

EMPTY PROPERTY STRATEGY

2025

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SECTION A:

BACKGROUND AND CONTEXT

1 Defining an Empty Property

- 1.1 Empty homes occur for a variety of reasons. Some are empty for short periods of time and tend to come back into use relatively quickly; others may be empty for a significant period of time and are not likely to come back into use until the underlying reason for the vacancy is addressed.
- 1.2 Research indicates that there are two main types of empty home

Transitional Vacancies: Properties that are re-occupied relatively quickly and are necessary for the mobility of the housing market are classed as transitional vacant dwellings. These properties seldom require intervention in order to ensure that they are brought back into the housing stock within 6 months of being vacated.

Transitional vacancies include properties which are for sale on the open market or under offer, or properties that are being renovated with the intention to sell, rent or occupy on completion

Problematic Vacancies: Properties that are inactive in the housing market and have remained empty for over six months are classed as problematic vacancies and are targeted for action within this strategy. Also targeted are properties that have been highlighted through complaints, these properties may not have been empty for over six months. Council tax records are referenced to inform occupancy and whether a property will be treated as empty.

- 1.3 Empty commercial properties that are identified as problematic or part of area based regeneration activity will be identified for action.

2 National Context

- 2.1 As of October 2024 there were 272,080 properties empty for more than 6 months in England. This was a 1% increase on previous year 2023 (269,395).

	Total Dwellings	Total empty homes	Empty more than 6 months	% total dwellings empty more than 6 months
2017	24,076,200	454,558	216,932	0.90
2018	24,298,200	472,918	227,953	0.94
2019	24,549,014	482,896	237,594	0.97
2020	24,761,613	479,336	278,470	1.12
2021	24,987,468	468,070	246,644	0.99
2022	25,225,481	478,928	256,827	1.02
2023	25,462,055	480,845	269,395	1.06
2024	25,675,421	502,263	272,080	1.06

- 2.2 There are a many reasons why properties may become empty. Reasons include:

- Lack of interest - the owner may not fully appreciate the business case for bringing their empty property back into use.
- The property may have been acquired solely for speculative investment purposes and the owner is not concerned that the property is empty.
- Lack of finances – ill health, redundancy etc, resulting in delay in renovations.
- Owner in hospital/ institutional care
- Inheritance- awaiting completion of Probate
- Planning consent – waiting for or lack of.
- The owner may not be aware of the property's existence, for example where property records are not kept

- Prohibition orders – Made under the Housing Act 2004
 - Repossessions – Empty whilst finance company place property on market.
 - Lack of information and advice
 - Family disputes/Divorce settlements – awaiting completion before decision to reoccupy or place on market.
- 2.3 In addition to those properties that are recognised as ‘empty’, there is also a significant body of commercial space that is under-utilised. This includes office accommodation and space above shops.
- 2.4 The negative effects of empty property are now relatively well recognised. These effects include:
- Wasted financial resources for the Local Authority and owners
 - Increased dereliction, boarded up windows, overgrown gardens and rubbish dumping
 - Squatting
 - Petty crime and anti-social behaviour ranging from graffiti, vandalism to, in extreme cases, serious criminal activity including arson.
 - Reduced marketability and value in neighbouring properties and the wider area, encouraging homeowners to move away from the area before their equity is eroded and thereby contributing to a spiral of decline.
 - An empty property may pose a direct risk to adjoining properties through structural defects, damp etc
 - Wider multiplier effects, with disincentive to occupation, impacts on local businesses through reduced demand for goods and service
- 2.5 Whilst individual properties may not manifest all of these characteristics, if a small group or cluster of properties becomes empty in an area, they can quickly begin to establish a culture of under-investment and a spiral of decline as confidence is lost.
- 2.6 At the same time as these properties lie empty, there is a pressing need for new residential accommodation to address housing and homelessness need. The Government estimates that 300,000 new homes are needed per year. On 31 December 2024, 127,890 households were in temporary accommodation, which is an increase of 13.6% from 31 December 2023.
- 2.7 Regardless of the reasons why properties are empty, in all cases there is an opportunity cost for the owner. Potential financial returns (i.e. rental income, reduced Council Tax and VAT renovation rate) from bringing the property into use, or disposing of it to others who would bring it back into use, are not realised. There are holding costs incurred for empty property. Some of the costs are real, such as Council Tax (up to 400%), maintenance, insurance and security. Other costs are less visible and include a poor image and reputation. Owning an empty property is not a no-cost option.
- 2.8 Under the Local Government Finance Act 2012, since 1 April 2013 local authorities in England took on additional powers over certain council tax discounts, exemptions and premiums. Council Tax is usually payable on an empty home - the amount is determined at an authority’s discretion. “Unoccupied and substantially unfurnished” properties may receive a discount of anything between 0% and 100% of their Council Tax. Vacant properties undergoing “major repair work” or “structural alteration” may receive a discount of between 0% and 100% for a maximum of 12 months. The amount of discount to be offered to properties falling into these categories is entirely at the discretion of the billing authority. Many authorities offer no discount for properties falling into these

categories. Others offer a short period of exemption (for instance, one month) followed by full liability; or a short period of exemption, followed by a longer period of discount, followed by full liability.

2.9 Local authorities have also been able to set an 'empty homes premium' for long-term empty properties. Where properties remain empty and substantially unfurnished for a period of 12 months or more the empty property premium will apply.

