the Empty Property Officer reminded her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite detailed negotiations and communication between the owners and the Empty Property Officer and other Council officers over a period of more than 18 months, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 11 February 2009.

3.2.20 12 January 2009: The Empty Property Officer wrote to the co-owners reminding them of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite detailed negotiations and communication between the owners and the Empty Property Officer and other Council officers over a period of more than 18 months, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The co-owners were urged make contact as soon as possible, but certainly no later than 11 February 2009.

### 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](mailto: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 *Corporate Housing Strategy*.

13.6 *Putting Enfield First 2007/2010*.

13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

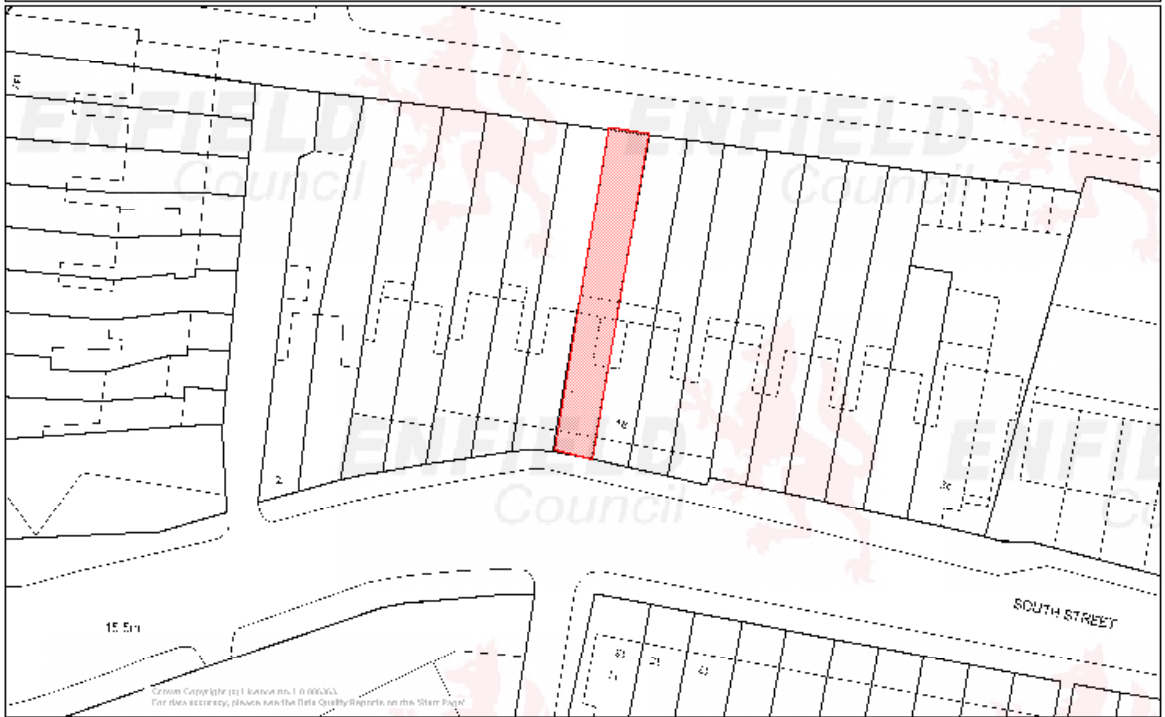
13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.

13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.

13.10 Empty Property Officer's case file on 16 South Street, 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.

16 South Street, EN3 4JZ



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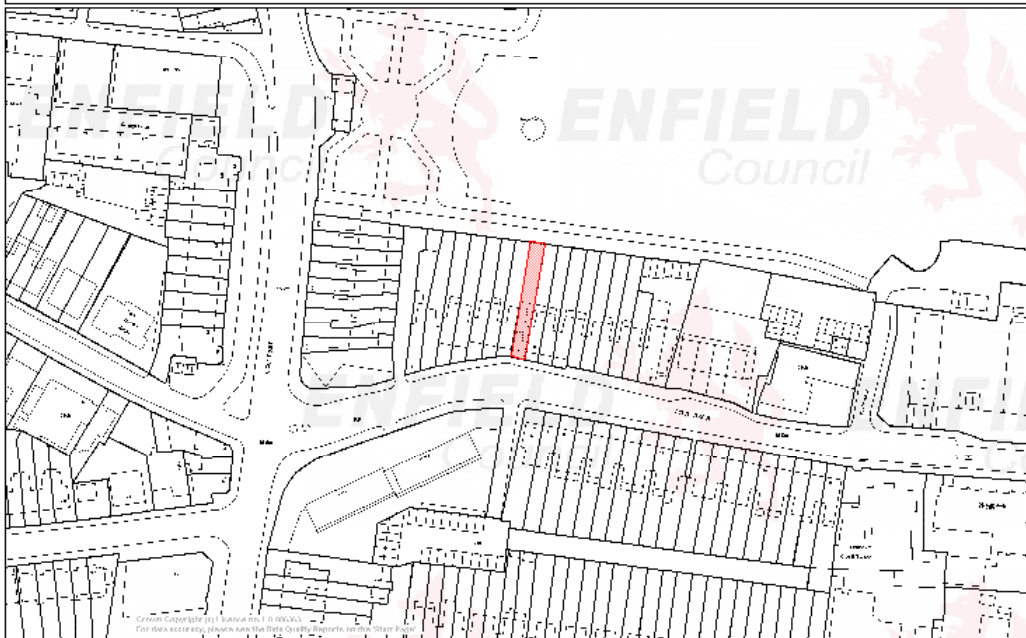
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**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
112 WOODBERRY AVENUE, N21 3LB**

**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 112 Woodberry Avenue, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over 15 years. It has in that time proved to be a detriment to the amenity of the area, with a history of complaints about its dilapidated condition, overgrown garden, rubbish accumulations and rodent sightings associated with the property.
- 1.2 The property is a three-bedroom, end of terrace house built between 1897 and 1914.
- 1.3 The Empty Property Officer initially became involved in 1997. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.

