The Wolverhampton (Land to the Rear of Two and a Half Clifford Street)

Compulsory Purchase Order 2020

Statement of the Council’s Reasons for Making the Order

Part II Housing Act 1985

 Dated 14th May 2020

**1. Description of the Order Lands**

1.1 The Order land is to the rear of Two and a Half Clifford Street, Whitmore Reans. WV6 0AB. Identified as areas B and C on the attached map. The Compulsory Purchase of area A on the attached map was confirmed 28 October 2018 and vested in Wolverhampton City Council 2 April 2019.

1.2 On 14 January 2020 the Resources Panel of Wolverhampton City Council (“the Council”) resolved to acquire the Order land for housing purposes under Section 17 of the Housing Act 1985. It was resolved to make a Compulsory Purchase Order to acquire the Order land and authorised its acquisition by agreement in advance of the confirmation of the Order where possible.

1.3 The Order land is in the Park Ward, in the Wolverhampton South West Parliamentary constituency, approximately 1 mile North West of Wolverhampton City Centre. It is in an area of predominantly residential property.

**2. Special Considerations**

2.1 The Council’s Corporate Plan 2019 – 2024 (Page 27) has a stated aim to increase the availability of homes within the city by bringing empty properties back into use.

2.2 The 2019 – 2024 Housing Strategy sets out the growing overall requirement for housing in Wolverhampton.

**3. The Case for Compulsory Purchase**

* 1. It remains the case of the Council that the refurbishment of the property acquired via the previous CPO process would be beneficial in terms of the economic, social and environmental well-being of the area. The Order Land is to the rear of the original building acquired and there is no direct access to the areas identified on the attached map as B and C.
	2. It is the case of the Council that the acquisition of areas B and C is necessary in order to bring forward both the regeneration of the whole site and to avoid future issues regarding the unadopted and inaccessible areas to the rear.
	3. There is very little available social housing in the area and there is a proven demand for accommodation locally and across the City. Over 13,000 applicants are registered for housing in Wolverhampton and residential properties can attract up to 350 bids when advertised on the Councils Choice Based Lettings system. The use of the property (currently four flats) for residential accommodation will facilitate a quantitative and qualitative housing gain.
	4. The improvement of the visual amenity of an area could be said to enhance social well- being by promoting participation in public life and there is evidence that vulnerable people feel more confident in using public spaces following refurbishment.
	5. The Council asserts that the property will continue to be a drain on the public purse, is likely to attract nuisance/ crime, remain vulnerable to arson attack, increase the fear of crime for residents and have a detrimental effect on the surrounding properties until it is brought back into use.

**4. Proposals for the Land and Planning Position**

4.1 Should the Order be confirmed; it is intended that areas A, B and C will be registered as one title and the assembled site will be sold on to a developer/ Housing Association. Any disposal by the Council will contain a contractual clause to ensure the property is brought back into use within a reasonable timescale. On the advice of Development Control, the contract will also specify solely residential use.

4.2 Compliance with any necessary approvals will be an additional contractual clause in any sale agreement.

4.3 This Compulsory Purchase should be considered alongside the previously confirmed Order.

**5. Enabling Powers**

5.1 The consent of the Secretary of State is currently required under Section 32 of the Housing Act 1985.

5.3 There are no related matters which require a co-ordinated decision from the Secretary of State.

**6. Proposals for Re-housing Residents**

6.1There are no re-housing implications relating to the order land as the property is vacant and occupation is prohibited due to poor housing conditions.

