

**THE BOROUGH OF PENDLE  
(32 RHODA STREET, NELSON)  
COMPULSORY PURCHASE ORDER 2019**

**HOUSING ACT 1985  
ACQUISITION OF LAND ACT 1981**

**STATEMENT OF REASONS**

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22 March 2019

## **1. Introduction**

- 1.1 This non statutory Statement of Reasons ('this Statement') has been prepared by The Borough Council of Pendle ('the Council') in support of its promotion of 'The Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019' (Document 1) ('the Order').
- 1.2 This Statement sets out the case of the Council for promotion of the Order in connection with the proposed acquisition of the dwelling house (and curtilage thereto) known as 32 Rhoda Street Nelson ('the Order Land') which is further detailed in section 2 of this Statement and edged red and coloured pink on the Order Map (Document 1).
- 1.3 The Order which is being promoted by the Council under section 17(1)(b) of the Housing Act 1985, to acquire the ownership of the Order Land, so as to provide for the acquisition and refurbishment of what is currently an empty dwelling in need of renovation. The intention is that the housing unit would be refurbished to a modern standard and returned to residential use, thereby delivering a clear housing gain in both quantitative and qualitative terms.
- 1.4 Upon acquisition, the Council would propose to dispose of the dwelling constituting the Order Land to a third party by way of a Development Agreement, with a requirement that renovation is carried out to an appropriate standard within a set time frame. The Council expect the renovation to be completed within 12 months of disposal (which is a condition of the disposal) and are therefore satisfied that the renovation would be completed well within ten years of confirmation of the Order in accordance with section 17(4) of the Housing Act 1985.
- 1.5 Current title to the Order Land is within the two ownerships and is detailed in section 2 below.
- 1.6 The Council resolved by way of a resolution of the Policy and Resources Committee on 22<sup>nd</sup> March 2019 to promote the Order (Document 2).

## **2. The Order Land**

- 2.1 The Order Land consists of a dwelling house and the associated residential curtilage known as 32 Rhoda Street Nelson, totalling 76 square metres in area.

- 2.2 The Order Land is a two storey mid terrace garden forecourt fronted house, with stone elevations under a slate pitched roof, and with a brick built kitchen extension and yard to the rear. The terraced dwelling sits in a row of terraced properties and is bounded by the area edged red on the Order Map marked 'The Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019' and edged red and coloured pink thereon (Document 1).
- 2.3 The Order Land comprises a single plot in the freehold ownership Borsdane Properties Limited and the leasehold ownership of the late Mary Edwards.

### **3. Statutory Power to promote the CPO**

- 3.1 Upon confirmation, the Order shall permit the compulsory acquisition of the Order Land.
- 3.2 The Order is made under section 17(1)(b) of the Housing Act 1985 (and the Acquisition of Land Act 1981 and Planning and Compulsory Purchase Act 2004) (as amended) in order to secure the acquisition of 'houses or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings'. In this case, the Order Land consists of an empty dwelling house in need of renovation and the purpose of acquisition is in order to secure the improvement thereof and bring it back into use as a residential dwelling (see Section 9 – 'Empty Dwellings' below).
- 3.3 The Council contends that the proposal to dispose of the Order Land to a third party in order to secure refurbished modern accommodation is fully in accordance with the section 17(2) of the Housing Act 1985.
- 3.4 The Council would expect the disposal set out in paragraph 3.3 above to take place shortly after confirmation of the Order and that any renovation would be completed within 12 months of disposal. It is therefore satisfied in any case that it shall occur within ten years of confirmation in accordance with section 17(4) of the Housing Act 1985.

### **4. Strategic Context of Housing in Pendle.**

- 4.1 The nature of housing in Pendle, in terms of provision, demand and the operation of local housing markets, should perhaps be set in the wider policy context in force at national, regional and local levels.