2.10 Renovation and refurbishment work on existing homes is generally subject to VAT while new-build housing is zero-rated. If work is carried out to an existing building it will normally be subject to VAT at the standard rate. However, VAT may be charged at a reduced rate of 5% if renovations or alterations are taking place where:

- an eligible dwelling that has not been lived in during the 2 years immediately before work starts, or
- premises intended for use solely for a 'relevant residential purpose' that have not been lived in during the 2 years immediately before work is commenced.

To qualify for zero rated VAT a property must have been empty for at least 10 years immediately before renovation work is started and it must be used for residential purposes afterwards by the owner or their family.

2.11 Local Authorities also benefit from the reuse of empty property in their area. This includes the provision of an improved quality and choice of housing, increased income from Council Tax, Business Rates and New Home Bonus and reduced expenditure, for example on environmental health measures and homelessness temporary accommodation. Local Authorities now have clearly defined duties to maintain and enhance the health of the housing market across all tenures and can provide a range of guidance and support to owners.

2.12 New Homes Bonus was introduced in 2011 with the aim of incentivising Councils to increase the number of homes in occupation in their area. This included rewarding Councils for bringing empty properties back into occupation. The financial rewards have been watered down significantly over the intervening years and 2025/26 will be the last year the scheme exists in its current form. Consultation on what form a replacement scheme will take has been undertaken by the Government, which is currently considering a revised approach in line with its wider house-building ambitions. It is widely expected that the focus will shift to an allocation based on local authority need rather than the current approach that rewards areas of highest housing growth. It is not known at this stage whether any replacement scheme will take into account the efforts made by Councils to boost housing numbers by reducing the number of empty properties in their area. Details of the new approach are expected to emerge in the course of 2025 and be in place in time for the local government financial settlement in December.

2.13 The Affordable Homes Programme 2021-2026 can provide funding to bring empty properties back into use as affordable homes. The government has strengthened the powers of local authorities to increase Council Tax on long term empty properties. During National Empty Homes Week in March 2023, Action on Empty Homes, called for a new Nationally funded Empty Homes Programme "*with funding devolved to local councils so they can choose the right mix of 'stick and carrot' measures to deal with their local empty homes problems.*"

2.14 Local authorities have a range of powers and incentives at their disposal to bring empty homes back into use. These include, Empty Dwelling Management Orders, council tax exemptions and premiums, enforced sales, compulsory purchase, and measures to secure the improvement of empty properties. A range of other initiatives and incentives are aimed at reducing the number of empty properties, including the sale of empty Government-owned

homes and planning measures.

- 2.15 Where owners cannot be identified or are unwilling to bring a property back into use, Local Authorities have a range of statutory enforcement powers (as outlined in Section 9). There are clearly a range of benefits to be derived by Local Authorities and owners from bringing empty property back into use. However, little success can be yielded where Local Authorities and owners work in isolation and close partnership working is essential. Empty properties have a negative impact on the community and local authority. They represent a wasted resource when left vacant, but if tackled can represent considerable opportunity: providing social, regenerative, financial and strategic benefits.

3 Reasons for Empty Properties

- 3.1 If a constructive approach to securing the reuse of empty property is to be successful, it is important to understand why property is left empty for long periods of time and the associated effects this can have on a community. The reasons are numerous, some regional, others more area specific.
- 3.2 The factors that are driven by the national and sub-regional housing market are as follows: -
- low demand
 - housing market collapse/repossession/abandonment - so severe that households become trapped in negative equity or unable to manage mortgage debt therefore repossession takes place and the lender is unable to dispose of the asset
 - over-supply of certain property types
 - area regeneration: a property may be empty pending renovation or demolition or a property could be awaiting planning consent

- In relation to commercial properties, issues concerning economic viability, reduced footfall and change in shopping habits

- 3.3 There are certain general property related factors that contribute towards properties remaining unused: -

- A purchase may be purely a speculative option and capital appreciation the only aim 'buy to leave'
- Fear of letting the property: some owners may be fearful of the perceived difficulties associated with managing a rented property and prefer to leave the property empty until the market improves and selling becomes a more attractive option
- Property condition (owners are unable to afford the works necessary to bring a property back into a habitable condition or due to ill health or await or lack planning consent)
- Repossession (empty whilst finance company place on the market)
- Prohibition Orders made under the Housing Act 2004
- Awaiting demolition

- 3.4 There are cases where individual circumstances force properties to remain empty for long periods of time: -

- Unresolved ownership: following death protracted delays occur as the property is going through probate or the owner died intestate (Bona Vacantia) and the legal title is to be resolved, in dispute or no legal heirs can be found and ownership reverts to the Crown (Escheat).
- Family disputes/Divorce settlements - awaiting completion before decision to reoccupy or place on market.

- Bankruptcy of owner
- Owner hospitalised/in institutional care

4 Local Context

4.1 The aims within the **HPBC Borough Plan (2023-27)** are

- Support our communities to create a healthier, safer, cleaner High Peak
- Future proof housing
- Protect and create jobs by supporting economic growth, development and regeneration
- Protect and improve the environment including responding to the climate emergency
- A responsive, smart, financially resilient and forward thinking council

SMDC Corporate Plan (2023-27) aims

- Help create a safer and healthier environment for our communities to live & work
- Effective use of resources and provide value for money
- Help create a strong economy by supporting further regeneration of towns and villages
- Protect and improve the environment

The priorities within the HPBC Housing Strategy (2025-2030):

