

**REPORT FROM: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICES MANAGER**

**TO: EXECUTIVE**

**DATE: 22<sup>nd</sup> October 2015**

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**40 REGENT STREET, NELSON**

**PURPOSE OF REPORT**

To inform the Executive of the position regarding 40 Regent Street Nelson and set out the options to the Executive following the request from Nelson Area Committee for the Council to start compulsory purchase proceedings.

**RECOMMENDATIONS**

That action is taken under Section 79 Of the Building Act 1984 or section 215 of the Town and Country Planning Act 1990 to improve the condition and appearance of the property.

**REASONS FOR RECOMMENDATION**

- (1) To improve the condition and appearance of the building.
- (2) There is no identifiable budget to compulsory purchase the property.

**Issue**

At its meeting on the 6<sup>th</sup> July 2015 Nelson Committee requested that a report be presented to the Executive regarding the possible Compulsory Purchase of 40 Regent Street, Nelson

40 Regent Street is a gable end property at the Junction of Regent Street and Derby Street. The property comprises a former shop and attached living accommodation. Visually it is in a very poor condition the shop windows and doors are boarded as are those that form the living accommodation.

The property is currently owned by a local plumber and is used as a store for materials. He has been approached by the Council about the possibility of us installing window vinyls to improve the appearance of the property. The Owner was more than happy to allow us to carry out this work However on reflection and following an inspection of the property by the planning department it

was felt that because of the overall appearance of the property it was not an appropriate approach without other improvements being made to the property.

## **Options Available**

### **Voluntary Action**

We could contact the owner and ask him to make improvements to the outside of the property voluntarily but given that the owner has allowed the property to become dilapidated it is not considered to be an option.

### **Enforcement Action**

Subject to further investigation we could use the powers contained within section 79 of the Building Act 1984 or section 215 of the Town and Country Planning Act 1990 to require the owner to carry out works to improve the appearance and condition of the property. Should the owner fail to comply with any notice served then the Council could carry out the works in default and register the charge against the property until the costs are repaid. This action will improve the appearance but will not result in the property being brought back into use as a dwelling.

### **Compulsory Purchase**

We could look at the possibility of using compulsory purchase powers under section 17 of the Housing Act 1985 and then sell the property to recover costs incurred. However as the property is currently being used by a local business there would be added complications with this option as the occupier would be entitled to either relocation of the business to other suitable accommodation or possibly extinguishment of the business which both carry with them additional costs. Housing, Health and Economic Development do not currently have a budget for this type of activity.

### **Conclusion**

The use of compulsory purchase of the property is the only option that can guarantee that the property is not only improved but brought back into full use. However this will involve considerable expense to the council in not only buying the property but in the additional expenses in either relocating the business or extinguishing it. However there is no funding available to buy the property in the current financial year.

This leaves us with only one other option which is to take enforcement action using either the Building Act 1984 or the Town and Country Planning Act 1990 to require the owner to carry out repairs to his property to improve its appearance. If the owner fails to comply with this action then the Council has the option to carry out the works and recover the costs from the owner.

Should the owner fail to repay the cost of the works then further consideration should be given to using the enforced sale powers contained within the Law of Property Act 1925 to sell the property to recover the costs and hopefully have the property brought back into full use.

## **IMPLICATIONS**

**Policy:** There are no policy issues arising from this report

**Financial:** The proposal to serve notice to remedy the disrepair to the property is likely to result in the Council carrying the works out in default. The cost of this work would be around £5000 and can be recovered from the owner and placed as a charge against the property until it is recovered.

**Legal:** None

**Risk Management:** None

**Health and Safety:** As empty houses attract anti-social behaviour there are potential risks to officers inspecting these properties. However there are departmental risk assessments in place to minimise the hazards associated with these properties

**Sustainability:** The property is currently under utilised and detracting from the visual amenity of the area taking action to improve the appearance of the property will enhance the area.

**Community Safety:** Long term empty properties attract anti-social behaviour and fly tipping. Bringing this property back into use will reduce these activities around this property

**Equality and Diversity:** None

## APPENDICES

### LIST OF BACKGROUND PAPERS

*None*