**The Wolverhampton City Council (****1 Clarendon Street)**

**Compulsory Purchase Order 2019**

**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 (1 Clarendon Street) Compulsory Purchase Order 2019 (‘the Order’) pursuant to the Council’s resolution for the compulsory acquisition (Appendix 1) 1 Clarendon 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 1 December 2020, with receipt of objections requested by 28 January 2021 (Appendix 2). One objection to the Order was received 27 January 2021 (Appendix 3). The Ministry of Housing, Communities and Local Government confirmed that an inspector had been appointed to act in the matter on18 February 2021 (Appendix 4).

* 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 5).
1. **Description of the Order Land**

2.1 The Order land comprises 1 Clarendon Street, Wolverhampton, WV3 9PP, which has been empty since 23 February 2011.

2.2 On 1st October 2019 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 0.65 miles West of Wolverhampton City Centre. It is in an area of predominantly residential properties.

2.4 The Order land is an end-terraced house built around 1900. It is a back of pavement property with a medium sized rear garden which is overgrown. An un-adopted track gives access to the rear of the property.

2.5 The property is in a popular residential area and is detrimental to the local neighbourhood by way of its derelict condition.

2.6 The Order land and building has visible structural issues to roofs and the gable wall. Japanese Knotweed is also established in the rear garden of the property.

2.7 As the property was occupied by persons other than the owner and used as a residential letting in 2010/ 2011 the property is liable for Council Tax. As of 1 April 2021, the total Council Tax debt was £22, 648. A statement at Appendix 6 sets out the Council Tax case history.

**3. Special Considerations**

3.1 Our Council Plan 2019 – 2024 has a strategic outcome to deliver Better Homes for All (Appendix 7). 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 8).

**4. The Case for Compulsory Purchase**

4.1 It is the case of the Council that the refurbishment of the property would be beneficial in terms of the economic, social and environmental well-being of the area. The Order Land is also situated in an area with very little available social housing and there is a proven demand for accommodation locally and across the City. Over 12,500 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 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 the refurbishment of empty properties.

4.3 The Council asserts that the property will continue to be a drain on the public purse, is likely to attract nuisance/ crime, increase the fear of crime for residents until refurbished and occupied.

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

5.1 The City of Wolverhampton Council currently have 255 properties within the Park Ward, 24 being 3-bedroom houses (9.4% of ward stock).

5.2 During the period of April 2020 to March 2021, one 3-bedroom house was advertised to let receiving a total of 94 bids. A summary of Housing Need is at Appendix 9.

* 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 unit of accommodation and will contribute toward satisfying the increasing general demand in the area. Occupation of the order property 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 the Order land 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.

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 on its own merits and is not included with any other property identified for acquisition.

**7. Enabling Powers**

7.1 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.

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

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

8.1There are no re-housing implications relating to the order land as the property is vacant.

**9. Consideration of other Powers**

9.1 The Council has served a notice requiring the proper Maintenance of Land/ Buildings under Section 215 of the Town and Country Planning Act 1990 on the Order property in 2019. The Notice was not complied with and use of these powers did not bring about the provision of decent housing at the site which remains the Council’s primary objective.

9.2 The use of an Empty Dwelling Management Order (EDMO) has been considered. However, the cost of works and ongoing management/ maintenance could not be recovered from the likely rental income within the 7 year period that a Final EDMO could be in place.

**10. Details of Attempts to Negotiate with Potential Owner/ Beneficiaries and Actions Taken**

* 1. The property was first brought to the attention of the Councils Empty Property Team on 7 February 2018. A screen shot of the Council Tax listing at that time is Appendix 10.
	2. Land Registry searches show the owner of 1 Clarendon Street, Wolverhampton, WV3 9PP to be SOHAN SINGH CHANA of 84 Compton Road, Wolverhampton. Council Tax records show that SOHAN SINGH CHANA is deceased.

10.3 Council Tax records also give a personal representative contact address at another location in the city. However, it has been established that this address is not current, and the party concerned has not been appointed as an executor to the estate.

10.4 On 7 March 2018, a probate search was requested.

10.5 On 8 March 2018 a visit to the property identified that the property was in poor condition. Calling cards were left at the Order Property and the alternative address identified on Land Registry. A map search of the alternative address given on Land Registry show that 84 Compton Road is unregistered. Land Registry for the Order Property and a map search for 84 Compton Road are Appendix 11. A Council Tax summary and photographs of the property around this time are Appendix 12.

10.6 A statement of account and email was received from Council Tax confirming the position as of 8 March 2018 (Appendix 13).

10.7 As no response had been received to the calling cards and no executor had been established a Notice to Enter the property (Section 239 Housing Act 2004) was served 8 May 2018 (Appendix 14).