- 4.2 At national level, the Government issued the Housing White Paper 'Fixing Our Broken Housing Market' (Document 3) in early 2017. This was primarily designed to deal with the national crisis around housing supply. The UK currently builds around 220,000 new homes per year (which is a historic high) but aspires to an annual target of 300,000 by 2025. There is a widespread shortage of available properties to buy/rent in many local housing markets across the UK. This has been coupled with what is often seen as a crisis of affordability, putting housing out of reach for many communities. It is clear that provision of suitable housing is vital to delivery of local economic growth and the ability to sustain jobs in local communities. Conversely, a lack of suitable properties acts as a brake on economic growth. On this basis, the White Paper was concerned to ensure that the right properties were built in the right areas to cater for local demand, and to encourage homes to be built faster – which meant taking steps to work in partnership between public and private sectors to build at scale. There was also a recognition that housing markets are different in each area, and that they should aim to have a range of housing types to appeal to a range of households. The White Paper also set out some limited initiatives to assist affordability, especially for first time buyers. There is a national investment programme delivered through Homes England in connection with these priorities.
- 4.3 In 'The Industrial Strategy: Building a Britain fit for the Future' (2017) (Document 4) the Government made clear that one of the foundations for economic growth upon which the Industrial Strategy was built was that of infrastructure – including high quality housing. The Lancashire Enterprise Partnership Strategic Economic Plan (2014) (Document 5) also stressed the importance of ensuring that adequate and suitable housing provision is provided across the county, as this is clearly considered at both national and local levels as being crucial to driving economic growth and securing jobs in the local economy.
- 4.4 There is now in effect no up to date relevant housing strategy operating at regional level, since The Pennine Lancashire Housing Strategy 2009-2029 (Document 6) was developed with partner local authorities across East Lancashire in a context when the Housing Market Renewal Pathfinder Programme developed in conjunction with Elevate was still operational (see section 5 below - 'The Local Housing Market in Pendle'). However this context has radically changed, since this programme ceased to operate and funding opportunities to local authorities have deteriorated considerably since that time.

- 4.5 The Vision of 2030 is set out in the Local Plan. The Pendle Local Plan Part 1 Core Strategy 2015-2030 ('the Local Plan') (Document 7) that was adopted by the Council in December 2015 set out a vision for the Borough of Pendle in 2030. The vision paints a broad picture of how the Borough should look by 2030, thereby providing an action plan to guide progress in the interim period. In the context of promoting this Order, one important theme relates to the provision of a quality, balanced and affordable local housing market.
- 4.6 The Pendle Council Strategic Plan 2018 to 2020 (Document 8) is the corporate plan for the Borough and it notes that 'As a Council we have signed up to the vision in our Sustainable Community Strategy and we are committed to working with our partners to ensure that '.....we want Pendle to be a place where everyone aspires to reach their full potential'. This vision is supported by four strategic objectives – strong services, strong economy, strong communities and strong organisation. The strategic objective to develop a strong economy means 'helping to create and sustain jobs with strong economic and housing growth' and has obvious relevance to ensuring provision of appropriate housing stock to cater for the demands of the local community. The strategic objective to develop a strong economy feeds into and supports other strategic objectives notably that of creating and sustaining strong communities, as without sufficient economic growth and the jobs that are provided by that, it is difficult to create and sustain strong communities. The Council endeavours to provide clean, healthy, safe and cohesive communities and the Council contends that the provision of an appropriate range of quality and affordable housing is at the heart of that commitment.
- 4.7 The Jobs & Growth Strategy for Pendle 2013-2023 (Document 9) sets out the vision of delivering 'a vibrant economy that creates high quality jobs to support business growth which leads to a prosperous population'. The strategy acknowledges that whilst future economic growth is subject to external influences, the Council should work with partners to help stimulate it. The strategy is built around four themes – our business (to create more thriving businesses and provide suitable and sufficient land for economic growth), our people (to provide a highly employable workforce for growing businesses), our connectivity (to improve road, rail and digital connections to bring employees, residents and businesses closer together) and our place (to ensure that housing is of sufficient quantity and quality in Pendle to meet local needs). These four elements are designed to deliver jobs and growth and it may be observed that the provision of suitable housing is central to that.