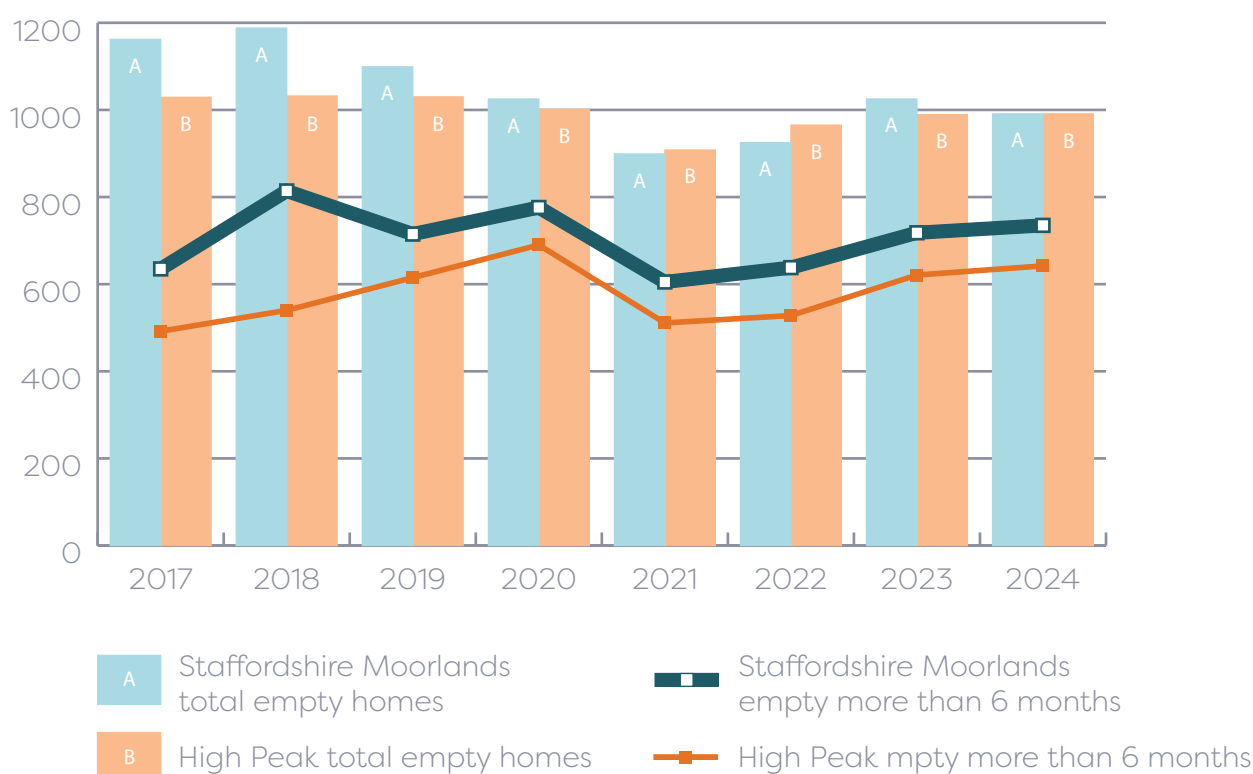
- Increase supply of quality homes and affordable housing
- Homes positively contribute to the health, well-being and independence of residents
- Address the sustainability and zero-carbon challenges in new and existing housing

The Councils recognise that effective and proactive management of empty properties will contribute to addressing many of these priorities

4.2 It must be recognised that the numbers of empty properties are continually fluctuating as properties become empty and are re-occupied on a daily basis and therefore data can only identified at a snapshot in time.

4.3 As at 30.04.2025 3% of domestic properties are empty in the High Peak and 3% of domestic properties are empty in the Staffordshire Moorlands housing market area. A low proportion of residential properties are empty for a short transitional period of time with the majority empty for six months or more (64% in High Peak and 70% in Staffordshire Moorlands). A significant proportion (17% in High Peak and 17% in Staffordshire Moorlands) are empty for over 12 months and incur an Empty Homes Premium. The figures below show empty properties relative to total dwellings overtime.

	Staffordshire Moorlands				High Peak			
	Total Dwellings	Total Empty Homes	Empty more than 6 months	% total dwellings empty more than 6 months	Total Dwellings	Total Empty Homes	Empty more than 6 months	% total dwellings empty more than 6 months
2017	43,932	1,162	635	1.45	42,519	1,029	492	1.16
2018	44,030	1,188	814	1.85	41,874	1,032	540	1.29
2019	44,170	1,099	715	1.62	42,273	1,030	615	1.45
2020	44,295	1,025	776	1.75	42,496	1,001	690	1.62
2021	44,410	899	605	1.36	42,811	908	511	1.19
2022	44,644	925	638	1.43	43,197	965	528	1.22
2023	44,881	1025	718	1.60	43,514	989	621	1.43
2024	45,127	991	735	1.62	43,771	991	642	1.47



- 4.4 In order to incentivise re-occupation of long term empty properties, Council Tax apply an escalating premium levy.

Council Tax Premium charges

Where a property has been empty and substantially unfurnished for a continuous period of two years or more the following premium charges apply.

From the 1st April 2013 to 31st March 2019

- Properties empty and substantially unfurnished over 2 years were subject to a premium of 50%. This meant that the charge was 150%.

From 1st April 2020

- Properties empty and substantially unfurnished between 2 and 5 years will be subject to a premium of 100%. This will mean that the charge for the property will be 200%.
- Properties empty and substantially unfurnished for at least 5 years, but less than 10 years, will be subject to a 200% premium. This will mean that the charge for the property will be 300%.

From 1st April 2022

- Properties that have been empty and substantially unfurnished for 10 years will be subject to a 300% premium resulting in a council tax charge of 400%.

From 1st April 2024

- Properties empty and substantially unfurnished between 12 months and 5 years will be subject to a premium of 100%. This will mean that the charge for the property will be 200%.