A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £420k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**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.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. 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 five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 112 Woodberry Avenue.

### 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 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 112 Woodberry Avenue is a three-bedroom, end of terrace house that has been vacant for over 15 years. The Empty Property Officer became involved in June 1997 and the following key events ensued:

#### Case History

- 3.2.1 19 June 1997: The Empty Property Officer wrote to the owner advising that the Council is trying to encourage owners to consider the advantages of returning empty homes to use. The letter informed the owner of a current initiative by the Council and a local housing association to improve and reoccupy empty homes. The Empty Property Officer invited the owner to contact him to discuss the scheme and other options available. No reply was received.

- 3.2.2 01 June 2000: Environmental Health investigated a complaint about rats seen running from the garden of 112 Woodberry Avenue.
- 3.2.3 27 July 2000: A follow-up visit by Environmental Health noted that the garden was overgrown.
- 3.2.4 18 May 2000: A complaint was received by Environmental Health about the poor state of the property, overgrown garden and sighting of rats.
- 3.2.5 06 June 2001: A complaint was referred to Environmental Health from an MP about rats and derelict condition of the property.
- 3.2.6 07 February 2002: A complaint was received by Environmental Health about the poor state of the property, broken fencing and sighting of rats.
- 3.2.7 18 September 2002: Environmental Health received a complaint about four dumped bags of refuse, which the Council cleared.
- 3.2.8 14 June 2004: The Empty Property Officer wrote to the owner to advise that he had received several enquiries about ownership of the property and whether he was aware of the owner's plans for the premises. The letter requested the owner to contact him to discuss the aforementioned issues and any assistance the Council may be able to give to make the property habitable.
- 3.2.9 18 August 2004: The Empty Property Officer telephoned the owner, who said she had relatives abroad that may move into the house. She stated that she did not want the hassle of renting and was not interested in the Council's Grants and Nomination Scheme (GANS).
- 3.2.10 22 February 2006: The Environmental Crime Unit received a complaint about a partially collapsed garden wall. The investigating officer closed the case on 06 March 2006 because the wall appeared secure.
- 3.2.11 29 January 2007: The Environmental Crime Unit received a complaint about rats and accumulated rubbish. Upon investigation, no evidence of rats was found.
- 3.2.12 06 February 2007: An Environmental Crime Officer sent a letter to the owner advising that accumulations of rubbish at the property could easily provide harborage for rodents and other vermin and give rise to nuisance. The letter warned of the enforcement implications should vermin or a nuisance be established.
- 3.2.13 12 May 2008: The Empty Property Officer wrote to the owner to remind her that he had been in contact with her on several occasions over the previous few years as well as contacted by the Environmental Crime Unit about the state of the gardens and outside wall. 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 her 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 09 June 2008 with a full and concise plan with a realistic timescale for bringing the property back into use. No reply was received.

- 3.2.14 06 June 2008: The owner reported that the house had been squatted. Vandalism and graffiti had been observed internally.
- 3.2.15 01 July 2008: The Environmental Crime Unit received a complaint about overhanging branches and bushes making it difficult to walk on the pavement. The Environmental Crime case officer reported to the Empty Property Officer at the beginning of December 2008 that an insufficient attempt had been made to cut back the foliage.
- 3.2.16 13 August 2008: During a visit to the property by a Principle Environmental Health Officer and an Empty Property Enforcement Officer employed by the North London Sub-Region, the owner claimed that she was living between her two properties, but would not be drawn on how much time she spends in 112 Woodberry Avenue or whether she slept there for security purposes (or if not for this reason, to enable her to maintain that the property is “occupied”). She said that she planned to sell one of the two properties, but would not be drawn on which one or when. She made repeated references to family from abroad that she alleged occasionally stayed in the house, but would not clarify whether she meant she intended to sell to them or on the open market.
- 3.2.17 19 August 2008: The police visited the owner’s home address in response to her earlier complaints about squatters in 112 Woodberry Avenue. They were concerned enough about the state of both her properties to make a referral to social services. They, in turn, requested her GP to visit as soon as possible.
- 3.2.18 30 September 2008: The Empty Property Officer wrote to the owner to remind her that he had written to her on 12 May 2008 expressing concern about 112 Woodberry Avenue and outlining the various options available to assist with returning the property to full time residential use. The letter confirmed the Council’s intention to serve an Improvement Notice under the *Housing Act 2004* and continue with its action to obtain a CPO. The letter noted the owner’s contention that the property had once again been squatted and locks changed such that she no longer had access. The Empty Property Officer strongly advised the owner to seek help from her solicitor and offered to assist her in any way that she might feel was suitable. The letter requested confirmation of the owner’s future plans for the property and the submission of detailed written proposals and timescales for renovating and reoccupying the property. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was warned 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 30 October 2008.