- 4.8 The Housing Strategy for Pendle 2018-2023 ('the Housing Strategy') was adopted by the Council to complement the above corporate policy framework, notably the Pendle Council Strategic Plan 2018-2020 and the Jobs and Growth Strategy for Pendle 2013-2023. These latter strategies place an emphasis on creating sustainable economic growth and strong communities. The Housing Strategy is designed to ensure that the Housing offer in Pendle, fits with and complements these broader objectives.
- 4.9 The overall vision of the Housing Strategy (which was maintained after the Housing Strategy was refreshed in 2014) is 'to have a balanced housing market that supports economic growth and social well being in Pendle. To maximise the potential of our housing markets by diversifying and improving the housing offer, ensuring it is attractive and affordable and meets the needs and aspirations of our communities'. To achieve this vision three objectives have been identified – namely (1) to ensure a sufficient quantity, quality and appropriate type of housing supply, to meet the aspirations and social needs of Pendle, (2) to develop sustainable neighbourhoods that can retain and attract successful households and (3) to meet the housing and support needs of residents and vulnerable people. Each objective is supported by a series of 'Key Actions'. Of particular relevance to the promotion of this Order, is Objective 2 (sustainable neighbourhoods) and the key action associated with that in relation to empty properties – namely the intention to tackle the issue of empty homes in the Borough, particularly those which are regarded as being long term empty, namely those vacant for more than two years.
- 4.10 On the basis of the above, the Council contends that dealing with the issues posed by empty properties is at the heart of the Council's Housing Strategy (see Section 9 - 'Empty Dwellings' below).

## **5. The Local Housing Market in Pendle.**

- 5.1 As indicated in paragraph 4.4 above, the Borough took part in the former ODPM Housing Market Renewal Pathfinder Programme from 2002 until 2011 in conjunction with Elevate East Lancashire. The programme aimed to deal with issues of oversupply and worked towards creating mixed housing types as part of a long term restructuring aimed at restoring balance to the local housing market. It also looked to improving quality of existing stock, providing a range of tenure options, as well as improving neighbourhood management.

- 5.2 On the basis of the above, the Council has looked to deliver a long term rebalancing of the housing stock, away from small terraced houses, towards larger dwellings, with an emphasis on providing a mixed typology of stock, that ensures quality, and is suitable for a range of occupants, thereby delivering on the commitment to develop sustainable neighbourhoods in accordance with the Housing Strategy. New housing schemes within the Borough are generally expected to meet design guide/policy requirements within the Local Plan, through Policy LIV 5a (Property Type) and Policy LIV 5b (Property Sizes) so that generally over the longer term, new developments (as a guide) may be expected to contain 7.5% 1 bed units, 45% 2 bed units, 35% 3 bed units and 12.5% 4 bed units. Further, in terms of property type, the aim is to achieve 35% semi detached, 25% detached, 10% terraced, 10% flat/maisonette and 20% bungalow/specialist elderly accommodation.
- 5.3 Notwithstanding the above, the Council is clear that all types of dwelling play a valuable role in the community. Thus there is a strategic role for two bedroom terraced dwellings (for instance in dealing with question of homelessness) even if there has been a historic problem of oversupply of such houses within Pendle.
- 5.4 The total number of dwellings in Pendle as reported in the Stock Condition Survey 2009 ('the Survey') (Document 11) was 39,620 but by 2017 this had increased to 39,920 dwellings (Document 11A).
- 5.5 Although Empty Properties will be dealt with in detail in Section 9 of this Statement ('Empty Dwellings') it may be noted that since the completion of the Survey, between 2010 and 2017, DCLG data showed that vacancy rates across England fell by 17.8% in England and 14.4% in Lancashire. Pendle recorded a significant reduction in this period falling from 2688 vacant dwellings (in 2010) to 1859 (in 2017) a fall of some 30.8%. The Borough still however has a comparatively high vacancy rate of 4.7% in 2017.
- 5.6 As of October 2018, the vacancy rate for long term empty properties (those vacant for more than six months) stood at 2.2% (Document 11A).

## **6. Housing Standards: Stock Condition Survey**

- 6.1 The Stock Condition Survey (2009) (Document 11) reported that 36.3%

of the housing stock was classed as sub-decent, in that it did not meet the Governments Decent Homes Standard. This is considerably in excess of the proportion of 'at risk' properties observed on a national level (22%).

- 6.2 The overall proportion of dwellings across Pendle with at least one Category 1 Hazard, as assessed under The Housing Health and Safety Rating System (as set out in the Housing Act 2004) was reported at 22.1%.

## **7. Housing Waiting List**

- 7.1 There were 1482 households registered on Pendle for social housing as of 19<sup>th</sup> November 2018.