- Properties empty and substantially unfurnished of at least 5 years, but less than 10 years, it will be subject to a 200% premium. This will mean that the charge for the property will be 300%.
- Properties that have been empty and substantially unfurnished for 10 years will be subject to a 300% premium resulting in a council tax charge of 400%.

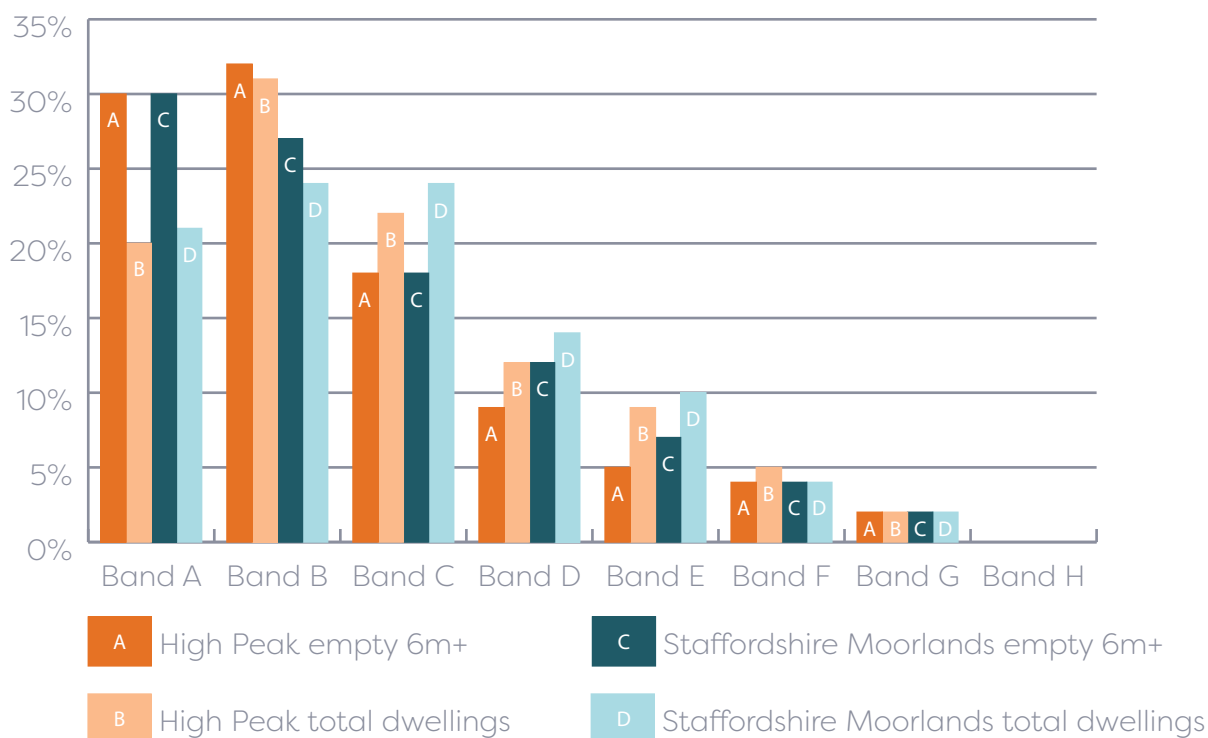
Exceptions to the additional premium

There are exceptions where the Empty Property Premium will not be added. These are:

- a property which has been left empty by a member of the Armed Forces who has been posted away from home
- a property which is an annexe to another property and it is being used as part of the main property
- a property which is being actively marketed for sale (12 months limit)
- inherited properties will have a 12 month exception from the premium after probate or letters of administration have been granted.
- a property requiring or undergoing major repairs or structural alterations (12 months limit)

Council Tax premium charges apply to 301 empty properties within Staffordshire Moorlands and 278 within High Peak

- 4.5 Further consideration of Council Tax data shows that the top two Council Tax bands A and B (lower value properties), representing 50% of High Peak and 45% of Staffordshire Moorlands total dwellings, account for 62% of High Peak and 57% of Staffordshire Moorlands properties that are empty for more than 6 months.



4.6 In addition to the empty property data shared above, there are 560 properties within Staffordshire Moorlands and 454 within High Peak falling into the following Council Tax exemption classes.

Exemption Class	SMDC	HPBC
B Unoccupied dwellings owned by a charity (up to six months)	42	22
D A dwelling left unoccupied by people who are detained e.g. in prison	3	7
E An unoccupied dwelling which was previously the sole or main residence of a person who has moved into a hospital or care home.	131	77
F Dwellings left empty by deceased persons.	328	263
G An unoccupied dwelling where the occupation is prohibited by law.	6	4
H Unoccupied clergy dwellings	3	3
I An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and has moved to receive personal care.	4	2
J An unoccupied dwelling which was previously the sole or main residence of a person who is the owner or tenant and has moved to provide personal care to another person.	0	2
L An unoccupied dwelling which has been taken into possession by a mortgage lender.	4	6
M A hall of residence provided predominantly for the accommodation of students.	0	46
T A dwelling which forms part of a single property which includes another dwelling and may not be let separately from that dwelling, without a breach of planning control.	39	22
Total	560	454

4.7 Within the Alliance areas empty homes are found within the private sector. As at 31/3/2025 High Peak Borough Council owns 3801 properties, 48 properties were vacant, representing 1% of stock. There is significant demand for affordable housing with 1598 registered households seeking housing in High Peak and 1047 seeking housing in the Staffordshire Moorlands. During 2024/25 325 households in High Peak and 213 households in Staffordshire Moorlands were statutorily homeless.