**7. Details of Attempts to Negotiate with Owners and Chronology of Actions Taken**

* 1. The property was first brought to the attention of the Councils Empty Property Team in April 2005.
	2. On 29 April 2005, a complaint was received regarding a burst pipe at property and rubbish preventing access to the premises.
	3. On 3 May 2005 Severn Trent water confirmed a problem with raw sewage running onto the highway from the property. Photographs from this time highlight the severity of the problems arising.
	4. On 3 May 2007, a letter to the owner requested an update on progress regarding refurbishment of the property. No response was received.
	5. On 13 March 2008, a further letter requested details of progress at the property.
	6. On 27 May 2008, the owner called the Council to advise the rubbish was to be removed “today/ tomorrow”.
	7. On 11 August 2010, an Emergency Prohibition Order was served under the Housing act 2004 to prevent occupation of one of the flats at the property which was on poor condition.
	8. On 20 October 2010, a further letter to the owner set out a number of options available to the owner and explained that powers of entry under section 239 of the Housing Act 2004 would be considered if voluntary arrangements were not made within 14 days. The owner did not respond.
	9. On 16 November 2010, Notice to Enter was served under Housing Act 2004.
	10. On 15 December 2010, an inspection of the premises found the flats to be in very poor condition. Four flats were identified plus commercial window business operating from site.
	11. On 26 August 2011, the council was informed of an enforcement notice served by the Fire Service due to inadequate fire separation between and occupied flat and the commercial operation at the site.
	12. On 1 September 2011, a further Notice to Enter the premises (Housing Act 2004) was served.
	13. On 28 September 2011, a survey of the flats was carried out. A flat at the rear of the premises was found to be occupied, but access was refused. Arrangements were made to re-house the occupant.
	14. On 12 August 2014, information was again received that the rear flat was occupied.
	15. On 21 October 2014, a letter in advance of a Section 215 Notice was sent to the owner. The owner did not respond.
	16. On 11 December 2014, a Section 215 (Town and country Planning Act 1990) Notice was served on the owner. The Notice required 26 items of external disrepair to be rectified by 22 May 2015.
	17. On 27 January 2015, a visit to the premises observed that the front of the property had been cleared.
	18. On 26 May 2015, a letter to the owner highlighting non-compliance with Section 215 and gave 14 days prior to action.
	19. On 12 June 2015, the owner called to say scaffold was up. The number given was unavailable when called. A visit to the site confirmed that scaffold has been erected.
	20. On 20 October 2015, a report authorising officers to acquire the property by negotiation was approved by Cabinet Resources Panel of the Council (Area A).
	21. On 6 November 2015, a letter offering to acquire the property by negotiation was sent to the owner. No response was received.
	22. On 28 June 2016, a Notice to enter was again served on the owner as the Housing Standards Team of the Council suspected that the property was again being occupied. On this occasion, the whole of the premises was prohibited from being occupied.
	23. On 2 November 2016, a letter making a further offer to acquire the premises by negotiation was sent to the owner.
	24. On 3 January 2017, a second letter making a further offer to acquire the property was sent to the owner.
	25. On 13 January 2017, documentation was received from the owner which included e-mails not received by the Council.
	26. On 23 January 2017, an email to the owner requesting a meeting with his builder to discuss the proposed works was sent. The owner did not respond.
	27. On 28 March 2017, the Resources Panel of the Council authorised officers to progress a Compulsory Purchase Order (Area A).
	28. Further to the property identified as Area A vesting in Wolverhampton City Council action was taken to remove a number of squatters from the property and clearance was subsequently arranged and carried out.
	29. Once the property was cleared, a survey identified an additional area to the rear of the property that had not been included in the original CPO (Area C). In addition, a small triangular area of unregistered land was also identified (Area B).
	30. On the 14 January 2020, the Resources Panel of the Council authorised officers to progress a Compulsory Purchase Order for areas B and C to fully assemble the site into one ownership. Authorisation to acquire the land by negotiation in advance of the CPO was also delegated to Officers.
	31. On 23 January 2020, a letter to the owner offered to acquire areas B and C by negotiation and to agree compensation for the land previously acquired (area A). The owner did not respond.
	32. On 6 March 2020, a further letter to the owner again offered to acquire areas B and C by negotiation and to agree compensation for the land previously acquired (area A). Again, the owner did not respond.
	33. Further to the property and land identified as area A vesting in the Council, it has become apparent that Lloyds Bank PLC have a significant interest in the site and have instructed Eversheds Sutherland to recover their charge on areas identified as A and B.
1. **Public Interest and Human Rights Act 1998**

8.1 Consideration has been given to Article 1 of the First Protocol of the Convention for the Protection of Human Rights and Fundamental Freedoms as incorporated into domestic law by the Human Rights Act 1998. It provides that every person is entitled to the peaceful enjoyment of their possessions and they shall only be deprived of them in the public interest and in accordance with any other conditions provided by law.

* 1. The purchase of the land to the rear of Two and a Half Clifford Street, Whitmore Reans. WV6 0AB. will not displace any person or business, as at the present time the property remains un-occupied and is a focus for antisocial behaviour. Assembly of the site, refurbishment and occupation of the whole property will alleviate this problem and provide residential housing. The Council therefore concludes that acquisition would be in the public interest.
	2. As it is difficult to anticipate the property being brought back into use by the current owner and the Council has identified Compulsory Purchase action as the most appropriate course of action to remove the blight and nuisance caused. It is the case of the Council that the acquisition of the Order property would be in the public interest by making a quantitative and qualitative housing gain.
1. **Conclusion**

9.1 It is the view of the Council that a Compulsory Purchase Order is the most appropriate course of action to ensure the Order Property/ land is brought back into effective use within a reasonable timescale.

9.2 The owners have had ample opportunity to resolve matters and to bring the property back into use.

9.3 Should the Order be confirmed; the Council will market the property with a covenant or contractual clause to ensure that the property/ land is brought back into use within a reasonable timescale.

9.4 The Council considers that confirmation of the Order would make a positive contribution in terms of the economic, social and environmental wellbeing of the area. Confirmation would also ensure a quantitative and qualitative housing gain and the Council respectfully requests that the Order is confirmed.