## **8. Affordability of Housing**

- 8.1 The Strategic Housing Market Assessment for Burnley and Pendle 2013 ('the Assessment') (Document 12) identified that Pendle has a net housing requirement for 280-320 new dwellings per annum. The assessment indicated that there is a long standing requirement for affordable housing across the Borough. This continues to be the case not least because of the comparative low incomes that are generated in the local economy. There will continue to be a demand for good quality rented accommodation and low cost home ownership. The Affordable Housing requirement identified in the survey was either 672 dwellings per annum (based on gross household formation) or 236 dwellings per annum (based on net household formation).
- 8.2 The Council contend that although there is a clear requirement for affordable housing, the gross figure of 672 dwellings per annum is in excess of the overall housing requirement (in fact it is more than double) and is unrealistic to deliver in current market conditions. Even the lower (net) figure of 236 dwellings per annum constitutes 74-84% of the overall housing requirement for the Borough and again would be difficult to achieve in current market conditions.
- 8.3 With effect from November 2018, the revised National Planning Policy Framework (2018) (Document 13) introduces a new system for calculation of local housing need. It does not however include a specific affordable housing target, although there is a general planning policy requirement that at least 10% of homes should be affordable for major



developments, unless that would exceed the requirements of policy set out in the Local Plan.

- 8.4 Over the last three years there have been some 152 units delivered across the Borough for affordable rent/shared ownership (103 new build and 49 refurbished properties). These have been secured by Registered Providers securing funding from Homes England. The Council has not been able to deliver affordable housing through section 106 agreements due to viability issues related to the local housing market.
- 8.5 The Council shall continue to work closely in partnership with Registered Providers and developers to deliver the maximum possible affordable units to the market, to cater for local housing needs/demand, in accordance with the Housing Strategy.

## **9. Empty Dwellings**

- 9.1 Empty homes are a wasted resource and have the potential to meet some of the demand for residential accommodation, whilst also offering the possibility of increasing the supply of affordable homes. Whilst empty, they often have a negative impact leading to the social and environmental decline of the neighbourhood and can often cause nuisance to adjoining properties by attracting fly tipping, infestation of rodents, vandalism, unauthorised entry and other anti social behavior.
- 9.2 As indicated in paragraph 4.9 above, the Housing Strategy objective to develop sustainable neighbourhoods (Objective 2) contained a Key Action to tackle the problems posed by empty homes.
- 9.3 Although the Council is in the process of reviewing its Empty Homes Strategy, on the basis of the Key Action following on from Objective 2 of the Housing Policy, the Council has by way of a resolution of the Executive on 14<sup>th</sup> December 2017 resolved in principle to endorse the option of promoting compulsory purchase orders where appropriate in particular circumstances to acquire ownership of long-term empty properties. It is acknowledged that this is to be used as a last resort where the Council has been unable to bring the empty property back into residential use by other means.
- 9.4 From 2011/2012, the Council has established an Empty Homes Officer Post, within the Environmental Health team. This dedicated resource has proved to be invaluable in harnessing expertise and resources to bring empty properties back into use across the Borough. From 2011 to 2017 the number of properties empty for two years or more halved from 741 to

369. Over the same period, the number of properties empty for six months or more almost halved from 1770 to 926. Between 2011 and 2017 a total of 1295 properties were brought back into use across the Borough.

- 9.5 This strong track record has enabled the Council to work with partners to outperform other areas, both regionally and nationally. In 2016, it has been estimated that 2.54% of homes in England were empty for six months or more, compared with a regional rate for the North West of 3.3%. (Document 15). By contrast, the rate for Pendle was just 2.3%. The Council contends that this demonstrates the benefit of having a dedicated resource and deploying professional expertise to work in partnership to deal with the problems posed by empty homes.
- 9.6 Notwithstanding the comparative success in terms of the vacancy rate, it is acknowledged that clusters of empty properties exist around the Borough, and it may be noted that in the Nelson area (where the Order Land is located) the vacancy rate is 4.5% - almost twice the rate for Pendle as a whole.
- 9.7 In March 2016, the Council by way of a resolution of the Executive, approved an Empty Properties Action Plan for 2016-2017 (Document 16) which included a target to reduce empty homes in Nelson by 20% by 2020.
- 9.8 In December 2017, the Council by way of a resolution of the Executive adopted an updated Action Plan for 2017-2019 (Document 14). It carried forward the target to reduce empty homes in Nelson by 20% by 2020. The Executive also approved a priority list of empty properties as potential candidates for promotion of compulsory purchase orders and 32 Rhoda Street Nelson was on that list. The list was further updated and approved by the Executive in March 2018 (Document 17).
- 9.9 In December 2017, the Executive (Document 14) also resolved to provide a fund (of £150,000) to promote compulsory purchase orders in appropriate circumstances to acquire and dispose of properties (for the purposes of renovation) that have been empty for over two years (see Section 15 - 'Funding' below).
- 9.10 On account of the above, the Council is satisfied that it has an appropriate policy basis coupled with a proven track record to bring empty properties back into use, by means of promoting compulsory purchase orders in appropriate cases. The Council contends that taking into account the purpose for the Order (see Section 10 - 'Purpose of Compulsory Purchase' below), the justification for the Order (see Section 11 -

