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

**Compulsory Purchase Order 2021**

**The Housing Act 1985**

**And the Acquisition of Land Act 1981**

**Statement of the Case of the Acquiring Authority**

1. **Introduction**
	1. This is the Statement of Case of Wolverhampton City Council (‘the

Council’) in its capacity as acquiring authority for the making of the Wolverhampton City Council (Land to the Rear of Two and a Half Clifford Street) Compulsory Purchase Order 14 January 2020 (‘the Order’) pursuant to the Council’s resolution for the compulsory acquisition (Appendix 1) of the Land to the Rear of Two and a Half Clifford Street (‘the Order Property’).

* 1. The Order was submitted to the Secretary of State for Communities and Local Government (‘the Secretary of State’) for confirmation and the Order was sealed on 27th October 2020, with receipt of objections requested by 14 December 2020 (Appendix 2). One objection to the Order was received. The Ministry of Housing, Communities and Local Government provided a copy of the objection 14 January 2021 (Appendix 3).

* 1. This Statement sets out the Council’s case for the making of the Order as will be put before the Inquiry. Reference should also be made to the Council’s Statement of Reasons for making the Order (Appendix 4).
1. **Description of the Order Land**

2.1 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 (Appendix 5). The Compulsory Purchase of area A on the attached map was confirmed on 9 October 2018 and vested in Wolverhampton City Council 2 April 2019.

2.2 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.

2.3 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.

2.5 The property and land is in a popular residential area and its deteriorating condition has had a negative impact on the neighbourhood over the years it has remained vacant. It also presents a visual detriment to the local amenities.

**3. Special Considerations**

3.1 Our Council Plan 2019 – 2024 has a strategic outcome to deliver Better Homes for All (Appendix 6). In order to deliver this, we need to maximise the availability of homes within the City and bring empty homes back into use.

3.2 The Better Homes for All 2019 - 2024, the Housing Strategy for Wolverhampton underpins this commitment and the acquisition of empty properties assists the Council in meeting its objectives as set out in the three key themes:

* Deliver more and better homes
* Ensure Safe and Healthy Homes
* Provide access to secure homes

3.3 The Strategic Housing Market Assessment sets out the growing overall requirement for housing in Wolverhampton. The Council’s Empty Homes Policy and Strategy Action Plan 2019-2024 supports the Council objective to assist in bring the City’s long-term empty homes back into use (Appendix 7).

**4. The Case for Compulsory Purchase**

4.1 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.

4.2 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 inaccessible areas to the rear and side of the site.

4.3 There is very little available social housing in the area and there is a proven demand for accommodation locally and across the City. There are over 11,700 currently on the waiting list for properties within Wolverhampton of these 5470 have a requirement for 1-bedroom and 3493 have a requirement for 2-bedroom properties. The use of the property (currently four flats) for residential accommodation will facilitate a quantitative and qualitative housing gain.

* 1. 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.
	2. 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.

**5. The Need and Demand for Housing in Wolverhampton**

The City of Wolverhampton Council currently have 259 properties within the Park Ward, 103 are 1-bedroom flats/maisonettes, with 85 being 2-bedroom flats/maisonettes.

5.1 During the period of January 2020 to December 2020 City of Wolverhampton Council received on average 80 bids per each flat let in Park ward. A total of 3 1-bedroom or 2-bedroom flats were advertised to let during this period. A summary of Housing Need is Appendix 8.

* 1. The council’s view is that acquisition of this property will result in renovation and re-use of a property in a popular area of the City. Confirmation of the Order will provide a valuable units of accommodation and the removal of the blight will go some way to assisting the increasing general demand in the area. It will result in quantitative gain, as well as addressing the nuisance problems for the immediate neighbours.

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

6.1 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.

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

6.3 This Compulsory Purchase should be considered alongside the previously confirmed Order which was confirmed unopposed (Appendix 9). The Statement of Reasons for the confirmed order is Appendix 10.

6.4 The initial CPO (area A) was taken into the ownership of the Council by way of a General Vesting Declaration (Appendix 11). The current Land Registry Title and Title Plan for the initial CPO is Appendix 12.