3.2.19 14 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. To date, the owner has not taken steps to comply with this notice.

3.2.20 07 January 2009: The owner's solicitor advised the Empty Property Officer that an eviction order had been executed against the squatter on 17 December 2008 and the locks changed. However the squatter re-occupied between 20 to 23 December. Before taking further eviction proceedings, the solicitor proposed to consider the use of a "guardian" organisation to occupy the premises.

3.2.21 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner over a period of more three and a half years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

### **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](mailto: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 *Corporate Housing Strategy*.
- 13.6 *Putting Enfield First 2007/2010*.
- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 112 Woodberry Avenue, 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.

112 Woodberry Avenue, N21 3LB



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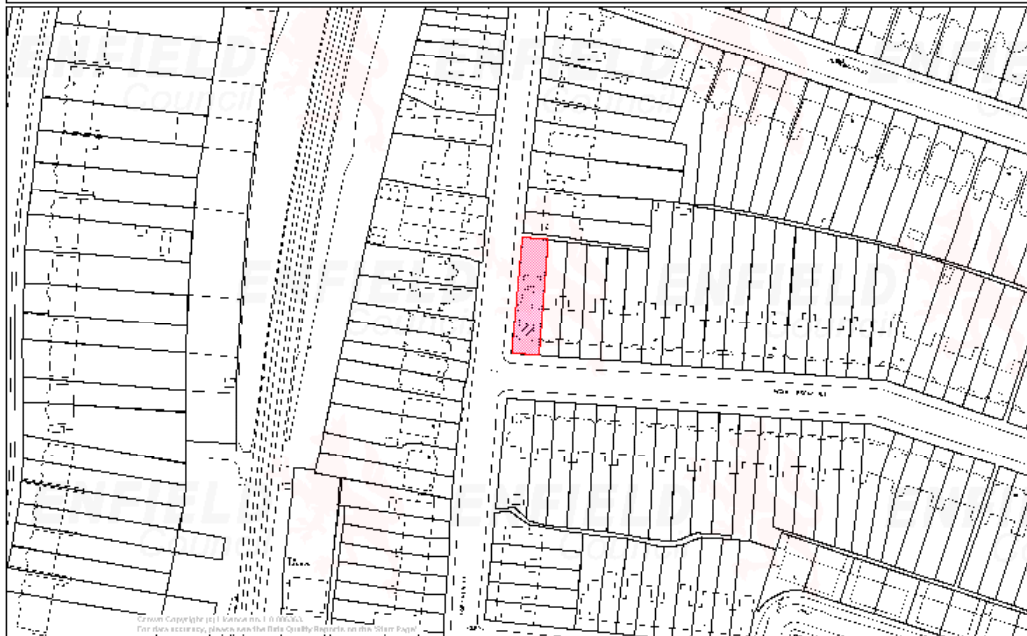
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**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
121 EMPIRE AVENUE, N18 1AP**

**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 121 Empire Avenue, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for approximately 12 years. It has in that time proved to be a detriment to the amenity of the area, with a history of badly overgrown gardens, accumulations of household refuse and lumber, occupation by squatters, break-ins and unwanted attention from local youths.
- 1.2 The property is a three-bedroom, end of terrace house built in the late 1930s. The property became vacant in the mid-1990s.
- 1.3 The Empty Property Officer initially became involved in 2006 after receiving complaints from members of the Weir Hall Ratepayers Association about the condition of the property and it acting as a magnet for local youths and occasional squatters in previous years. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £250k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**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.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 6,986 applicants are on the housing waiting list. 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 five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 121 Empire Avenue.

### 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 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 121 Empire Avenue is a three-bedroom, end of terrace house that has been vacant for approximately 12 years. The Empty Property Officer became involved on 10 February 2006 after receiving telephone calls from members of the Weir Hall Ratepayers Association complaining about the condition of the property and it acting as a magnet for local youths and occasional squatters in previous years. The following key events ensued:

## Case History

- 3.2.1 23 February 2006: After investigating a complaint from a neighbouring property, Environmental Health served a Notice to Remedy the Condition of Filthy or Verminous Premises or Articles under Section 83 of the *Public Health Act 1936* on 23 February 2006 requiring the removal of domestic lumber, cleansing, disinfecting and the eradication of fleas.
- 3.2.2 24 February 2006: The Empty Property Officer wrote to the owner advising that he understood that the property had been vacant for some time and that the Council had recently served a notice requiring steps to be taken to clear the house and garden. The letter requested the owner to confirm what plans, if any, she might have had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if she wished to arrange a meeting to discuss her various options.
- 3.2.3 06 July 2006: The Empty Property Officer wrote to the owner reminding her that he had written on 24 February 2006 and not received a reply. The letter requested the owner to contact the Empty Property Officer as soon as possible to advise him of any plans for the future of the house. The Empty Property Officer added that the house had been unoccupied for many years and had been attracting unwanted attention from local youths, had been squatted in the previous 12 months and the gardens were badly overgrown.
- 3.2.4 23 November 2006: The Planning service served a notice under section 215 of the *Town and Country Planning Act 1990* requiring a reduction in height of all mature trees, shrubs, bushes and other vegetation and the permanent removal of all cut vegetation, household rubbish and discarded household items within three months of the notice taking effect (which was 05 January 2007).
- 3.2.5 17 April 2007: Environmental Health received a complaint about overgrown trees, shrubs and foliage and a rat infestation at the property. The complainant advised that the owner used to visit the property every month or so, but residents had not seen her for a number of years. A visit by an officer two days later confirmed that the front and rear gardens were very overgrown, but no evidence of rats was detected.
- 3.2.6 08 May 2007: The Empty Property Officer wrote to the owner stating that as he had not received a reply to his previous correspondence of 24 February and 06 July 2006, he had been obliged to pass his findings to the Council Tax department, who had removed the owner's claims for council tax single person discount and council tax benefit. The letter invited the owner to either confirm any plans she had for the property or contact the Empty Property Officer to discuss the various options available to bring the property back into use.

