

Empty Homes Policy 2023 - 2028

Introduction

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 amenities. 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. 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.

Empty homes represent a wasted resource in terms of the provision of a home, a loss of income for the owner, and they may have a negative impact on the local community. Bringing a property back into use provides an additional home.

Our Housing, Homelessness and Rough Sleeping Strategy 2021 – 2026 has four key ambitions, the third of which is to improve housing and meet need. We have made a commitment to work with the owners of long term empty homes to make them available to assist with housing supply by implementing our Empty Homes Policy.

Objectives

Our objectives are to:

- engage with owners and encourage them to bring long term empty homes back into use;
- develop a co-ordinated and comprehensive approach to help identify and tackle empty homes;
- research innovative solutions that work well in other areas.

Benefits

The benefits of bringing empty homes into use have a positive impact for the owner, the community and the Council:

Table 1 Benefits of bringing empty homes back into use

Empty homeowner	Community	Council
Rental or capital income	Reduce negative impact on house prices	Increased housing supply
Security of the property	Reduction in anti-social behaviour, vandalism and fly-tipping	Affordable housing
Reduction in repair and maintenance costs		Improved standards and stock
Reduced risk of squatters and vandalism		

Tunbridge Wells position

What is an empty home?

In official statistics 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 one that is unfurnished. Properties that are only used occasionally (for example second homes and holiday lets), uninhabitable properties and empty commercial spaces such as those above shops are currently excluded. It is homes that have been empty for more than six months that require the greatest focus.

Council tax data relies on the owner of the property informing the Council of any changes in circumstances. While it may not give a completely accurate picture it is the standard source of empty homes statistics both locally and nationally. The numbers of empty homes will vary slightly from month to month as some homes become empty and others are sold or renovated and occupied. Properties may be empty for a variety of reasons, and almost half the empty homes in the borough are empty for less than six months for transactional reasons such as changes in occupier, undergoing renovation before occupation, or delays in a sale.

Barriers

The reasons for fluctuations in the number of empty homes in any district are complex and are linked to housing demand in the locality and wider national influences, such as the state of the economy and availability of finance. Generally the number of long term empty homes in England has fallen over the past decade.

There are many reasons why a house can remain unoccupied alongside barriers to bringing it back into use:

- resident moving into residential care;
- death of owner and estate in Probate;
- emotional attachment following bereavement;

- problems with achieving a sale;
- limited or negative equity;
- adverse lending policies;
- owner waiting for the market to improve;
- perceived problems with letting;
- major refurbishment required;
- lack of finance to carry out essential repairs;
- the owner may be unaware of options;
- ownership of the property may be unclear;
- change of ownership.

Encouraging and facilitating the return to use of an empty home can be a lengthy process. There is no single or simple solution, and many owners need significant encouragement and support to take positive action.

Current tools for tackling empty homes

There are a variety of tools available which range from incentives including advice and loans, to enforcement action.

Incentives

Help and advice

Advice is provided to owners on the options available, which can include information on planning consent, building control approval, and conservation. Owners will be made aware of their responsibilities, and in addition we participate in the National Empty Homes week in early Spring every year when we publicise information and assistance.

No Use Empty initiative

No Use Empty no-use-empty.org.uk is a Kent wide scheme set up in 2005 to use a range of tools to bring empty properties back into use and create new build homes from derelict sites. Property advice and guidance is available including:

- advice and support for owners;
- local authority powers to make sure the property is reused;
- how to find an empty property;
- how to choose a builder;
- re-using old buildings and helping in the fight against climate change;
- property tax and VAT.

Financial assistance

Loans are available from Tunbridge Wells Borough Council and Kent County Council to assist owners to return long term empty properties back into use either through sale, letting or leasing. All loans are repayable and will be secured through a charge on the property, as follows:

Tunbridge Wells Empty Property Assistance

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

No Use Empty loans

We work in partnership with the No Use Empty initiative to provide a loan scheme to create new, quality and sustainable accommodation. Loans are:

- interest free subject to conditions;
- meet the cost of repairs and improvements;
- available in units of £25,000 up to a maximum of £175,000 per applicant for owners to renovate or convert properties empty for more than six months;
- loans for properties to let are repayable within three years;
- loans for sale are repayable within two years.

A loan guidance booklet is available [here](#)

Loans are administered on a first-come first-served basis and subject to funding being available.

No Use Empty top up loans

The Council provides additional financial assistance to support the No use empty loans, in the form of top up loans of up to £15,000. The repayment conditions are the same as for the No use empty loans.

For No use empty loans and top-up loans, repayable sums are recirculated to support new projects.

Enforcement tools

It is not unlawful to own an empty property and there is no statutory notice to demand that it is brought back into use. However enforcement action can contribute to helping the owner to focus on the effect that the empty property is having on the neighbourhood, and in certain circumstances it may be appropriate in accordance with our [Private-Sector-Housing-Enforcement-Policy-2021-2026](#)

Our approach is to carry out an assessment of the property and the nature of the complaint and consider the seriousness of these issues:

- crime and anti-social behaviour - historic and future risk, including arson, trespass, squatting, fly-tipping and graffiti.
- appearance – degree of unsightliness and detriment to the area, including decorative repair, accumulations of rubbish, and overgrown vegetation.
- prominence – property size and location.
- general condition – physical condition based on external assessment and whether habitable.
- physical effect – damage to other properties
- length of time the property has been vacant.

The enforcement tools available are:

- **service of formal notices** to enter the property, improve the condition of the property or land, carrying out works in default if necessary.
- making an **Empty Dwelling Management Order (EDMO)** to take possession (not ownership) when an empty 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.
- **demolition order** when a home is uninhabitable.
- **compulsory purchase order (CPO)** to acquire underused or ineffectively used property for residential purposes or 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.