4.8 Within Staffordshire Moorlands 9.2% and in High Peak 9.3% of business premises are empty for longer than six months.

	Number of empty properties	Over 6m	Total Business Premises for business rate purposes
SMDC	325	290	3138
HPBC	400	359	3848

4.9 It is recognised that further improvement can always be made and the Council has always sought to deal with empty properties pro-actively in proportion to available resources and funding. The Council will seek to undertake an assessment of an empty property on a case by case basis following a complaint, to determine the immediate and longer term impact of the property on its immediate neighbours and the wider community in which it sits. The property is scored against a number of criteria and assigned to a low, medium and high priority banding which determines the action to be taken in each case. The Alliance Empty Homes web pages give the public the opportunity to report an empty home and provide available information and assistance.

SECTION B:

OBJECTIVES AND BENEFITS OF STRATEGY

5 Strategic Objectives

- 5.1 The aims and objectives of the strategy are as follows: -
- Bring empty properties back into use using a range of advice, assistance and support.
 - To use enforcement action to bring long term, problematic empty homes back into use.
 - Raise awareness of empty property issues.
 - Better understand why homes are empty and where possible minimise the number of properties that become long-term empties
 - To create accurate information in relation to empty properties
 - Balance the need for new build with making the best use of existing stock
 - Discourage anti-social behaviour, vandalism, crime or fear of crime
 - Improve housing conditions, the vitality of the built environment and prevent the deterioration of the buildings

6 Benefits of the Strategy

- 6.1 The potential benefits to the Council are as follows: -
- Supports the Corporate Plan, corporate policies, objectives and strategies.
 - Identifies and maximises funding streams and income opportunities including New Homes Bonus
 - Provides additional good quality housing to meet housing and homelessness need and can reduce temporary accommodation expenditure.
 - Prevents negative impacts on local communities (anti-social behaviour, fear of crime attracting adverse comment from the wider community) and helps to realise opportunities and benefits
- 6.2 The potential benefits to empty property owners, including landlords (Registered Providers and private landlords) are as follows: -
- Effective advice and assistance to bring empty properties back into use
 - Financial assistance in refurbishing the property preventing property dilapidation
 - Turns costly and expensive empty property into a valuable asset
 - Possible access of a managing agent providing a comprehensive housing management service for the period of a lease
 - Provision of support and advice on all aspects of letting in the private rented sector

SECTION C:

OPTIONS TO DEAL WITH EMPTY PROPERTIES

This Strategy recognises there is not one simple solution to the problem of empty properties and outlines a range of options to bring properties back into use.

Demonstrating the Councils commitment to tackling empty homes, the council employs an Empty Homes Officer to provide advice and support to homeowners on a one-to-one basis. The Empty Homes Officer works closely with owners to understand the reasons why a residential property may be empty, which can be varied and often complex, and to determine and support owners to explore courses of action to bring the property back into use.

7 Encouraging Owners to Reuse Empty Properties

7.1 Once the Local Authority has identified that a project is a priority for its investment, the starting point should be to encourage the owner to bring it back into use.

7.2 The first priority is to identify the owner of the property. Techniques to assist in identifying the owner include the following: -

- Working with other Local Authority colleagues - Other Services and Councils may have previously attempted to contact the owner and may therefore be able to provide contact details, subject to the legal restrictions regarding the sharing of information by a Local Authority.
- Writing to the owner of the property with a leaflet. The owner may have mail redirected or they might call to the property on an intermittent basis and make contact.

- Contacting people or organisations in the local area, which may provide alternative contact details to try. This can include a variety of people, such as neighbours, neighbourhood watch coordinators, local community groups, local shopkeepers, local councillors, and places of worship. Contacting other public service organisations, such as local healthcare providers.
- Property ownership searches can be undertaken including search of the electoral roll, land title searches or a Companies House search.

Serving a notice on people that are suspected to have details of the owner either under Section 330 of the Town and Country Planning Act 1990 or under Section 16 of the Local Government (Miscellaneous Provisions) Act 197

7.3 If the owner can be identified, they need to be made aware of the following: -

- The problems being caused by the property, the basis on which the Local Authority is taking action and the minimum steps that the owner needs to take. The costs that the owner may currently be incurring by holding an empty property and the risks to them of doing nothing.
- The assistance that the Local Authority can provide in helping to bring empty properties back into use. This can take a number of forms, including advice and financial assistance.
- The powers available to the Local Authority if the owner does not take voluntary steps to bring the property back into use. It is important to explain to the owner the implication of legal action, including both losing their ownership of the property and losing entitlement to any grants for which they may have been eligible

7.4 Some owners may not wish to be tied to the

conditions attached to financial grant assistance may seek their own financial sources.

- 7.5 Once initial support has been provided, it is important to remain in touch with the owner, or any third party to which the property has been sold. This helps ensure that the property is successfully brought back into use and enables it to be counted towards the Local Authority's targets as part of the Empty Property Strategy

8 Funding Bringing Empty Properties Back Into Use

- 8.1 A variety of funding sources are available to secure the return of empty properties back into use. Different options are available to the local authority. These include:

- The **Housing Renewals Assistance Policy** radically changes the way in which funding may be provided by the local authorities enabling them to bring a more strategic approach to private housing renewal. It gives local authorities the power to offer grants and loans to owners to renovate empty properties. Empty property grant assistance of up to £2,000 is currently available.

- **Commuted sums paid through Section 106 Agreements** under the Town and Country Planning Act 1990, although rarely used in this way, can also be used to fund empty property work as long as they are in line with policy. This generally means that the agreement must clearly provide a benefit to the immediate locality.

