



Empty Homes Policy 2018-2023

March 2018

1. Introduction

- 1.1** The borough of Tunbridge Wells is a desirable place to live. It is within easy commuting distance of London, has an attractive environment and good schools and facilities. However, many of the same factors that make it desirable contribute to the shortage of land suitable for new housing developments, particularly for affordable housing. As a result it is an area of intense housing pressure.
- 1.2** With such a high level of demand and limited supply, it is essential that full use should be made of the existing housing stock to meet housing need.
- 1.3** Bringing empty properties back into use can be a cost effective and sustainable way to increase the supply of housing and makes the best use of existing buildings to meet local needs. It can reduce the demand for building new homes, improve neighbourhoods, increase access to housing and help to improve our residents quality of life.
- 1.4** Tunbridge Wells Borough Council has been working to reduce the number of empty and dilapidated homes for some time and adopted its Empty Property Strategy in 2006. Since then there have been significant changes in the housing market and the economy, further research on the issues has been undertaken and new opportunities have been developed.

2. Why target empty homes?



- 2.1** The high demand for housing in the area makes it all the more surprising that some owners, largely in the private sector, choose to leave properties empty, frequently for a number of years. Empty properties are a wasted resource both for the community and the owner - they reduce the supply of housing and represent a loss of income for the owner.
- 2.2** The longer a home has been empty the greater the chance that it will fall into disrepair and become an eyesore or potentially dangerous and unsafe. It is these properties that cause the greatest concern to neighbours and are more likely to have been left empty deliberately. Such properties:
- Reduce neighbouring property values
 - Become a magnet for anti-social behaviour and vandalism - placing an avoidable burden on local resources.
 - Represent a wasted resource and loss of income for owners through lost rents and council tax liability and problems with obtaining insurance cover
- 2.3** Reducing the time a home is left empty will consequently also reduce the risk that it will become dilapidated and an eyesore.
- 2.4** Any reduction in the time properties are left empty helps to increase the supply of housing.

Barriers

- 2.5** The main obstacle to substantially reducing the number of empty homes is the complexity of the reasons properties are left empty. These may involve:
- Inheritance issues/delays with probate
 - lack of finance to carry out essential repairs,
 - problems with achieving a sale
 - perceived problems with letting
 - the owner may be in residential care or
 - lack of finance to carry out essential repairs,
 - the owner may lack the skills to deal with the property
 - the ownership of the property may be unclear

2.6 Encouraging and facilitating the return to use of an empty homes is a lengthy and time consuming process; there is no single or simple solution to the problem. The provision of financial assistance for repairs may be all that is required in some situations but many owners also need significant encouragement and support to take positive action.

Benefits

2.7 Reducing the number of empty properties supports the Council's priorities for a prosperous, green and confident borough and by making the best use of the existing housing stock will help to:

- Improve neighbourhoods by
 - Reducing the number of eyesores
 - protecting local property
 - Reducing anti-social behaviour
- Benefit owners through
 - Rental or capital income
 - security of the property
- Benefit the wider community by
 - Reducing the demand for building new homes particularly on green field sites
 - Reducing pressure on services (fire and police)
- Meet housing needs through
 - Increased choice
 - More affordable housing
 - Improved standards

2.8 Refurbishing empty properties and returning them to use as housing is more sustainable and cost effective than building new homes.

3. Empty homes in Tunbridge Wells

What is an empty home?

- 3.1** While there is no single definition of an empty home, properties that are only used occasionally (eg second homes and holiday lets) and uninhabitable properties are currently excluded from the categorisation. In addition, empty commercial spaces eg above shops, are not included in the reported figures.
- 3.2** Properties may be empty for a variety of reasons. Almost half the empty homes in the borough are empty for less than six months for transactional reasons eg, between changes in occupier, undergoing renovation before occupation, delays in the sales process. In official statistics and elsewhere homes that are empty for more than six months are described as 'long term empty'. For council tax purposes a 'long term empty' home is also one that is unfurnished.
- 3.3** The following statistics relating to empty homes are based on the properties listed on the council tax data base at 7 February 2018. Council tax data relies on the owner of the property to inform the Council of any changes in circumstances and while it may not give a completely accurate picture it is the standard source of empty homes statistics both locally and nationally.
- Empty for over 6 months - 592
 - Long term empty (over 6 months vacant and unfurnished)– 451, of which:
 - over 2 years vacant – 115
 - over 5 years vacant - 32
- 3.4** As empty homes are scattered across the borough and not concentrated in any one area reports from residents on the location of empty homes can help the Council to identify those properties most likely to have the adverse impact on neighbourhoods.

4. What we have done

4.1 The Council adopted its Empty Property Strategy in 2006 setting out its aims and targets to tackle the issue of empty homes. The Strategy formed part of the Council's Housing and Private Sector Renewal Strategies and had five key aims:

1. To bring long term empty properties back into use
2. Encourage the conversion of empty commercial property to housing use where appropriate
3. Establish and maintain an accurate database of empty homes
4. Work with partners to raise awareness of the issues
5. Work with Registered Social Landlords to reduce the number of social housing voids.