**7. Enabling Powers**

7.1 This Compulsory Purchase should be considered on its own merits and is not included with any other property identified for acquisition.

7.2 The consent of the Secretary of State for the Environment required under Section 32 of the Housing Act 1985 is given for the onward disposal of the Order land by The General Consent for the Disposal of Part II Dwelling - Houses 1999.

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

**8. Consideration of other Powers**

8.1 The Council did use the Maintenance of Land/ Buildings Notice under Section 215 of the Town and Country Planning Act 1990 on the Order property in 2014 and a number of interventions under the Housing Act 2004 were made whilst the property was occupied. The use of these powers did not bring about the provision of decent housing at the site which remains the Council’s primary objective.

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

9.1There should be no re-housing implications relating to the order land as the property is vacant and occupation is prohibited due to poor housing conditions. However, as squatters were on site following Area A vesting in the Council, it may be necessary to offer alternative accommodation and assistance if required.

**10. Background and Chronology of Events**

10.1 The property was first brought to the attention of the Council in April 2005.

10.2 On 29 April 2005, a complaint was received regarding a burst pipe at property and rubbish preventing access to the premises (Appendix 13).

10.3 On 3 May 2005 Severn Trent water confirmed a problem with raw sewage running onto the highway from the property (Appendix 14). Photographs from this time highlight the severity of the problems arising (Appendix 15).

10.4 On 3 May 2007, a letter to the owner requested an update on progress regarding refurbishment of the property (Appendix 16). No response was received.

10.5 On 13 March 2008, a further letter requested details of progress at the property (Appendix 17).

10.6 On 27 May 2008, the owner called the Council to advise the rubbish was to be removed “today/ tomorrow” (Appendix 18).

10.7 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 in poor condition.

10.8 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 (Appendix 19). The owner did not respond.

10.9 On 16 November 2010, Notice to Enter was served under Housing Act 2004 (Appendix 20).

10.10 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 (Appendix 21).

10.11 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 (Appendix 22).

10.12 On 1 September 2011, a further Notice to Enter the premises (Housing Act 2004) was served (Appendix 23).

10.13 On 28 September 2011, a survey of the flats was carried out (Appendix 24). 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.

10.14 On 12 August 2014, information was again received that the rear flat was occupied (Appendix 25).

10.15 On 21 October 2014, a letter in advance of a Section 215 Notice was sent to the owner (Appendix 26). The owner did not respond.

10.16 On 11 December 2014, a Section 215 (Town and country Planning Act 1990) Notice was served on the owner. The Notice required the 26 following items of external disrepair to be rectified by 22 May 2015.

 Front Elevation –

1. Remove all rubbish, white goods and building materials from in front of the property, clear vegetation from all areas at the front of the property and bring to a maintainable standard;
2. Remove vegetation growing from masonry;
3. Repair and prepare all wooden fascia and soffit boards, apply 2 coats undercoat and 1 coat of gloss (colour to be agreed with council);
4. Replace all damaged and defective guttering and rainwater goods;
5. Remove boards and re-glaze windows as necessary;
6. Make good/ repair stonework to window cills;
7. Make good holes and remedy defects in external brickwork and render to building and boundary walls;
8. Prepare and treat with stabilising solution all masonry, stonework and rendering;
9. Apply 2 coats of approved masonry paint to all rendered areas (Colour to be agreed with Council);
10. Apply 2 coats undercoat and 1 coat of gloss to stonework cills and features (colour to be agreed with council);
11. Clean down all uPVC windows;
12. Prepare, prime and apply suitable coatings to metal gates.

