



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

**TO:** POLICY AND RESOURCES COMMITTEE

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**THE BOROUGH OF PENDLE (GLEN COTTAGE, BARNOLDSWICK)  
COMPULSORY PURCHASE ORDER 2019**

**PURPOSE OF REPORT**

The purpose of this report is to request the Policy and Resources Committee to pass a resolution that would allow the Council to promote a compulsory purchase order to acquire a vacant dwelling house (and associated curtilage) known as Glen Cottage, Rainhall Crescent, Barnoldswick.

**RECOMMENDATIONS**

It is hereby recommended that the Policy and Resources Committee pass the following resolution:

- (1) To Make THE BOROUGH OF PENDLE (GLEN COTTAGE, BARNOLDSWICK) COMPULSORY PURCHASE ORDER 2019 under Section 17(1)(b) of the Housing Act 1985 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)) for the acquisition of all interests in land and premises described in this report and on the site shown edged with a thick black line on the Map in Appendix 1 to this report in order to acquire ownership of the dwelling house and upon acquisition to procure the disposal and renovation thereof.
- (2) To approve the draft Statement of Reasons annexed to this Report and to authorise appropriate officers to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) To authorise the Head of Legal Services to take any necessary steps to prepare the documentation required to make The Borough of Pendle (Glen Cottage, Barnoldswick) Compulsory Purchase Order 2019 under Section 17(1)(b) of the Housing Act 1985 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)).
- (4) To authorise the Head of Legal Services to take any such steps as may be required to

promote with a view to securing the confirmation and subsequent implementation of the above aforementioned Order, such steps are to include, but not be exclusive to the the following:-

- Affixing the Common Seal of the Council to the Compulsory Purchase Order and Map;
- the issue and service of all statutory notices;
- the submission of all necessary documentation to the Secretary of State for the Ministry of Housing Communities and Local Government in seeking to obtain confirmation of the Order;
- continuing negotiations and approving agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed Compulsory Purchase Order had been in place;
- agreeing in advance the withdrawal of objections to the Compulsory Purchase Order (where appropriate);
- the presentation of the Council's case at any public inquiry or through written representations if this is appropriate;
- to make and affix the Common Seal of the Council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto;
- representation of the Council's case on compensation matters connected with this Compulsory Purchase Order to the Upper Tribunal (Lands Chamber).

## **REASON FOR RECOMMENDATIONS**

To make a Compulsory Purchase Order to be known as 'THE BOROUGH OF PENDLE (GLEN COTTAGE, BARNOLDSWICK) COMPULSORY PURCHASE ORDER 2019'. This shall enable the acquisition of an unoccupied and decaying property and facilitate it to be renovated and brought back into residential use, thereby improving the amenity of the area.

### **Background**

1. The Borough of Pendle (Glen Cottage, Barnoldswick) Compulsory Purchase Order 2019 ('the Order') relates to a dwelling house and associated curtilage known as Glen Cottage, located at Rainhall Crescent, Barnoldswick. ('the Order Land').
2. The Order Land comprises one plot within the private ownership of Gladys Birtwistle and the now deceased Fred Birtwistle. Land ownership is detailed in the schedule to the Order. The Order Land has been vacant for at least five years and it would appear that until recently at least, there has been no attempt to improve the condition of the property.
3. The Order Land consists of a semi detached, stone built, part rendered three bedroom house. The gable-end window has been boarded up following vandalism, whilst the rendering to the rear has fallen off, leaving open jointed stonework and the general appearance of the property, has an adverse impact on the amenity of the local area.
4. The purpose of the proposed acquisition is to bring the empty dwelling back into residential use in accordance with section 17(1)(b) of the Housing Act 1985. This shall deliver a quantitative housing gain.
5. The proposal is to dispose of the dwelling, on/shortly after acquisition to a third party, by way of an agreement that requires renovation of the property to an agreed standard. This is

in accordance with section 17(2) of the Housing Act 1985. This shall deliver a qualitative housing gain, whilst improving the amenity of the local area.