4.2 Key outcomes:

- 218 homes were brought back into use by March 2017, 20 as affordable housing
- Joined the Kent 'No Use Empty' Initiative in January 2008 and the 'No Use Empty' loan scheme in June 2011. 14 properties have been brought back into use with no use empty loans between 2012 & 2017
- Data on long term empty homes in the borough has been maintained and monitored
- Established and maintained the corporate 'Empty & Difficult Property Group' to prioritise and target for co-ordinated, cross service action properties in poor condition and/or empty. As a result of the Group's actions five properties have been sold and redeveloped, sixteen new homes have been provided, a Compulsory Purchase Order has been made and one property has been demolished.
- Information on the advice and financial assistance for developers and owners has been made available through regular features in the West Kent Landlords Forums, 'Local' newsletter and TWBC website
- Annual mailings sent to all owners of properties empty for over six months offering advice and incentives on returning them to occupation
- Established a mechanism for online reporting of empty properties and provided online advice for owners through the Council website and links to the 'No Use Empty' website



5. Current tools for tackling empty homes

- 5.1** There are a variety of tools available to the Council to bring empty homes back into use. These range from advice, encouragement and incentives to owners up to enforcement action if an owner is not willing to take action or if the property is in a dangerous state or having an adverse impact on the neighbourhood.

Incentives

Help and advice

- 5.2** Some owners do not know what to do with their empty properties. The initial contact by the Council is to offer advice on the problems associated with empty properties and the options available to owners. This advice includes information on buying, selling, letting and owning as well as tax incentives and financial assistance that may be available. Owners are also made aware of their legal responsibilities and the options available to the Council should the property not be returned to use.

Financial assistance

- 5.3** Funding is available from both Tunbridge Wells Borough Council and Kent County Council for a range of loans with differing criteria to provide owners with a selection of options for returning long term empty properties to use either through sale, let or leasing. All loans are repayable and will be secured through a charge on the property.

Tunbridge Wells Empty Property Initiative

- 5.4** Interest free loans of up to £20,000 may be available for the renovation or conversion of long term empty properties leading to their return to use as affordable housing. The loans are provided on condition that the Council receives tenant nomination rights for three years and the rent is set at the Local Housing Allowance rate. The loan is repayable on sale of the property.

Tunbridge Wells Private Accredited Letting (PAL) Scheme

- 5.5** The PAL scheme is a local accreditation scheme for good quality, privately rented properties. Owners wanting to let their empty properties can apply to the scheme and may be able to obtain assistance to improve the energy efficiency and security of the property.

KCC No Use Empty Loans

- 5.6** Interest free loans in units of £25,000 up to a maximum of £175,000 are available for owners to renovate or convert long term empty properties that will then be let or sold. These loans are repayable at the end of the maximum period (3 years) unless the property is sold prior to this date, when the loan would become repayable immediately.

NO USE EMPTY top up loans

- 5.7** We have launched a top up loan scheme. This will provide an additional £15,000 loan top up over and above the £25,000 available from the Kent County Council fund. This will allow No Use Empty to offer a maximum loan of £40,000 per unit in the borough. The repayment conditions are the same as for KCC's No Use Empty loans.

Enforcement tools

- 5.8** In some cases where the owner of an empty property is unwilling to engage with the Council or take any action to return their property to use and the property is having an adverse impact on neighbours or the area it may be appropriate to consider enforcement action such as:

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- service of formal notices to enter the property, improve the condition of the property or land, carrying out works in default if necessary e.g. under the **Housing Act 2004**, **Building Act 1984**, **Section 215 of the Town & Country Planning Act 1990**, the **Prevention of Damage by Pests Act 1949**, and the **Environmental Protection Act 1990**.
- making an Empty Dwelling Management Order(EDMO) to take possession (not ownership) under Section 134 of the Housing Act 2004 (when an empty residential property is causing a nuisance and the owner is reluctant to take any action to return it to use)
- **Enforced Sale** to recover local land charges or other debts to the Council eg under Section 103 of the Law of Property Act 1925
- **Demolition Order** under Part IX of the Housing Act 1985 (as amended) - when a home is uninhabitable
- **Compulsory Purchase Order (CPO)** under Section 17 of the Housing Act 1985 (to acquire underused or ineffectively used property for residential purposes) or S226 of the Town & Country Planning Act 1990 (to allow improvements or redevelopment to take place). A CPO is the last resort when all other possible actions have been exhausted or proved unsuccessful in returning a property to use.



6. Our Priorities for 2018-2023

- 1** To reduce the number of long term empty homes in the borough using a range of tools.
- 2** To work with partners to raise awareness of the issues caused by empty homes and improve the information and advice available to owners and encourage them to take action.
- 3** To improve and maintain the quality and accuracy of information held on empty properties and help prioritise our actions.

7. What we will do

7.1 The Council's Private Sector Housing Team is responsible for surveying, improving and maintaining the standard of housing in the borough. As part of this function the Team, working with other council services and in particular the corporate Empty and Difficult Property Group, has the primary responsibility for the delivery of the aims of this Policy.

- We will continue to monitor council tax and other data relating to empty homes and maintain accurate records of all properties on which action is taken. Council tax data will be obtained and verified at least once a year.
- We will continue to work with 'No Use Empty' and other partners to improve advice and assistance
- We will survey all properties empty for more than two years and carry out an assessment of conditions and prioritise for action.
- Properties may be referred to the Empty & Difficult Property Group for co-ordinated cross service action. The corporate Empty & Difficult Property Group will continue to target and prioritise for co-ordinated action across services those properties that are the cause of the greatest concern. Enforcement action will be taken as appropriate
- We will investigate all reports of empty properties, carry out an assessment and contact the owner/respond to the complainant within 28 days.
- We will visit all empty properties reported to the Council as unsecure, unsafe or dangerous and contact the owner within 7 days.
- We will track and monitor any requests for financial or other assistance from the initial request onwards.