- 8.3 Other more targeted funding also exists, which can encourage the re-use of empty properties. Sources of funding include: -

- **Homes England** provide the Affordable Homes Programme 2021-2026 which can be used to bring empty properties back into use as affordable homes.

- **Architectural Heritage Revival Fund** will provide grants and loans to help charities and not-for-profit organisations to restore and re-use empty properties of architectural value. There are 3 types of grant available:

- 1). Project Viability Grant – helps establish if a project is viable
- 2). Project Development Grant – helps develop and co-ordinate works and a start on site
- 3). Capital Grant – focuses on regenerating historic buildings in town centre locations.

- **Historic England** have various grant funding projects, which can be applied for empty or 'at risk' historic buildings.

- 1). Partnership Schemes in Conservation Areas – grant funding for the preservation and enhancement of conservation areas. The scheme is run as a partnership between Historic England, the local authority and the owner and offers grants for external repairs only.
- 2). Repair Grants for Heritage at Risk– grant funding for repair and conservation of listed buildings, especially those on the Heritage at Risk register, or significant buildings within a conservation area. The grants can include project development actions to enable the repairs or support improved future management.
- 3). Grants to Underwrite Urgent Works Notices – this fund is aimed at local authorities and ensuring urgent works for the preservation of a vacant or partly occupied listed building are carried out.

- The National **Lottery Heritage Fund (HLF)** have a range of schemes:

- 1). Heritage Grants – a funding programme for all types of heritage projects. The grants cover a

range of activities that include the repair and maintenance of historic buildings.

- 2). Heritage Enterprise grants –focuses on returning neglected historic buildings and returning them to a viable productive use. The aim is to encourage private sector involvement, working in partnership with community organisations, to deliver a commercially viable project.
- The **Heritage Funding Directory** is managed by The Heritage Alliance and Architectural Heritage Fund, is a website that helps search for funding or advertise for help for a project related to heritage.
<https://www.heritagefundingdirectoryuk.org/>
 - **Reduced VAT rates** are applicable for refurbishment of properties empty for a certain length of time; residential properties that have been empty for more than two years attract a reduced rate of 5% on renovation labour and materials; buildings empty for more than ten years and converted to dwellings, do not attract any VAT at all on refurbishment costs.
 - The business pages on the [Staffordshire Moorlands](#) and [High Peak](#) websites contain a dynamic list of **business funding opportunities**
 - The council has energy efficiency partner agencies who can advise empty home owners on available grant assistance that they may be eligible for, in order to bring the property up to a suitable standard. Information is maintained on Council websites under **energy efficiency and advice**
 - **VAT exemptions/reductions for energy efficiency.** This notice [Energy-saving materials and heating equipment \(VAT Notice 708/6\) - GOV.UK](#) explains when the installation of energy-saving materials and heating equipment is zero-rated or reduced-rated.

9 Taking Action against Owners of Empty Homes

- 9.1 In some cases, it may not be straightforward to bring empty properties back into use. Examples of the circumstances where bringing the property back into use is difficult include the following: -
 - It may not be possible to identify the owner.
 - The owner may not be willing to bring the property back into use. For example, if they are holding on to the property for speculative gain.
 - There may be several parties with an interest in the property and it is not possible to reach agreement with all of them.
 - The owner may say that they will take steps to bring the property back into use but may do nothing in practice.
- 9.2 In these cases there are a number of enforcement actions that the Council could take. However initially, the owner should be warned if contact details are available for them. Even if they have not previously made contact it is essential to issue warnings to demonstrate that reasonable efforts have been made before resorting to legal action.
- 9.3 If these warnings are not acted on, there are two main enforcement routes available to the Council: -
 - The Council may be able to use its legal powers to secure improvements to the property or to undertake the works in default where the owner does not respond. This is a good cause of action where urgent works are needed to the property.
 - If the property is targeted for being brought back into use for other reasons, such as bringing a number of properties into a single ownership or to address an acute local housing need, then the Council could use its Compulsory Purchase powers.

9.4 This table shows the legal powers available to Local Authorities to enforce standards and help remove any problems that may arise concerning empty properties. Local Authorities must act within the powers of the law, all actions must be assessed against costs, and any associated risks. The table shows the legislation and associated works required to overcome the common issues of empty properties.