6. The Council has attempted to acquire ownership of the Order Land by voluntary means, after one of the owners (Fred Birtwistle) died, but this has not proved to be possible. The Council has attempted to progress the matter with the Executors to the Estate of Fred Birtwistle, but the property is the subject of a family dispute which has delayed the granting of probate, and whilst the Council acknowledges the good faith of all parties involved, it has until very recently not proved possible for any renovation or even minimum maintenance works to be carried out to the dwelling. The property has been the subject of discussions concerning empty property home loan assistance as far back as 2014. There have been complaints from neighbouring properties and the West Craven Area Committee has called for action to be taken in November 2017 and again in June 2018.
7. The proposed acquisition of the Order Land is in accordance with the Housing Strategy for Pendle 2018-2023 with the objective to develop sustainable neighbourhoods, a key action under which was to deal with the problems posed by empty homes.
8. In December 2017, the Executive approved the updated Empty Homes Action Plan 2017-2019 is designed to target properties that have been empty over two years. These properties can cause social and environmental problems to local neighbourhoods through problems such as fly tipping, unauthorised entry and vandalism. They also represent a valuable resource that could be used to satisfy housing demand within the local area. There is strong local demand for rental properties in the area of the Order Land.
9. The Council has established a CPO Fund of £150,000 by way of the December 2017 resolution from the Executive to meet the costs of acquiring/disposing of empty properties.
10. In March 2018, Glen Cottage, Barnoldswick was included on a priority list endorsed by the Executive, as appropriate for the potential promotion of a Compulsory Purchase Order.
11. On 23<sup>rd</sup> October 2018, the Policy & Resources Committee considered and approved a report in connection with taking initial steps to promote a compulsory purchase order for the Order Land.

### **The Compulsory Purchase Order and Draft Statement of Reasons**

12. A strict statutory process must be followed to promote a compulsory purchase order, involving public notice and submission to the Secretary of State for confirmation. Before an order is confirmed, any interested party may make representations and the Secretary of State is likely to order that any objections are heard at a public inquiry, in the event that objections are made and not withdrawn.
13. For an order to be confirmed by the Secretary of State, the Council must make a compelling case in the public interest. Officers consider that the promotion of the Order makes such a case because it would enable a wasted property asset to be brought back into suitable residential use and is fully in accordance with the Housing Strategy and Empty Property Action Plan that the Council has adopted. The Council's case is more specifically set out in the Draft Statement of Reasons (Appendix 2) annexed hereto, but a brief outline is set out below.
14. The Draft Statement of Reasons has been prepared in accordance with the latest Guidance from the Ministry for Housing Communities and Local Government published in February 2018.

15. The justification for the Order is in four main areas. First, the proposal delivers a quantitative housing gain by delivering an extra housing unit to the housing market. The Burnley and Pendle Strategic Housing Market Assessment (2013) indicated an annual requirement for 298 new homes across the borough. In 2016/2017 just 168 units were delivered. This housing unit goes towards meeting that target. Second, the proposal to secure renovation by way of a conditional disposal to a third party ensures that there will be an improvement in the quality of housing stock and thereby secures a qualitative housing gain. Third, the proposal builds upon a successful track record of the Council in dealing with empty homes since 2011. From 2011 to 2017 the Council the number of properties empty for over two years more than halved from 741 to 369. Finally, there are a rising number of housing/homelessness enquiries and an additional housing unit fit for residential occupation is useful in this context.
16. These justifications are in addition to the benefits that the proposal would deliver to improving the amenity of the local area.
17. On the basis of the above, the Policy and Resources Committee is recommended to pass the appropriate resolution enabling a Compulsory Purchase Order to be promoted by the Council, as set out in the recommendation herein.

## **IMPLICATIONS**

**Policy:** The proposals are in accordance with the Housing Strategy for Pendle 2018-2023 and the Empty Homes Action Plan 2017-2019.

**Financial:** The Council estimates that the value of the Order Land is in the region of £70,000 and the costs of acquisition/disposal can be met from internal resources by using the approved £150,000 CPO Fund.

**Legal:** The CPO will be managed and processed in accordance with Compulsory Purchase legislation and guidance.

**Risk Management:** Risk management would be controlled through the Council's existing procedures.

**Health and Safety:** All health and safety requirements will be observed throughout the scheme.

**Sustainability:** The Order will facilitate the improvement of housing stock in the borough, which is regarded as an important driver of economic growth.

**Community Safety:** None as a result of this report.

**Equality and Diversity:** The Council has considered its obligations under section 149 of the Equality Act 2010 and is satisfied that no individuals or groups with protected characteristics (or otherwise) shall be disadvantaged by the proposals in this report.

## **APPENDICES**

Appendix 1 - Map for the Compulsory Purchase Order

Appendix 2 - Draft Statement of Reasons

## **LIST OF BACKGROUND PAPERS**

Reports to Executive: March 2016, 14 December 2017, 15 March 2018.

Report to the Policy and Resources Committee: 23 October 2018 'Glen Cottage, Rainhall Crescent Barnoldswick'