'Justification for Compulsory Purchase' below), the case history of the Order Land (see Section 12 - 'Case History of the Order Land' below) and the failed attempts at voluntary acquisition (see Section 13 - 'Attempts at Voluntary Acquisition' below) that there is a compelling case in the public interest to acquire the Order Land by means of compulsory purchase.

## **10. Purpose of Compulsory Purchase**

- 10.1 The Council's purpose in seeking to acquire the Order Land is to enable an empty dwelling to be brought back into residential use and is therefore fully in accordance with section 17(1)(b) of the Housing Act 1985.
- 10.2 Upon confirmation of the Order, the Council would seek to acquire and subsequently dispose of the property comprising the Order Land to a third party, by way of a Development Agreement, in order to secure renovation to a satisfactory standard, thereby enabling the property to be returned to residential use, in accordance with section 17(2) of the Housing Act 1985.
- 10.3 The Council would expect that the dwelling would be brought back into residential use within 12 months of disposal and therefore this is well within ten years of the Order being confirmed, in accordance with section 17(4) of the Housing Act 1985.

## **11. Justification for Compulsory Purchase**

- 11.1 The Council contends that there are four primary justifications for promoting the Order and that taken in conjunction with the case history of the Order Land (see section 12 - 'Case History of the Order Land' below) and the failed attempts at voluntary acquisition (see section 13 - 'Attempts at Voluntary Acquisition' below), that the case for doing so is a compelling one and is in the public interest.
- 11.2 First, the acquisition of the Order Land, would enable an empty property to be brought back into residential use. This would deliver a quantitative housing gain by providing an additional housing unit in the Borough that shall be used for residential occupation. The Burnley and Pendle Strategic Housing Market Assessment 2013 (the Assessment') (Document 12) indicated a requirement for Pendle to provide an additional 298 dwellings annually. In 2016/2017 only 168 such dwellings were provided (Document 18). Although the long term trend has been for completion rates to increase – rising from 61 net completions in 2011/2012 to 139 in 2017/18, (Document 19) they are substantially below the target level set

out in the Assessment. Acquisition/disposal and renovation of an additional housing unit would therefore deliver a small (but significant) step towards increasing supply and help towards meeting that target.

- 11.3 Second, the proposal to secure renovation of the dwelling to a satisfactory standard subsequent to acquisition, would deliver a qualitative housing gain. In doing so it would make a small but nevertheless important contribution towards improving the quality of housing stock in the Borough. This is particularly important in light of the fitness/quality issues that were highlighted in respect of the Borough's housing stock in the Stock Condition Survey 2009 (Document 11).
- 11.4 Third, the proposal to bring an empty property back into residential use, builds upon the successful track record of the Council in this area (see paragraph 9.4 above). It also accords with Objective 2 of the Housing Strategy (Document 10) to build sustainable neighbourhoods and with the Action Plan 2017-2019 (Document 14) and works towards the requirement to reduce empty properties in Nelson by 20%.by 2020, noting that the vacancy rate in Nelson (at 4.5%) is almost twice the average for the Borough as a whole (2.3%). In delivering this requirement in respect of the Order Land, it should also resolve the specific problems that have occurred with this property in respect of fly tipping and associated environmental problems in the neighbourhood (see section 12 - 'Case History of the Order Land' below).
- 11.5 The final justification is that it will increase usable housing supply, in the context of steady housing enquiries and rising homelessness enquiries across the Borough. Housing enquiries across the Borough now measure around 800-1000 on an annual basis. Homeless enquiries have risen sharply in recent months. For the six month period between April 2018 and September 2018, there were 272 such enquiries, compared to 130 for the whole twelve months to April 2018, thereby constituting a four fold increase in such enquiries. The impact of changes to the welfare benefits system will mean that this trend is likely to continue. In this context, the Council maintains that there is value in bringing as many empty properties back to use for residential occupation.