Legislation	Works	Property Type
Law of Property Act 1925, s. 103 (i)	Enforced sales under the Law of Property Act 1925 are another tool Local Authorities (LA's) can use to help bring empty properties back into use. It is used when all other methods to bring the properties back in to use have failed. This legislation gives a LA the power to force the sale of the property at auction where the LA has issued and enforced a charge against a property. The LA has all the legal rights of a mortgage lender. The charge may have been put on the property because of the term in a statutory notice, council tax or other debts owed to the LA.	All Property Types
Public Health Act 1936, s. 79	Requires the owner to remove noxious matter. Noxious matter is defined in the Concise Oxford Dictionary as meaning 'harmful, unwholesome'.	All Property Types
Public Health Act 1936, s. 83	For filthy and verminous premises or articles - requires the owner to remove waste so that vermin is not attracted to the site.	All Property Types
Prevention of Damage by Pests Act 1949, s. 4	Power of LA to require action for the control of rats or mice on land, which includes land covered by water and any building or part of a building.	All Property Types
Public Health Act 1961, s. 17	Requires the owner to address defective drainage or private sewers.	All Property Types
Public Health Act 1961, s. 34	Accumulations of rubbish - requires the owner to remove waste so that vermin is not attracted to the site.	All Property Types
Local Government (Miscellaneous Provisions) Act 1976, s. 35	Requires the owner to address obstructed private sewers.	All Property Types
Local Government (Miscellaneous Provisions) Act 1982, s. 29	This allows LA to secure empty properties so that they cannot be broken into, vandalised, set on fire and so on. The LA can order an owner to make the property secure or can board it up in an emergency.	All Property Types
Building Act 1984, s. 59	Requires the owner to address defective drainage, which includes cesspools, private sewers, rainwater pipes and so on.	All Property Types
Building Act 1984, s. 76	Defective premises - A LA can order an owner to make the property safe or to take emergency action to make the building safe (Emptyhomes.com, 2011). This power is used to deal with any premises, which are in such a state as to be prejudicial to health and where unreasonable delay in dealing with the situation would occur if the normal provisions of s. 80 of the EPA 1990 were used.	All Property Types
Building Act 1984, s. 77	Dangerous building - requires the owner to address dangerous buildings and to remove the danger.	All Property Types
Building Act 1984, s. 78	Dangerous building emergency measures - requires the owner to address dangerous buildings and remove the danger.	All Property Types
Building Act 1984, s. 79 (1) and (2)	Ruinous and dilapidated building, s. 79 (1) - this power is applicable to any building or structure which is seriously detrimental to the amenities of the neighbourhood because of its ruinous and dilapidated condition. Section 79 (2) is the power applicable to remove rubbish resulting from a demolition of a building which also is seriously detrimental to the amenities of the neighbourhood.	All Property Types

Legislation	Works	Property Type
Housing Act 1985, s. 17	This Act gives the power to take over land, houses or other properties to increase the number of houses available or improve the quality of the housing stock. The main use of this power is to obtain land for housing, but also includes bringing empty properties back into use as homes, and improving substandard ones. Where control of a property is acquired through this power, it is usual for the LA to sell it to a private-sector developer, an owner-occupier or a registered social landlord.	All Property Types
Housing Act 1985, s. 265 (Housing Act 2004, sec 46)	Demolition orders - requires the owner to demolish the property.	Dwellings Only Not Listed Buildings
Housing Act 1985, s. 289 (Housing Act 2004, sec 47)	Clearance areas - Compulsory Purchase Order (CPO's), may be used by LA's to purchase empty properties. They are used when all other methods to bring the properties back in to use have failed. The LA will provide the finance to purchase the property and takes ownership but it is usual and advisable that a third party partner such as a Housing Association is brought on board to take control of the property via legal agreements. The final confirmation of the CPO is issued by the Secretary of State.	All Property Types
Town and Country Planning Act 1990, s. 215	Power of LA to require proper maintenance of land where the amenity of the area is adversely affected by the condition of the land.	All Property Types
Town and Country Planning Act 1990, s. 226	The powers in s. 226 are intended to help LA's, which have planning powers to take control of land in order to help put in place their community strategies, and local development plans. These planning powers are wide enough to allow the takeover of land for redevelopment.	All Property Types
Planning (Listed Buildings and Conservation Areas) Act 1990, section 47-48	Enables the LA to serve upon the owner of a Listed Building a Repairs Notice specifying works that are considered reasonably necessary for its proper preservation. If, after a two-month period has elapsed from the service of the Repairs Notice, it appears that reasonable steps are not being taken to properly preserve the building, the LA may begin compulsory purchase proceedings under Section 47 of the same legislation.	All Listed Buildings
Environmental Protection Act 1990, s. 80	A LA can order an owner to make the property safe or to take action themselves to make the building safe. This section covers any premises that are prejudicial to health, a nuisance or any accumulation or deposit, which is prejudicial to health or a nuisance.	All Property Types
Housing Act 2004, s. 11 and 12	Improvement notice relating to category 1 hazards (s. 11) and category 2 hazards (s. 12), requires the owner to take remedial action in respect of the hazards (Housing Act 2004, 2011).	Dwellings Only
Housing Act 2004, s. 102 and 113	EDMO's, interim (s. 102) final (s. 113) is a compulsory leasing arrangement and a tool that LA's can use to bring empty properties back into use. It is used when all other methods to bring the properties back in to use have failed (Housing Act 2004, 2011).	Dwellings Only
Anti-Social Behaviour, Crime and Policing Act 2014, s. 43	Designed to curb behaviours. Following service of the written warning (CPW) a notice (CPN) may be issued. Requires specified things to stop, requires that specified things are done or requires reasonable steps to be taken to achieve specified results. Non compliance to a CPN may result in a fixed penalty notice (s. 52) issued by an authorised person who has reason to believe an offence has been committed up to the sum of £100, and if paid, discharges the person's liability to conviction for the specified offence. Failure to pay leaves them liable to conviction for the offence. Remedial action (s. 47) may be taken by the LA to remedy a failure to comply, but only on land that is open to the air.	All Property Types