- 3.2.7 08 May 2007: A report prepared by a Planning Enforcement Officer highlighted that the overgrown appearance of the property had led to a history of break-ins and fear expressed by local residents that serious damage would be caused to the house and neighbouring properties. The report pointed out that residents were concerned about being disturbed by police officers carrying out investigations and property developers interested in purchasing the property. The Planning Enforcement Officer commented that trees on site were so tall that they interfered with telephone lines and the rear garden was so overgrown that it was impossible to gain access to the rear of the house. Furthermore, some fence panels had collapsed allowing access to the rear garden and garage. The Planning Enforcement Officer reported that he had spoken to the elderly and infirm owner, who said that she had neither the funds nor ability to carry out works despite the service of a notice under section 215 of the *Town and Country Planning Act 1990*, but had recently persuaded a friend to assist with tidying the front garden and reducing the height of trees.
- 3.2.8 24 May 2007: The Planning Enforcement Officer referred the complaint about the overgrown and untidy state of the front and rear gardens and accumulated household rubbish and old garden furniture to the rear garden to Environmental Health for action.
- 3.2.9 30 January 2008: The Empty Property Officer wrote to the owner reminding her that he had written on several occasions over the previous two years expressing concern about 121 Empire Avenue. The letter emphasised that it was now evident that not only is the house a long-term empty property, but it has also become an eyesore and blight for many in the local community. The Empty Property Officer 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 27 February 2008.
- 3.2.10 12 February 2008: Environmental Health investigated a complaint about an oil drum dumped in the alley to the side of 121 Empire Avenue. A person or persons unknown subsequently removed the item.
- 3.2.11 01 May 2008: Environmental Health was contacted by a solicitor acting for the owner, informing them that property was once again believed to have been squatted and they were in process of taking proceedings against the trespassers.
- 3.2.12 16 May 2008: The Empty Property Officer wrote to the owner to remind them that he had still had no response to his previous letters and that he was aware that squatters were believed to be in occupation of the premises. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the

owner was warned 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 18 June 2008.

- 3.2.13 15 June 2008: The Empty Property Officer received a letter from the owner stating that she considered her property to be a “second home” and that she was suffering unwarranted harassment from the Council. The owner also enclosed a completed questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976*.
- 3.2.14 10 July 2008: The Empty Property Officer responded to the owner stating that he disagreed with her contention that the property should be classified as a “second home”. He was of the opinion that any reasonable person would concur that the property was unoccupied and empty.
- 3.2.15 08 August 2008: The Empty Property Officer accompanied by an Environmental Health Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region) visited the property and observed that the property did seem to be occupied by squatter(s). The Empty Property Officer spoke with a neighbour who confirmed that they had not seen the owner for nearly 12 months and she very rarely visited the house. The neighbour also confirmed that a single man had been residing in the house for approximately two months.
- 3.2.16 08 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. The owner appealed to the Residential Property Tribunal (RPT), objecting to the short time period to complete works, which she alleges are cosmetic. Her application to the Tribunal Service dated 29 October 2008 states that the property is “used mainly for storage, and being not rented, leased, or let, has no legal occupants, apart from occasional visits by myself.”
- 3.2.17 16 December 2008: The Council’s Legal department wrote to the appellant (owner) offering an extension of 16 weeks to undertake and complete the section 11 works (which also allowed the owner time to take action against the squatters in the property). By the first week of January 2009, neither the Council’s lawyer nor the RPT had been contacted by the appellant. Despite the owner’s stated desire to proceed by written representations, the RPT set a hearing date for 15 January 2009, which it subsequently postponed because of the appellant’s failure to respond and incapacitation of the Environmental Health Officer who served the section 11 notice.
- 3.2.18 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council’s use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner for almost two years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently,



the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

- 3.2.19 29 January 2009: A representative of Weir Hall Ratepayers Association called the Empty Property Officer to advise that local residents were concerned about 20-30 black bags dumped in the alleyway to the side of 121 Empire Avenue and indicated that she intended to contact Enfield's Enviro Crime Unit about the matter.