Council tax charges for empty properties

Council tax records are an important source of information. The classes of most concern are:

Table 2 Council tax classes of empty properties

Class	Status
Class C	Unoccupied and unfurnished for more than six months
Empty premium Class L	Unoccupied and unfurnished for two years or more but less than five years
Empty premium Class L5	Unoccupied and unfurnished for five years or more
Class D discount	Unoccupied and requires or is undergoing structural alterations/major repair

An effective tool to discourage the owners of empty homes from keeping them unoccupied is the national policy adopted by the Council to increase council tax charges:

- from 1 April 2019 – properties that have been empty for more than **two years** attract a **100% premium**;
- from 1 April 2020 – properties that have been empty for more than **five years** attract a **200% premium**;

- from 1 April 2021 – properties that have been empty for more than **ten years** attract a **300% premium**.

What we have done

Our most recent Empty Homes policy covered a five year period from 2018 – 2023. During that period, with direct involvement from the Council, 72 units of accommodation were provided from empty properties, including 25 units of affordable housing at Dowding House and 6 units at Crescent Rd.

Included in this total are No Use Empty loans and top up loans from the Council which delivered 31 units back into use, the breakdown by year is as follows:

Table 3 No Use Empty loans

Year	Number of loans	No Use Empty loan	Top up loan from TWBC	Number of units
2018 - 19	1	£25,000		1
2019 - 20	5	£170,000	£100,000	7
2020 - 21	3	£495,000	£15,000	11
2021 - 22	0	£0		0
2022 - 23	2	£900,000		12
Total	11	£1,590,000	£115,000	31

Other key outcomes have been:

- annual council tax mail-out to review empty homes includes information on contacting Private Sector Housing or No Use Empty for advice on options.
- continued work with No Use Empty initiative and other partners.
- investigated all reports of empty properties, carried out an assessment to determine if they are empty and contacted the owner/responded to the complainant within 28 days.
- tracked and monitored requests for financial or other assistance from the initial request onwards.

We also undertook to visit all empty properties reported to the Council as unsecure, unsafe or dangerous and to contact the owner within seven days. Over the past five years no reports have been received, and generally any complaints we receive relate to exempt properties or second homes.

In our previous policy we said we would externally survey all properties empty for more than two years and carry out an assessment of conditions and prioritise for action. This was not possible predominantly due to the impact of the COVID 19 pandemic and other statutory work.

What we plan to do in 2023 - 2028

Our action plan contains five aims which are set out in in Appendix 1.

1. Maintain and improve the accuracy of empty homes data.
We will obtain data at least quarterly to enable us to monitor the current state of long term empty homes and the effectiveness of the policy.
2. Provide advice and assistance to owners
We will contact the owners of empty homes to clarify their intentions and provide advice and information using a variety of channels.
3. Participate in co-ordinated activity across Kent.
Membership of Kent Empty Property Officers Forum, Kent Housing Group and CIEH Kent Housing Technical Group, which bring together Housing officers with different specialisms to share information and good practice.
4. Raise awareness of empty home issues and options.
We will keep our web site information current and share relevant information with owners using social media.
5. Empty Homes council tax premium
Review the powers available under relevant legislation to levy premium rates of council tax and apply increased premiums if these become available.

Monitor and review

We will monitor progress with this policy and the action plan every six months and review available resources.

Contact us

If you have an enquiry about bringing an empty property back into use or if you would like to report an empty property, please contact us:

Private Sector Housing Team
e-mail privatesectorhousing@tunbridgewells.gov.uk
Tel no 01892 554342

Action plan

Aim 1: Provide advice and assistance to owners

Action	Outcome	Lead	Progress
Annual council tax mail out to empty home owners to establish status of property including links to empty homes advice, follow up action if no response	Annual provision and updating of information	Head of Revenues and Benefits	

Aim 2: Reduce the number of long term empty homes using a range of tools

Action	Outcome	Lead	Progress
Investigate complaints, identify and engage with the owner, offer help and advice, and where appropriate consider enforcement tools	Remedy condition of empty home	Private Sector Housing Manager	
For properties where the external condition has a negative effect on the amenity of the area, investigate and refer to and Planning Compliance	Use of section 215 notices to bring about external improvements	Private Sector Housing Manager/Planning Compliance	
Monitor and evaluate the action plan	Annual review reported to Housing Advisory Panel	Private Sector Housing Manager	

Aim 3: Participate in co-ordinated activity across Kent

Action	Outcome	Lead	Progress
Participate in Empty Property Officers	Update on loan scheme, loans provided, and numbers of units brought	Private Sector Housing Manager	

Forum managed by Kent No Use Empty	back into use, share best practice and discuss options to resolve challenging cases		
Participate in Kent Housing Group and relevant sub-groups, and CIEH Kent Housing Technical Group to share best practice	Best practice initiatives identified, and shared	Private Sector Housing Manager	

Aim 4: Raise awareness of empty homes issues and options

Action	Outcome	Lead	Progress
Promotion of National Empty Homes week	Comprehensive information on the website and use of Twitter and Facebook	Private Sector Housing Manager	

Aim 5: Empty Homes council tax premium

Action	Outcome	Lead	Progress
Ensure empty homes premium is applied in all applicable instances	Collection of premium maximised and deterrent to home remaining empty	Head of Revenues and Benefits	
Apply increased premiums if legislation is amended	Collection of premium maximised and deterrent to home remaining empty	Head of Revenues and Benefits	