10.8 Following contact by a Pav Chana (Grandson of the deceased owner) an arranged meeting at the Order Property took place on 30 May 2018. The property was cluttered and in poor condition both internally and externally. Japanese Knotweed was identified in the rear garden. Mr Chana explained that the representatives were keen to resolve the matter. Mr Chana was advised to seek independent legal advice regarding the estate and power of attorney regarding the deceased owner’s wife. It was agreed that further contact would be made in a month giving the family an opportunity to discuss the matter and appoint legal representation.

* 1. A copy of the Grant of Letters of Administration was obtained by the Council for the deceased. A copy of this information was sent to Mr Chana (chana642@hotmail.com) via email on 13 June 2018 to assist the family in making progress (Appendix 15).
	2. On 10 July 2018, a further email was sent to Mr Chana requesting an update. There was no response.
	3. On 6 September 2018, a telephone call to Mr Chana was not responded to.
	4. On 5 November 2018, an email to Mr Chana set out the intention to serve a Section 215 Notice under the Town and Country Planning Act 1990. The email required works to tidy up the property be carried out to prevent formal action (Appendix 16).
	5. On 19 November 2018, a telephone call was received from Mr Chana. Mr Chana stated that a solicitor had been appointed and a plan had been put in place to refurbish the property. Problems with builders “lead in times” had delayed progress. Confirmation of the action taken was requested in writing/ by email. Confirmation was not received.
	6. As no progress had been made at the Order Property a Section 215 Notice under the Town and Country Planning Act 1990 was served on 7 February 2019. The Notice would become effective on 11 March 2019 and required compliance by 11 June 2019. The works required to remove the detrimental effect of the property were –
1. Replace/ repair defective front guttering;
2. Repair/ renew defective verge fillets to main roof;
3. Repair/ replace/ rebuild, perished and bulging brick work to side elevation;
4. Single story rear addition roof – Remove shrubs growing on roof structure/ brickwork;
5. Single story rear addition roof – Repair roof structure and covering including flashings and verge fillets;
6. Rear two-story addition – Replace/ repair perished and defective brickwork to side and rear elevations;
7. Rear two-story addition – Repair roof to include verge fillet. Replace missing guttering;
8. Rear outhouse roof and structure – Carry out major repairs to main structure, roof, windows, doors and rainwater goods. Alternatively consider demolition;
9. Professionally remove and treat Japanese knotweed in rear garden and bring to a maintainable standard.

All waste materials arising from the works must be appropriately disposed of by a registered contractor.

Notices were served on all known contacts and interested parties (Appendix 17).

* 1. On 7 June 2019, a telephone call was received from a Mrs Neetu Johal. Mrs Neetu Johal requested that any action regarding the Section 215 Notice be stopped. Again, plans for the property, timescales for implementation, and solicitor details were requested. Mrs Johal did not identify her interest in the property and no written confirmation was received.
	2. On 19 July 2019, letters were sent to all known parties setting out the intention of the Council to progress a Compulsory Purchase Order. No responses were received (Appendix 18).
	3. Following local press coverage of the Councils intended action to acquire the property calls were received from a Mr and Mrs Chana and a Gurvinder Bassi of GLS Solicitors. On 26 September 2019, an email was received from Gurvinder Bassi of GLS solicitors stating that advice had been provided to a Mr Davinder Singh Chana (Appendix 19).
	4. On 1st October 2019 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 (Appendix 1).
	5. On 2 October 2019, an email to Gurvinder Bassi of GLS solicitors offered the opportunity to discuss the matter further and requested evidence that matter was being progressed (Appendix 20).
	6. On 9 October 2019, in a telephone conversation with Mr Bassi of GLS solicitors it was confirmed that he had been instructed in the matter. Confirmation of his instructions, schedules of works for the property, and timescales for completion were again requested in writing. No response was received.
	7. On 8 November 2019, a letter to GLS Solicitors offered to acquire the property by negotiation in advance of a CPO. No response was received (Appendix 21).
	8. On 11 December 2019, a further letter was sent to GLS Solicitors offering to acquire the property by negotiation in advance of a CPO. No response was received (Appendix 22).
	9. On 27 January 2021, Objections were received from Mr Pavitar Singh Chana. The Objections included a number of photographs of the property and evidence of a discharge from hospital (Appendix 23).
	10. On 23 April 2021, Notice was given that the Secretary of State for Housing, Communities and Local Government had instructed one of his Inspectors to hold a virtual public local inquiry into the above order on Wednesday 25 August 2021 starting at 10:00 (Appendix 24).