### **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**

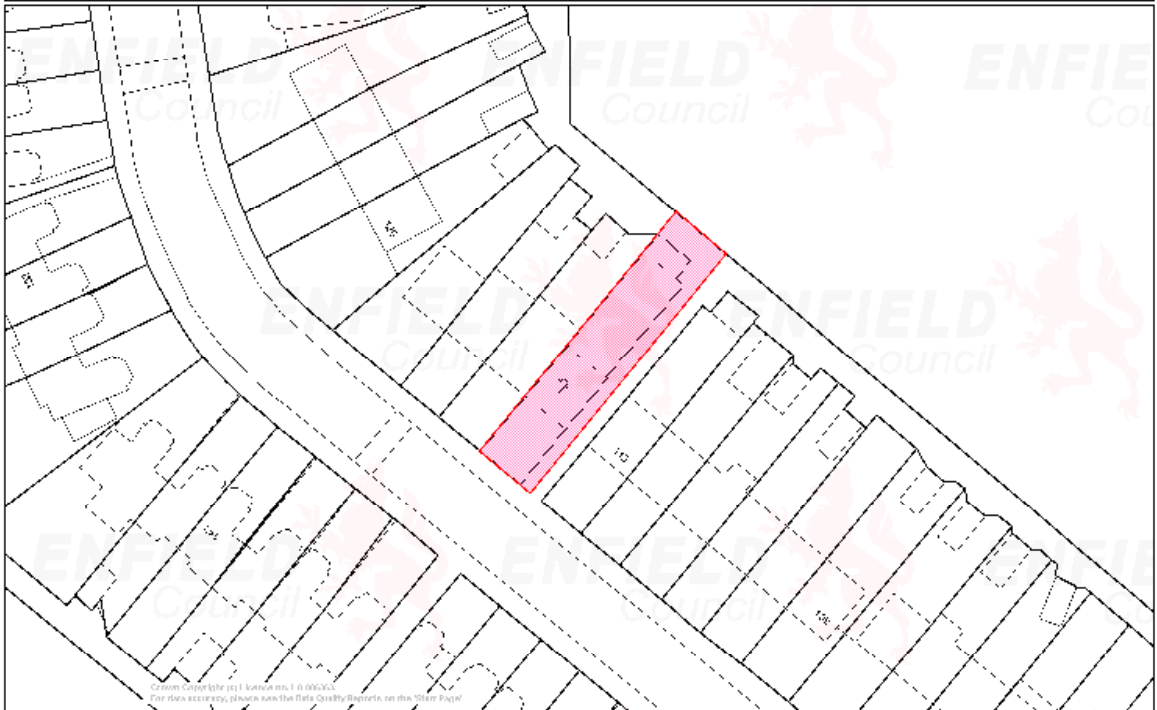
- 7.1 None are known.

- 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](mailto: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 *Corporate Housing Strategy*.
- 13.6 *Putting Enfield First 2007/2010*.
- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 121 Empire Avenue, 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.

121 Empire Avenue, N18 1AP



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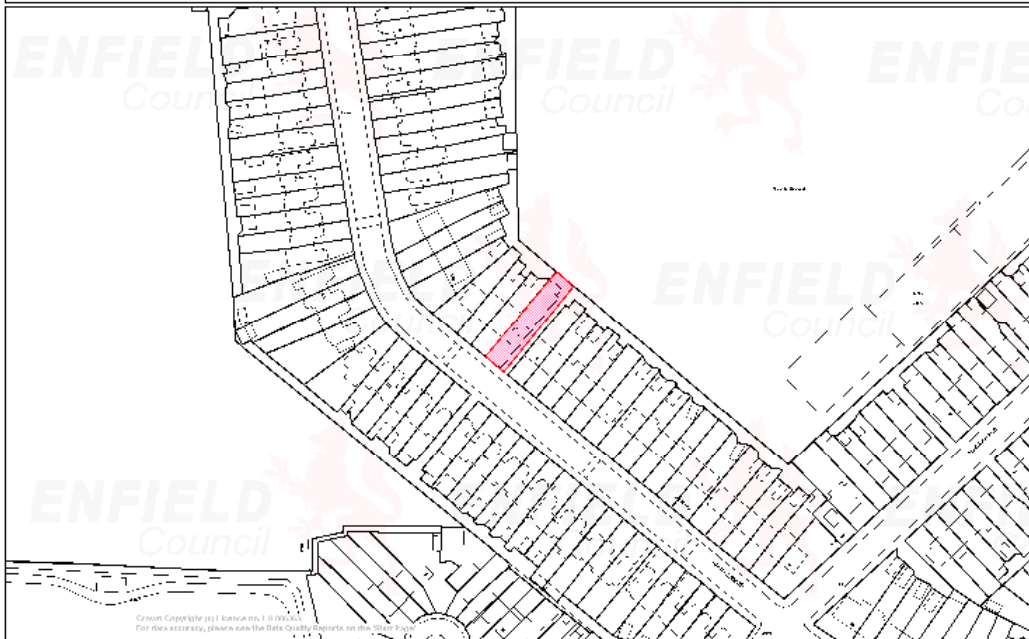
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**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
63 OSBORNE ROAD, N13 5PU**

**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 63 Osborne Road, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over 10 years. It has in that time proved to be a detriment to the amenity of the area, with a history of enforcement action in relation to pest control, harbourage for rodents and vermin and overgrown vegetation.
- 1.2 The property is a four-bedroom, end of terrace house built circa 1900.
- 1.3 The Empty Property Officer initially became involved in 2002 after noticing the property was vacant when visiting neighbouring premises. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £430k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**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.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. 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 five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 63 Osborne 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 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 63 Osborne Road is a four-bedroom, end of terrace house that has been vacant for over 10 years. In February 2002, Environmental Health received a complaint about the premises being empty and unsecured, but after investigation the property was found to be secure. The Empty Property Officer became involved the following month and the following key events ensued:

#### Case History

- 3.2.1 21 March 2002: After conducting a Council Tax database search, the Empty Property Officer wrote to the owner outlining various options for renovating and returning the property to use, including grant aid and the Council's leasing

scheme. The owner was requested to confirm what plans, if any, she had for returning the property to use. No reply was received.