Rear Elevation, Side Elevation, Passageway and Rear Yard –

1. Remove all rubbish, white goods and building materials from the rear of the property, clear vegetation from all areas at the rear of the property and bring to a maintainable standard;
2. Make good/ repair any areas of the rear yard and passage which are likely to present a trip hazard to users;
3. Remove vegetation growing from masonry;
4. Strip off flat roofs, carry out appropriate structural repairs to the roofing structures, insulate and replace roof coverings to agreed standards and specifications (Building Regulations approval will be required for these structural works);
5. Repair and prepare all wooden fascia and soffit boards, apply 2 coats undercoat and 1 coat of gloss to include underside of passageway (colour to be agreed with council);
6. Replace all damaged and defective guttering, soil pipes and rainwater goods;
7. Remove boards and re-glaze windows as necessary;
8. Make good holes, replace areas of missing rendering and remedy defects in external brickwork and render to building;
9. Replace/ repair all flashings to main and additional roofs, replace any broken and missing roof tiles;
10. Remove/ secure sundry wiring to all elevations;
11. Prepare and treat with stabilising solution all masonry, stonework and rendering;
12. Apply 2 coats of approved masonry paint to all rendered areas (Colour to be agreed with Council);
13. Clean down all uPVC windows;
14. Prepare, prime and apply suitable coatings to metal stairs and lintels.

General –

1. Remove all waste materials arising to a registered disposal facility.

The Section 215 Notice as served is Appendix 27.

10.17 On 27 January 2015, a visit to the premises observed that some work had been carried out to clear the front of the property.

10.18 On 26 May 2015, a letter to the owner highlighted non-compliance with the Section 215 and gave 14 days prior to action (Appendix 28).

10.19 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 had been erected (Appendix 29).

10.20 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). Appendix 30.

10.21 On 6 November 2015, a letter offering to acquire the property by negotiation was sent to the owner (Appendix 31). No response was received.

10.22 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.

10.23 On 2 November 2016, a letter making a further offer to acquire the premises by negotiation was sent to the owner (Appendix 32).

10.24 On 3 January 2017, a third letter making a further offer to acquire the property was sent to the owner (Appendix 33).

10.25 On 13 January 2017, documentation was received from the owner which included e-mails not previously received by the Council (Appendix 34).

10.26 On 23 January 2017, an email to the owner requesting a meeting with his builder to discuss the proposed works was sent (Appendix 35). The owner did not respond.

10.27 On 28 March 2017, the Resources Panel of the Council authorised officers to progress a Compulsory Purchase Order (Area A). Appendix 36.

10.28 The owner did not object to the Order, and following confirmation of the Order, Area A was vested in the Council 2 April 2019. Further to the property being transferred into the Councils ownership, a number of squatters were offered advice and assistance and vacated the premises voluntarily. Arrangements were made to secure the property and to clear a substantial amount of rubbish accumulated in the property and yard.

10.29 The cost of clearing the property was £4,290 + VAT. There were also costs to secure the property against further intrusion and Cadent (Gas infrastructure contractor) had to attend a dangerous gas escape arising from pipework being stripped from the property (Appendix 37).

10.30 Further to the property and land identified as area A vesting in the Council, it became apparent that Lloyds Bank PLC have a significant interest in the site. Eversheds Sutherland had been instructed to recover their charge on areas identified as A and B.

10.30 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).

10.31 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 (Appendix 38).

10.32 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) Appendix 39. The owner did not respond.

10.33 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) Appendix 40. Again, the owner did not respond.

**11. Objections**

11.1 An objection was received to the Order from Jaspal Singh Sahota via The Planning Casework Unit 14 January 2021 (Appendix 41). The Objections are summarised and listed below with our observations:

1. **Objection** *- ‘I note the City of Wolverhampton to serve CPO on the above property under Part 7 of the Housing Act 1996”.*

**Response** – This statement is incorrect, the action is taken under The Housing Act 1985 and the Acquisition of Land Act 1981

1. **Objection** *– The fact of the matter is that the said property marked sections B&C on the map is not vacant or available for purchase. It is being used by me. Section 'B 'is built up and has a commercial unit being used as a factory, it will be reopened and it will provide employment for several people.*

**Response** *–* The Council asserts that the areas identified are vacant. Locks were changed when Area A was vested in the Council 2 April 2019. The owner has not requested access since the locks were changed.

1. **Objection** *- The same is true of section marked 'C' on the enclosed map.*

**Response –** A search of the land registry has established that Area C is unregistered land. The area has been included in this CPO in order to assemble the site. Appendix 42 shows that the area is not registered.