10.25 Having considered the objections received, a draft undertaking has been offered to the objector in a letter of 20 May 2021 (Appendix 25). A summary of the draft undertaking is set out below -

In consideration of the Objector withdrawing his Objection to the confirmation of the Order and upon the Objector formally confirming the withdrawal of his Objection to the Planning Inspectorate the Council undertakes:

1. Not to exercise its powers of compulsory purchase in relation to the Order for the acquisition of the Order Land for a period of nine months following the date of the confirmation of the Order (‘the Confirmation Date’) provided that:
	1. within one month of the Confirmation Date:
		1. the Objector submits to the Council a comprehensive schedule of works (‘the Schedule of Works’) for the refurbishment of the buildings on the Order Land (being 1 Clarendon Street, Wolverhampton) sufficient to return them to a condition fit for residential occupation; and
		2. the Council has confirmed to the Objector in writing its approval of the Schedule of Works (the Council acting reasonably at all times).
	2. within one month of the Confirmation Date:
		1. the Objector submits to the Council evidence which demonstrates to the satisfaction of the Council (the Council acting reasonably at all times) that the Objector has sufficient financial means to complete in full the works comprised in the approved Schedule of Works within the period of nine months from the Confirmation Date; and
		2. the Council has confirmed to the Objector in writing its satisfaction (the Council acting reasonably at all times) that the Objector has demonstrated sufficient financial means to complete in full the works comprised in the approved Schedule of Works.
	3. within nine months of the Confirmation Date:
		1. the Objector confirms to the Council in writing that the refurbishment works comprised in the Schedule of Works approved by the Council to return the buildings on the Order Land to a condition fit for residential occupation have been completed; and
		2. that upon such confirmation having been given that the Objector allows the relevant officers of the Council to inspect the buildings upon on the Order Land; and
		3. that the Council has confirmed in writing to the Objector its satisfaction that the works comprised in the Schedule of Works approved by the Council to return the buildings on the Order Land to a condition fit for residential occupation have been completed (the Council acting reasonably at all times).
2. Not to exercise its powers of compulsory purchase in relation to the Order for the acquisition of the Order Land at all following the Confirmation Date provided that the provisions of Clause 1 of the Council’s Undertaking are satisfied in full within nine months of the Confirmation Date.
	1. The objector has been given 28 days to respond to the undertaking offered. Should the objector choose to decline the undertaking offered or is unable to satisfy the requirements of the undertaking, it is the intention of the Council to proceed with the Inquiry as arranged.

**11. Objections**

11.1 An objection (email and attached photographs) was received to the Order from Mr Pavitar Singh Chana 27 January 2021 (Appendix 23). The Objections are summarised and listed below with our observations:

1. **Objection** *- The property of 1 Clarendon Street, Wolverhampton, WV3 9PP, was owned by my Granddad, Mr Sohan Singh Chana, who passed away in 1986. My father, Didar Singh Chana, occupied the property with my family uptil 21st May, 2008, when he also sadly passed away. The property was then left vacant due to emotional trauma of having lost loved ones in that house.*

**Response** – The Council Tax record also shows a period of occupation between 18 October 2010 and 22 February 2011. If the property was rented for this period, it is incorrect to state that the property has been left vacant due to emotional trauma. It is the case of the Council that if there is an emotional connection to the property, some attempts would be made to keep the property in good repair and to maintain council tax payments.

1. **Objection** *– Mr Richard Long from Wolverhampton City Council contacted us on 30th May 2018. Due to lack of funds and my paternal grandmother (Sohan Singh Chanas widow) being diagnosed with dementia and the whole family looking after her, we were partly distracted as we were very worried that we may lose her too, therefore work had not commenced. There was also an ongoing family dispute between my dads siblings as to whose name the house should be transferred into. This was then resolved in October 2019, where GLS Solicitors were instructed to get the house transferred into my name. Wolverhampton Council then spoke to GLS Solicitors who confirmed they had been instructed to handle the legal side of the property transfer. Unfortunately, the Council and I have had no communication from GLS Solicitors since.*

**Response** *–* The Council would much prefer that issues such as these are resolved by the beneficiaries of the estate. The initial contact with GLS solicitors was a welcome step forward. However, when asked to provide evidence of GLS being instructed in the matter, none was provided. As GLS solicitors did not respond to letters offering to acquire the property voluntarily, it is assumed that they are no longer instructed in this matter.

1. **Objection** *- In February 2020, the funds were raised and ARP Building Services were instructed to complete the work. In early March 2020, the property was stripped and work had commenced (please find attached photographic evidence).*

**Response –** No evidence has been provided that the funds are in place or that there is a contract with ARP Building Services. Any contractual documentation and timescales for completion would be considered if made available.

The photographs provided as part of the objection show that some floor coverings and rubbish have been removed from the property. Other than an attempt to make the rear addition watertight, there is little evidence that any building work has commenced in the photographs provided.

1. **Objection** *- In late March, 2020, we entered a national lockdown. Material was not available and the builder was shielding due to COVID-19. A deposit had been paid so we were not able to instruct anyone else to complete the work.*

**Response** – Again, any evidence that a deposit had been paid, a contract/ schedule of works and timescales for completion (allowing reasonable adjustments for COVID 19) would be considered if made available.