- 3.2.2 27 May 2002: The Empty Property Officer wrote again to the owner outlining various options for renovating and returning the property to use, including grant aid and the Council's leasing scheme. The owner was requested to confirm what plans, if any, she had for returning the property to use. No reply was received.
- 3.2.3 04 January 2003: The Empty Property Officer managed to make telephone contact with the owner, who stated she did not want to let the property to tenants who might trash the accommodation. Though she expressed an interest in letting to "professional" tenants, she indicated that she would be more likely to sell the property.
- 3.2.4 22 February 2003: The Empty Property Officer sent a letter to the owner (erroneously dated 22 February 2002) providing advice on the Council's Responsible Letting Scheme intended to assist owners with letting accommodation. The letter also pointed out that she could contact local estate agents if she proposed to sell the house. The letter concluded by stating that she had lost out on up to £30,000 in potential rent income over the previous two years.
- 3.2.5 16 May 2003: The owner failed to attend a pre-agreed meeting at the property with the Empty Property Officer. Although the owner later agreed to call and rearrange a new meeting time, she failed to respond to further attempts to meet.
- 3.2.6 07 August 2006: Pursuant to a complaint about rats and mice, Environmental Health served a Notice under Section 4 of the *Prevention of Damage by Pest Act 1949* requiring pest control treatment for rats or mice and clearance of all overgrown vegetation that could offer harborage within 21 days.
- 3.2.7 30 August 2006: The Environmental Health case officer wrote to the owner advising that he had visited on 29 August 2006 and noted that no action had been taken.
- 3.2.8 02 October 2006: The Environmental Health case officer wrote to the owner warning that as works were still outstanding, he would take steps to arrange work in default and recharge the owner for the costs. The Council's records indicate that the owner eventually complied with the Notice at the end of October 2006.
- 3.2.9 04 July 2008: The Empty Property Officer wrote to the owner reminding her that he had spoken and written to her on several previous occasions. The letter pointed out the history of complaints about the overgrown vegetation, which was once again encroaching over the pavement, and emphasised that the house was now not only a long term vacant property, but had become an eyesore and a blight for many in the local community. The Empty Property Officer 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 once again outlined various schemes to assist the owner 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 04 August 2008 with a full and concise plan with a realistic timescale for bringing the property back into use.

- 3.2.10 04 August 2008: The owner called the Empty Property Officer and stated that she intended to clear the house and gardens in preparation for selling the property. It was agreed that the Empty Property Officer would contact the owner in one month to discuss progress with the plans.
- 3.2.11 07 August 2008: The Empty Property Officer wrote to the owner to confirm the conversation which had taken place on 04 August 2008. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was warned 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 04 September 2008.
- 3.2.12 26 November 2008: The Empty Property Officer wrote to confirm the details of his visit to the property with an Empty Property Enforcement Officer (employed by the North London Sub-Region) on 04 November 2008. The letter confirmed the owner's explanation that she did not wish to sell the property because she had owned it for so long and always hoped that she would somehow manage to undertake all the necessary renovations. The owner advised that although her son had occasionally occupied the property on a part time basis in the past and undertaken some emergency repairs (especially to the roof), she did not anticipate being in a position to move into the property herself. The reason being the amount of money that would be required for renovations before anyone could realistically occupy the property on a full time basis. She ruled-out the option of making the property available for private renting for the same reason. The letter confirmed that the various options available to assist with returning the property to full time residential occupation were discussed, including grant aid, raising the addition funds to cover the cost of works and a leasing scheme with a managing housing association, and advised that she would receive information about the items of disrepair requiring attention. The Empty Property Officer urged the owner to contact him as soon as possible with her intentions, but in no circumstances later than 10 December 2008. No response was received.
- 3.2.13 09 December 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. To date, the owner has not taken steps to comply with this notice.



3.2.14 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner for almost six years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

3.2.15 13 February 2009: After the owner's son made contact to express an interest in the Council's Grants And Nominations Scheme (GANS), the Empty Property Officer wrote to a Housing Assistance Surveyor to request a visit as soon as possible.

### **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](mailto: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.

