

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

**TO:** POLICY AND RESOURCES COMMITTEE

**DATES:** 23<sup>rd</sup> OCTOBER, 2018

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**GLEN COTTAGE, RAINHALL CRESCENT, BARNOLDSWICK**

**PURPOSE OF REPORT**

To inform the Committee of the position regarding Glen Cottage, Rainhall Crescent, Barnoldswick and to seek approval to start compulsory purchase proceedings

**RECOMMENDATIONS**

- (1) That the Committee accepts the principle of the compulsory purchase of Glen Cottage, Rainhall Crescent, Barnoldswick
- (2) That the Head of Legal Services be authorised to:
  - (i) to take the initial steps in connection with making of a Compulsory Purchase Order under section 17 of the Housing Act 1985 including the services of preliminary notices and preparation of a Statement of Case in connection with the proposed Order
  - (ii) To report back to Committee seeking formal authority to proceed with the proposed Compulsory Purchase Order once the preliminary works have been completed.
- (3) That compulsory purchase of this property does not breach the Human Rights Act 1998 and is proportionate in all the circumstances.

**REASON FOR RECOMMENDATIONS**

To bring an unoccupied and decaying property back into residential use and to improve the amenity of the area.

**ISSUE**

West Craven Committee, at their meeting on the 8<sup>th</sup> June 2018, suggested that the property be taken into the control of the Council using the Compulsory Purchase Order powers under the Housing Act 1985.

The Council's Policy and Resources Committee at their meeting on 28th August 2018 asked for a report setting out how the Council could bring this property back into occupation.

Glen Cottage is a property that was highlighted in the report submitted to the council's Executive on the 15<sup>th</sup> March 2018 as one that should be considered for Compulsory Purchase due to the length of time it has been empty.

The house is known to have been empty for at least seven years and there appears to have been no attempt to improve or maintain the property.

Glen Cottage is a semi-detached, stone-built, part-rendered 3 bedroomed house. The gable-end ground floor window has been boarded following vandalism and the render to the rear has fallen off leaving open jointed stonework and the general appearance of the property is shabby.

There have also been a number of complaints regarding the condition of the property and despite Legal Services contacting the solicitors acting for the executors, who claimed that the executor were improving the property the matter remains unresolved.

An Empty Home Loan enquiry was received on 4 September 2014. A full inspection of the property was carried out and a schedule of work was forwarded to the executor for the estate of her late mother,. Despite contacting her on several occasions to determine what progress was being made with regards to an Empty Home Loan, no application has been forthcoming. The executor cited a family dispute was delaying the granting of probate. This continues to be the current position regarding the property which continues to deteriorate.

The following options are available:

**We could do nothing and wait for probate to be granted.** Considering the fact that probate has been held up for a number of years over a family dispute, with no early prospect of a resolution, I do not consider this an option.

**An Empty Dwelling Management Order could be used.** This would be very costly and the Council would only be able to recover part of the costs incurred, as it is unlikely the executor would agree to repay any debit after the order had expired.

**We can seek to compulsorily purchase the house and take it into the Councils ownership.** We would then sell the property in an unimproved condition with a development agreement to ensure that it was renovated. This would allow us to recover the costs incurred in acquiring it.

Compulsory Purchase is a power that we should use as a last resort. The executor has been unwilling to resolve the probate issue so far and do anything to improve his property which leaves us with no alternative if we want the house to be occupied. This is therefore recommended as the best option.

## IMPLICATIONS

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

**Financial:** The proposal is to acquire this property as part of planned Compulsory Purchases funded from the empty property loan fund as agreed by the Councils Executive on the 15<sup>th</sup> March 2018

**Legal:** A compulsory purchase order needs to be served

**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 Management of empty houses will result in a valuable resource being brought back into use.

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

**Equality and Diversity:** None

## APPENDICES

### LIST OF BACKGROUND PAPERS