## **12. Case History of the Order Land**

- 12.1 The Case history of the Order Land is set out in the Chronology attached hereto (Document 20).
- 12.2 In summary, the property comprising the Order Land (32 Rhoda Street, Nelson) has been vacant since around 2004, since the leaseholder (Mary

Edwards) died. There have been several attempts at contacting the Executor to the Estate of Mary Edwards in the hope of reaching agreement to bring the property back into use, but these have not been successful (see Section 13 - 'Attempts at Voluntary Acquisition' below).

The Council has not had any contact with the freehold owner Brosdane Properties Limited.

- 12.3 The dwelling is included in the rating/valuation list for council tax purposes,
- 12.4 The Order Land has been subject to fly tipping and a number of other incidents (Document 21). Structurally the fabric of the building is in good repair but suffers from the need for internal refurbishment. Although an internal inspection has not been possible it would appear that floorboards have been removed. Window and door openings to the ground floor have been boarded up (by the Council using statutory powers), timber window frames appear to be rotten and there is damage to the glazing of at least one window.
- 12.5 There is no evidence that the property has been visited, and attempts to contact the Executors to the Estate have proved fruitless (see Section 13 - 'Attempts at Voluntary Acquisition' below).
- 12.6 For the above reasons the property comprising the Order Land was placed on a priority list in March 2016 (Document 16) as a suitable candidate for the promotion of a compulsory purchase order, and the property was maintained on that list when it was reviewed by the Council in December 2017 (Document 14) and March 2018 (Document 17).
- 12.7 On 22<sup>nd</sup> March 2019, the Council specifically resolved to acquire the Order Land by way of compulsory purchase under section 17(1)(b) of the Housing Act 1985 for the reasons set out herein (Document 2).

### **13. Attempts at Voluntary Acquisition**

- 13.1 The Council has been actively pursuing the acquisition of the Order Land. In an attempt to obtain ownership of the Order Land by agreement, or otherwise bring the property back into use, the Council contacted the Executors to the Estate (Mrs Roche) on two occasions on 25<sup>th</sup> May 2018 (Document 22) and 3<sup>rd</sup> August 2018 (Document 23). These letters made clear that financial assistance would be available in order to bring the property back into residential use and a warning that compulsory purchase powers would be exercised if necessary. Unfortunately, no response was received to these communications. Although the Council is committed to pursuing any negotiations in good faith, until such a time as

the Order may be confirmed by the Secretary of State, it considered it necessary to promote the Order in the interim in order to both deal with the problems that the present state of the Order Land has posed to the locality and bring a wasted asset back into use as a residential property.

- 13.2 The Council acknowledges that compulsory purchase powers are only to be exercised as a matter of last resort and has adopted the approach outlined above as a result.
- 13.3 In seeking to purchase the Order Land by agreement, the Council is willing to offer sums which it considers to represent open market value and such additional sums that would be due and payable if the Order was already in place. The Council has given approval for this by way of resolution of the Policy and Resources Committee on 22nd March 2019 (Document 2).

#### **14. Planning**

- 14.1 The Order Land has an authorised use in planning terms as a dwelling house and this will not change on account of the proposals set out herein.

#### **15. Funding**

- 15.1 The Council has commissioned a valuation of the Order Land and on this basis considers the value to be in the region of £25,000.
- 15.2 The Council has a budget of £150,000 to acquire long term empty properties in order to bring them back into residential use (see paragraph 9.9 above).
- 15.3 The Council is therefore satisfied that the costs of acquisition and subsequent costs of disposal/administration to ensure renovation of the Order Land can be met in full from internal resources.