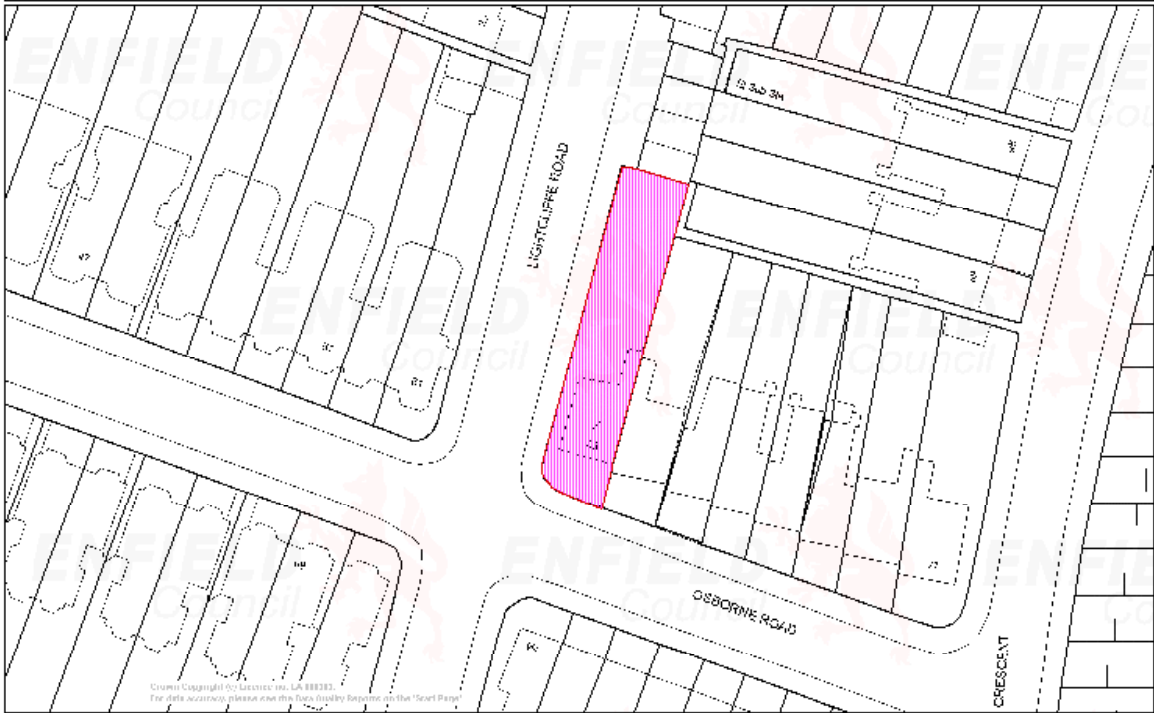
13.5 Enfield's *Corporate Housing Strategy*.

13.6 *Putting Enfield First 2007/2010*.

- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 63 Osborne 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.

63 Osborne Road, N13 5PU



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D. Carter

**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
11 HARINGTON TERRACE, N18 1JX**

**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 11 Harington Terrace, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for four years. It has in that time proved to be a detriment to the amenity of the area with a history of Council involvement to investigate complaints about rodents, rubbish, overgrown vegetation and a bonfire.

1.2 The property is a three-bedroom, mid-terrace house built in the 1930s.

1.3 The Empty Property Officer initially became involved in 2006 following a referral from Environmental Health. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date he has failed to do so.

A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £240k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**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.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. 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 five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 11 Harington Terrace.

### 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 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 11 Harington Terrace is a three-bedroom, mid-terrace house that has been vacant for four years. In September 2006, Environmental Health received a complaint about rats, rubbish and overgrown front and rear gardens. The investigating officer found that the property had been vacant for at least a year following the death of the owner and referred the case to the Empty Property Officer. The following key events ensued:

#### Case History

- 3.2.1 17 October 2006: An Environmental Health Officer wrote to a son of the late owner to advise him of the overgrown garden and possible harbourage for vermin and requested him to contact her to arrange an inspection.

- 3.2.2 17 November 2006: As the late owner's son had failed to make contact with the Council, an Environmental Crime Officer sent a chaser letter to the owner attaching a copy of the previous letter dated 17 October 2006. The letter pointed out that the property was registered in the name of his late mother and requested him to make contact to enable an inspection for possible harbourage of vermin to be carried out. The Environmental Crime Officer warned that failure to assist the Council might result in enforcement action. No reply was received.
- 3.2.3 13 December 2006: The Empty Property Officer wrote to the late owner's son to advise that he had received a report that the property had been unoccupied for some time and requested him to confirm what plans, if any, he had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if he wished to arrange a meeting to discuss her various options. No reply was received.
- 3.2.4 19 January 2007: According to the Environmental Crime Officer's records, the neighbour who had complained about rats, rubbish and overgrown gardens confirmed that the late owner's son had cleaned up at the property and was happy for his complaint to be closed.
- 3.2.5 12 June 2007: The Empty Property Officer wrote again to the late owner's son to advise that he had received a report that the property had been unoccupied for some time and requested him to confirm what plans, if any, he had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if he wished to arrange a meeting to discuss her various options. No reply was received.
- 3.2.6 22 June 2007: The Empty Property Officer wrote to the District Probate Registry requesting a search and copy of the Grant of Representation and Will for the owner, who was believed to have died in November 2004.
- 3.2.7 14 July 2008: The Empty Property Officer wrote to the late owner's son stating that he had failed to reply to his previous letters dated 13 December 2006 and 12 June 2007. The letter pointed out that it had now become clear that the house was not only a long term vacant property, but had become an eyesore and a blight for many in the local community. Adding that a recent visit to the house had elicited the following: evidence of likely squatting, an apparently broken window to the rear kitchen and gardens so overgrown that they provided possible harbourage for vermin. The Empty Property Officer 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 once again outlined various schemes to assist the owner 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 19 August 2008 with a full and concise plan with a realistic timescale for bringing the property back into use. The Empty Property Officer further warned that if the late owner's son failed to make contact by 19 August 2008, he would refer the matter to the Treasury Solicitor (Bona Vacantia department), who deals with cases where a person is suspected of dying intestate.