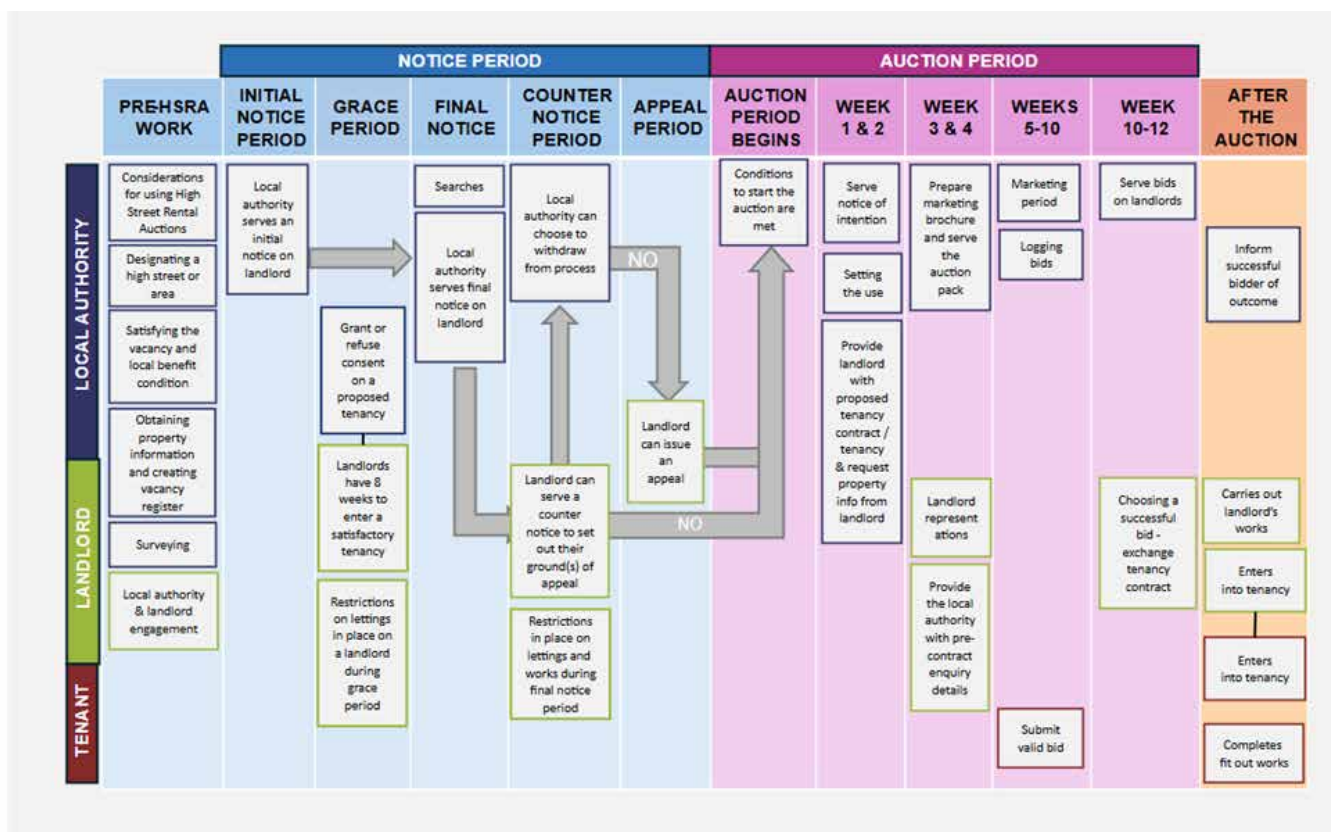
9.5 Compulsory Purchase can also be done under Planning (Listed Buildings and Conservation Areas) Act 1990, section 47-48 both methods will also require compensation payments to be made.

10. Dealing with Owners of Empty Commercial Premises

10.1 Environmental Health responds to complaints relating to public health (i.e. property open to access, rubbish) or statutory nuisance which causes a physical impact on a neighbouring property (i.e. damp, structural).

10.2 The approach and policy to dealing with empty commercial properties is under review. To encourage owners of empty commercial properties to bring properties back into the useful commercial stock of the area letters of encouragement will be sent out. Those properties identified as problematic, or part of area based regeneration activity, will be identified for action.

10.3 The government has recently introduced new powers for local authorities to require landlords to rent out persistently vacant commercial properties to new tenants under High Street Rental Auctions (HRSA) (Part 10 of Levelling Up and Regeneration Act 2023). This provides local authorities with a new power to auction the rental lease of persistently vacant commercial properties (for up to 5 years) where a high street shop has been empty for over a year. The High Street Rental Auction process, outlined below, involves area or high street designation by a local authority, landlord engagement, a 10 to 12 week Notice Period and then a 12 week Auction Period.



SECTION D:

PROPOSED ACTION

11 Empty Property Strategy Action Plan

11.1 To achieve the objectives set out in Section B we will undertake the following

- Continue a cross service working group to co-ordinate activity and develop Action Plan
- Empty Homes Officer will provide one to one advice and information to support owners to explore courses of action. To either occupy, sell or let a property and bring up to a lettable standard (with reference to the Housing Health and Rating System).
- Maintain Empty Homes and Business Page website advice and information
- Develop up to date knowledge of best practice through research and liaison (i.e. engage with regional working groups)
- Review and revise the advice and assistance available to empty property owners.
- Keep Council Tax Discounts and Exemptions Policy under review in context of empty properties and legislative changes
- Where all intervention attempts have failed or if there is an immediate risk to health or safety, the Empty Homes Officer will consider a number of available enforcement options, these include Compulsory Purchase Orders, Empty Dwelling Management Orders and Enforced Sale, with associated policies to support.

SECTION E:

MONITORING AND REVIEW

12 Monitoring and Review

12.1 The purpose of this strategy is to explain the current situation with regard to empty properties both on a national and local basis and to set out the Council's approach and future plans. It is essential that the effectiveness of action delivered by the implementation of the strategy is monitored and reviewed. In order to develop a good system of performance management it is proposed to undertake the following actions: -

- Monitor the number of empty homes back into use
- The cross service working group will monitor and review activity with an Action Plan that will be developed to ensure it remains fit for purpose, is responsive to emerging local and national context, policy and legislative changes, and available funding opportunities and resources.