#### **16. Human Rights & Equality Implications**

- 16.1 The Council has taken into account the rights of the property owner under the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 ('the Convention'), in particular Article 1 of the First Protocol (right to private property) and Article 8 (right to privacy). The Order Land is not occupied as a dwelling (or at all), so the Council is satisfied that the Article 8 right is not engaged. The Owner

shall be entitled to proper compensation for the loss of property in accordance with the statutory compensation code. The Council therefore considers that this measure does not have an excessive or disproportionate effect on the interests of the persons affected and is content that the extent of the powers sought in the Order strikes a fair balance between the legitimate aims of the Council and the affected persons' Convention rights.

- 16.2 The Council has taken account of its duties under section 149 of the Equality Act 2010 and is satisfied that the promotion of the Order shall not disadvantage any individual or group with protected characteristics, or otherwise be the cause of any direct or indirect discrimination within the community.

### **17. Special Considerations**

- 17.1 There are no special considerations such as listed buildings. There are no other historic or sensitive buildings within the site covered by the Order Land. The site is not located within a Conservation Area.

### **18. Views of Government Departments**

- 18.1 No Government Department has expressed any views about the proposed development of the Order Land.

### **19. Conclusion**

- 19.1 The Council is promoting the 'The Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019' ('the Order') under section 17(1)(b) of the Housing Act 1985, as a last resort, in order to obtain title to the Order Land, with a view to disposing of it to a third party, conditional upon it being renovated to a satisfactory standard, to enable it to be restored to residential use, in accordance with section 17(2) of the Housing Act 1985.
- 19.2 In the Housing White Paper 'Fixing Our Broken Housing Market' (2017) (Document 3) it is made clear that the national shortage of housing is a serious issue, necessitating a building programme at scale that will deliver 300,000 units per year between now and 2025 This is important for social reasons in terms of access to housing, but is also crucial to ensuring the delivery of economic growth. This was acknowledged by the Government in 'The Industrial Strategy: Building the Britain for the Future' (2017) (Document 4) when it was made clear that sufficient

infrastructure including quality housing was one of the five foundations upon which the Industrial Strategy was to be based. The importance of these links were found at a regional level too, when the Lancashire Economic Partnership documented in the Lancashire Strategic Economic Plan (2014) (Document 5) that there was a need to provide suitable housing across the county so as to provide the opportunities for jobs and economic growth. At a local level, the Pendle Local Plan Part 1: Core Strategy (2018-2030) (Document 7) acknowledged the need to develop a balanced and diverse housing market with a range of housing to meet local needs and aspirations. The Pendle Strategic Plan (2018-2020) (Document 8) has development of a strong economy and strong communities key objectives. This is complemented by The Jobs and Growth Strategy for Pendle (2013-2023) (Document 9) which acknowledges that shortage of suitable accommodation in certain areas can act as a serious constraint on the potential to drive economic growth.

- 19.3 Turning to the housing situation specifically, the Stock Condition Survey (2009) (Document 11) documented the challenges facing the Borough in improving the quality of housing stock, once the funding for the Housing Market Renewal Programme had ended in 2011. These challenges included one third of the stock not meeting the (then) Decent Homes Standard and over one fifth of stock suffering from Category One Hazards (under the Housing Health and Safety Rating System contained in the Housing Act 2004). The Burnley and Pendle Strategic Housing Market Assessment (2013) (Document 12) considered the affordability issue and acknowledged that affordable housing will generally be required in the Borough because of the relatively low level of incomes (something that was also acknowledged in the Pendle Jobs and Growth Strategy 2013-2023). The Strategic Housing Market Assessment also set an annual housing requirement for the Borough to deliver 298 dwellings per annum. In spite of increasing levels of completions, delivery is significantly below these levels, with just 168 dwellings being delivered in 2016/2017. The Housing Strategy for Pendle 2018-2023 (Document 10) adopted the vision and strategic objectives from the earlier refreshed version in 2014, the vision remains to develop a balanced housing market that supports economic growth and social wellbeing in Pendle by diversifying and improving the housing offer, ensuring it is both attractive and affordable. The second strategic objective is to develop sustainable neighbourhoods and this is supported by a Key Action to 'tackle empty homes in the Borough, in particular long term empties'. This is supported by an Action Plan 2017-2019 (Document 14) which has an action point to reduce empty properties in Nelson by 20% by 2020 –



driven in part by the fact that the vacancy rate in Nelson (at 4.5%) is nearly double the rate across the Borough (2.3%).