1. **Objection** - *Sohan Singh Chanas son, my uncle, died early January 2021 and my Nan passed away on 20th January 2021. Additionally, I, Pavitar Singh Chana, caught COVID-19 on 2nd January 2021, and was hospitalised due to this. I am still recovering and still under medical care of the virtual COVID Wards at Phoenix Centre, Wolverhampton (see medical evidence attached).*

**Response –** The Council is sympathetic to the personal circumstances described. However, while there is no evidence that matters are being progressed in terms of ownership and/ or refurbishment. And that, according to the objectors statement that the property has been empty for over 13 years, the Council considers that it is reasonable to progress formal action.

**f) Objection** - *I am respectively asking and pleading with a heavy heart for a 9 month extension due to these unforeseen circumstances to complete this work. During these 9 months, I can guarantee that I will instruct a solicitor to transfer the house into my name legally and that all works will be completed in this property compliant to current building regulations, ready for occupancy. Full funds are still available and my builder is ready to recommence work immediately once the extension has been approved.*

**Response –** The Councilhas offereda draft undertaking to the remaining objector, sumarised as follows –

In consideration of the Objector withdrawing his Objection to the confirmation of the Order and upon the Objector formally confirming the withdrawal of his Objection to the Planning Inspectorate the Council undertakes:

1. Not to exercise its powers of compulsory purchase in relation to the Order for the acquisition of the Order Land for a period of nine months following the date of the confirmation of the Order (‘the Confirmation Date’) provided that:
	1. within one month of the Confirmation Date:
		1. the Objector submits to the Council a comprehensive schedule of works (‘the Schedule of Works’) for the refurbishment of the buildings on the Order Land (being 1 Clarendon Street, Wolverhampton) sufficient to return them to a condition fit for residential occupation; and
		2. the Council has confirmed to the Objector in writing its approval of the Schedule of Works (the Council acting reasonably at all times).
	2. within one month of the Confirmation Date:
		1. the Objector submits to the Council evidence which demonstrates to the satisfaction of the Council (the Council acting reasonably at all times) that the Objector has sufficient financial means to complete in full the works comprised in the approved Schedule of Works within the period of nine months from the Confirmation Date; and
		2. the Council has confirmed to the Objector in writing its satisfaction (the Council acting reasonably at all times) that the Objector has demonstrated sufficient financial means to complete in full the works comprised in the approved Schedule of Works.
	3. within nine months of the Confirmation Date:
		1. the Objector confirms to the Council in writing that the refurbishment works comprised in the Schedule of Works approved by the Council to return the buildings on the Order Land to a condition fit for residential occupation have been completed; and
		2. that upon such confirmation having been given that the Objector allows the relevant officers of the Council to inspect the buildings upon on the Order Land; and
		3. that the Council has confirmed in writing to the Objector its satisfaction that the works comprised in the Schedule of Works approved by the Council to return the buildings on the Order Land to a condition fit for residential occupation have been completed (the Council acting reasonably at all times).
2. Not to exercise its powers of compulsory purchase in relation to the Order for the acquisition of the Order Land at all following the Confirmation Date provided that the provisions of Clause 1 of the Council’s Undertaking are satisfied in full within nine months of the Confirmation Date.
3. **Objection** - *I do not wish to lose this property due to sentimental value and attachments. I hope you are able to see this from the content of the letter above. I am ready to resolve this matter immediately following your response at your earliest convenience. Should you require any further information, please to not hesitate to contact me on either (redacted phone number) or via email.*

**Response –** As described in the response to the objection above the Councilhas offeredan undertaking to the remaining objector. To give the objector a further opportunity to resolve the matter the Council would undertake not to make the General Vesting Declaration for a period of 9 months following confirmation of the order subject to the objector meeting the conditions set out in the undertaking.

* 1. It is the case of the Council that without formal action and in the absence of the conditional undertaking offered by the Council being agreed, 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 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. As the property is not occupied and there is substantial evidence that the property and land have been neglected/ poorly managed since 2008 the rights of the objector are considered to be substantially diminished.

12.3 The beneficiaries of the estate have been given ample opportunity to resolve the matter positively and in a voluntary manner. Enforcement Notices to tidy the property have not been complied with and 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 property.

**13. Conclusion**

13.1 It is the view of the Council that a Compulsory Purchase Order is justified to ensure the property is brought forward as residential accommodation. 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 currently presents. Wolverhampton City Council respectfully requests that the Order is confirmed.

**The City of Wolverhampton Council (1 Clarendon Street)**

**Compulsory Purchase Order 2019**

 APPENDICIES OF THE STATEMENT OF CASE OF THE AQUIRING AUTHORITY

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