- 3.2.8 30 July 2008: A Council Tax Enquiry Officer attended the Probate Office in The Strand and could find no evidence of any Will having been registered by the late owner's son.
- 3.2.9 04 August 2008: Following service of a notice of entry on late owner's son, an Environmental Health Officer, accompanied by the Empty Property Officer and an Empty Property Enforcement Officer from the North London Sub-Region, attended the property to conduct a survey, but failed to gain access. The Empty Property Officer noted signs that the lock to the front door had been changed, clearance of the gardens (to both 11 and 12 Harington Terrace) and evidence of a recent bonfire to the rear garden. A refrigerator containing decomposing food products had also been dumped on the pavement outside the house.
- 3.2.10 05 August 2008: The Environmental Crime Unit investigated a complaint of a bonfire at the property. The investigating officer, who could not gain access, did not witness any smoke or smell, noting that this was probably due to the rainy weather at the time of his visit.
- 3.2.11 09 September 2008: The Empty Property Officer wrote to the late owner's son stating that he had failed to reply to his previous letters dated 13 December 2006, 12 June 2007 and 14 July 2008 and despite having been alerted to the various options available to bring the house back into full time residential occupation, it appeared that he had not acted upon any of the advice and/or schemes offered by the Council, and consequently the property continued to be in a vacant and dilapidated condition. The letter pointed out that when the property was visited on 04 August 2008, the Empty Property Officer noticed that the locks to the front door may have been changed and carpets and furniture seemed to have been cleared out of the ground floor of the property. The rear garden had been cleared, but there was still a broken pane of glass to the ground floor rear of the house. The Empty Property Officer commented that it was uncertain whether this activity was related to any work the late owner's son may have undertaken or if it was related to the reports of squatting mentioned in previous correspondence. Given the lack of any response to his letters, the Empty Property Officer advised that he was in the process of referring the property to the Treasury Solicitor, who would then make attempts to locate persons who may have a claim against the estate of the late owner. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the late owner's son was warned 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 10 October 2008. No response was received.

3.2.12 21 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health on “the personal representative” of the late owner and the late owner’s son requiring works to remedy category 1 hazards identified at the property. To date, no steps have been taken to comply with this notice.

3.2.13 12 December 2008: As the Treasury Solicitor was unable to assist, the Empty Property Officer instructed the Council’s Legal department to investigate the matter. The outcome was confirmation from the Probate Registry that there is no grant of administration/will registered together with the advice that in the meantime notices and other correspondence could be addressed to “the personal representative” of the late owner at the property.

3.2.14 15 January 2009: The Empty Property Officer wrote to the “personal representative” of the late owner and the late owner’s son reminding them of the Council’s use of compulsory purchase powers with regard empty properties. The letter highlighted that despite attempts for over 18 months by the Empty Property Officer and other Council officers to enter into communication and negotiation, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

### **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**

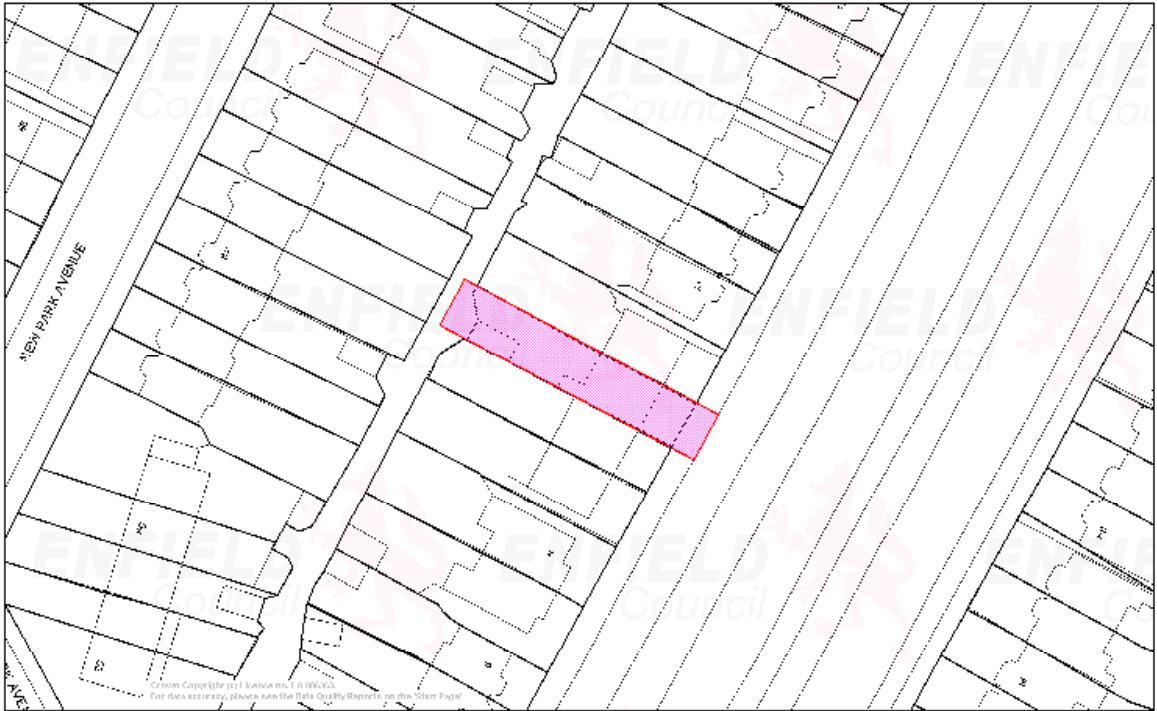
11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, 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 *Corporate Housing Strategy*.
- 13.6 *Putting Enfield First 2007/2010*.
- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 11 Harington Terrace, 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.

11 Harington Terrace, Great Cambridge Road, N18 1JX



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