- 19.4 The central justifications for the promotion of the Order are set out above (Sections 11-13). In summary, there are four grounds of justification – first, that it brings an empty unit back into residential use and therefore counts towards meeting the housing delivery target set out in the Assessment, thereby delivering a quantitative housing gain. Second, a renovated property would improve the quality of housing stock and deal with the challenges raised by the Stock Condition Survey (2009) (Document 11), thereby producing a qualitative housing gain. Third, it would build on the successful track record of the Council in bringing empty properties back into use and in doing so deal with the fly tipping/environmental problems caused by the Order Land being left empty for such a long time. Finally, the extra unit that would be available for occupation would be an advantage in the context of rising housing/homeless enquiries across the Borough. It is also clear that the Council has attempted to persuade the owner to return the unit to residential occupation and has attempted to acquire the Order Land by voluntary means without success.
- 19.5 There are no planning issues raised by the proposals and the costs involved in promoting the Order are fully met from Council resources. There are no further consents required. There are therefore no impediments to implementation should the Order be confirmed. The human rights issues engaged are minimal since the Order Land is not occupied and the owners will be offered full compensation in accordance with the statutory code.
- 19.6 Accordingly, the Council maintains that there is a compelling case in the public interest to promote the Order and shall in due course respectfully invite the Secretary of State for the Ministry of Housing, Communities and Local Government to confirm the same.

## **20. List of Documents**

- 20.1 The following is a List of Documents which may be viewed at all reasonable times during business hours at No 1 Market Street, Nelson Lancashire and Town Hall Market Street Nelson. Should any recipient of this Statement wish to see a particular extract of any document listed, they are welcome to contact the Council who shall be pleased to assist. The Council shall put these documents in evidence at any Public Local Inquiry held in connection with this Order, but reserves the right to add

further documents when the statutory Statement of Case is produced in the usual way.

1. The Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019 and Order Map
2. Report/Minute of the Policy & Resources Committee to authorise promotion of Compulsory Purchase Order, 22nd March 2019.
3. Housing White Paper 'Fixing Our Broken Housing Market' (HMSO: 2017).
4. 'Industrial Strategy: Building a Britain Fit for the Future' (HMSO: 2017)
5. Lancashire Strategic Economic Plan (Lancashire Economic Partnership: 2014)
6. Pennine Lancashire Housing Strategy 2009-2029.
7. Borough of Pendle Local Plan, Part 1: Core Strategy 2015-2030.
8. Pendle Strategic Plan 2018-2020
9. Jobs and Growth Strategy for Pendle 2013-2023
10. Housing Strategy for Pendle 2018-2023
11. Stock Condition Survey 2009
12. The Burnley and Pendle Strategic Housing Market Assessment (2013)
13. National Planning Policy Framework (2018)
14. Report/Minute of Executive meeting 14<sup>th</sup> December 2017 with (updated) Action Plan 2017-2019
15. 'Empty Homes in England' (Published by Empty Homes) (2016)
16. Report/Minute of Executive meeting 30<sup>th</sup> June 2016 with Action Plan 2016-2017
17. Report/Minute of Executive meeting 15<sup>th</sup> March 2018 with CPO Priority List
18. 'Authority Monitoring Report' 'AMR' 2016/2017 (Indicator HS01)
19. 'Authority Monitoring Report' 'AMR' 2017/2018 (Indicator HS01)(unpublished)
20. Document showing completion rates increasing (from above).
21. Chronology of Key Events (Case History)
22. Flare Records (32 Rhoda Street) Reports/Responses to Fly tipping and other incidents
23. Letter dated 25<sup>th</sup> May 2018 to Mrs Roche
24. Letter dated 3<sup>rd</sup> August 2018 to Mrs Roche

## **21. Contact Details.**

21. The following officers have had direct dealings with the promotion of the Order and in event of queries you are invited to contact them: -

### Housing

Paul Lloyd (Environmental Health Manager)

email: [paul.lloyd@pendle.gov.uk](mailto:paul.lloyd@pendle.gov.uk)

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Jake Piergies (Environmental Health Officer – Empty Homes)

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### Legal/Administration

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**H.CULSHAW  
HEAD OF LEGAL SERVICES  
THE BOROUGH COUNCIL OF PENDLE  
TOWN HALL  
NELSON  
LANCASHIRE**

**22<sup>nd</sup> March 2019.**