



REPORT FROM: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE 19th MARCH, 2019

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**THE BOROUGH OF PENDLE (32 RHODA STREET, NELSON)
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 32 Rhoda Street Nelson.

RECOMMENDATIONS

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

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| (1) | To Make THE BOROUGH OF PENDLE (32 RHODA STREET, NELSON) 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 (32 Rhoda Street, Nelson) 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 to be exclusive to the following:-
	<ul style="list-style-type: none"> • 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 (32 RHODA STREET, NELSON) 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 (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019 ('the Order') relates to a dwelling house and associated curtilage known as 32 Rhoda Street, Nelson ('the Order Land').
2. The Order Land comprises one plot with the freehold interest held by Borsdane Properties Limited and a leasehold interest in the name of the late Mary Edwards. Land ownership is detailed in the schedule to the Order. The Order Land has been vacant for at least seven years and it would appear that there has been no attempt to improve the condition of the property.
3. The Order Land consists of a two storey mid terraced garden fronted house, with stone elevations under a slate pitched roof. There is a brick built kitchen extension with a yard to the rear. The yard is enclosed by a wall which has no gate, and this has left the property prone to fly tipping incidents. Window and door openings on the ground floor have been boarded up. The timber framed windows on the first floor are rotten and the glazing to one of them has been broken. Adjoining the kitchen extension, is a small outhouse which has no roof. The basic fabric/structure of the property is considered to be sound, and although internal access has not proved possible, there is evidence that floorboards have been removed.

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 leasehold interest in the Order Land by voluntary means, but this has not proved to be possible.
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. The Action Plan included a target to reduce empty properties in Nelson by 20% by 2020.
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, 32 Rhoda Street was included on a priority list endorsed by the Executive, as appropriate for the potential promotion of a Compulsory Purchase Order.
11. On 23rd October 2018, the Policy & Resources Committee considered and approved a report in connection with the proposed compulsory purchase of 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 £25,000 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 `32 Rhoda Street, Nelson`