1. **Objection** *- The plot right in the middle marked 'A' is also owned by me. It has an office and accommodation which I have used before and intend to use in the near future as I have been asked to move out of my current accommodation. I will be using this section' A' as my office for the factory units and for my personal accommodation. I will be operating the two factory units from section marked 'A'*

**Response** – Area A was transferred into the ownership of Wolverhampton City Council via a general vesting declaration 2 April 2019. Appendix 43 Land Registry Title and Plan confirms that Wolverhampton City Council has registered title to this area.

* 1. It is the case of the Council that without formal action to assemble the site, the property is likely to remain empty and will continue to be detrimental to the amenity of the area.

**12. Human Rights Act Considerations**

12.1 The areas of land identified are not occupied and without assembly of the site, the potential for residential occupation would be constrained. The areas are not the main residence of the current owners and there is substantial evidence that the buildings and land have been neglected/ poorly managed since 2005.

12.2 The Council has given consideration 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.

12.3 The Owners have been given ample opportunity to resolve the matter positively and in a voluntary manner. Enforcement Notices and expenditure to secure, make safe and tidy the property will continue to be a drain on the public purse until the matter is resolved. The Council considers that there is a strong public interest in realising the qualitive and quantitative housing gain, which can be secured through the Compulsory Purchase of the areas identified in the Order.

**13. Conclusion**

13.1 It is the view of the Council that a Compulsory Purchase Order is justified to assemble the site to bring forward residential accommodation. There is no access to the land other than through Area A which is in the ownership of the Council. The Council considers that confirmation of the Order would ensure a quantitative and qualitive housing gain and alleviate the environmental and nuisance that the Order property has presented for over 15 years. We would respectfully ask that the Order is confirmed.

CITY OF WOLVERHAMPTON COUNCIL

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

Compulsory Purchase Order 2021

APPENDICIES OF THE STATEMENT OF CASE OF THE AQUIRING AUTHORITY

|  |  |  |
| --- | --- | --- |
| **Appendix** |  | **Page** |
| 1 | Cabinet Authorisation  |  |
| 2 | Compulsory Purchase Order |  |
| 3 | Objections |  |
| 4 | Statement of Reasons |  |
| 5 | Site Map |  |
| 6 | Better Homes for All |  |
| 7 | Empty Property Strategy |  |
| 8 | Housing Need Summary |  |
| 9 | Initial Confirmed Order |  |
| 10 | Statement of Reasons for Initial CPO |  |
| 11 | General Vesting Declaration for Area A |  |
| 12 | Land Registry and Title Plan for Area A |  |
| 13 | Initial Complaint |  |
| 14 | Letter from Severn Trent Water |  |
| 15 | Photographs of site 2015 |  |
| 16 | Letter to owner |  |
| 17 | Letter to owner |  |
| 18 | Note of telephone contact |  |
| 19 | Letter to owner |  |
| 20 | Notice to enter (housing Act 2004) |  |
| 21 | Note from inspection |  |
| 22 | Note on enforcement notice by fire service |  |
| 23 | Second Notice to enter (housing Act 2004) |  |
| 24 | Condition Survey/ Assessment  |  |
| 25 | Email regarding occupation |  |
| 26 | Pre 215 Letter to Owner |  |
| 27 | Section 215 Town and Country Planning Act |  |
| 28 | Letter to owner |  |
| 29 | Note from telephone call |  |
| 30 | Acquisition Report |  |
| 31 | Letter to owner |  |
| 32 | Letter to owner |  |
| 33 | Letter to owner |  |
| 34 | Letter and enclosures from owner |  |
| 35 | Email to owner |  |
| 36 | Cabinet Report / Authorisation Area A |  |
| 37 | Photographs |  |
| 38 | Cabinet Report/ Authorisation Areas B and C |  |
| 39 | Letter to owner |  |
| 40 | Letter to owner |  |
| 41 | Objections to the Order |  |
| 42 | Map search |  |
| 43 | Land Registry and Title Plan for Area A |  |