

# Empty Property Strategy (Residential) 2023 – 2028

DRAFT

# 1 Document Information

<b>Title:</b>	<b>Empty Property Strategy (Residential)</b>	
<b>Status:</b>	<b>FINAL DRAFT</b>	
<b>Current Version:</b>	<b>2</b>	
<b>Author:</b>	Joanna Murray-Smith Empty Property Officer- Housing Enabling & Delivery  ✉ <a href="mailto:joanna.murray-smith@iow.gov.uk">joanna.murray-smith@iow.gov.uk</a> ☎ (01983) 821000 ext: 8518	
<b>Sponsor:</b>	Dawn Lang Strategic Manager – Housing Enabling & Delivery  ✉ <a href="mailto:dawn.lang@iow.gov.uk">dawn.lang@iow.gov.uk</a> ☎ (01983) 821000	
<b>Consultation:</b>	Empty Property Group 25 April 2023 Housing Programme Officer Board 16 May 2023 IWALC 1 June 2023	
<b>Approved by:</b>	X	
<b>Approval Date:</b>	X	
<b>Review Frequency:</b>	Every 3 years	
<b>Next Review:</b>	September 2026	
<b>Version History</b>		
<b>Version</b>	<b>Date</b>	<b>Description</b>
1.0	19/04/2023	Draft to Empty Property Group for comment
1.1	25/04/2023	Updated at Empty Property Group
1.2	01/06/2023	Update Council Tax meeting
1.3	06/06/2023	Action Plan Added
2	200623	Update from CMT

## **1. Executive Summary**

The overall purpose of the Empty Property Strategy (Residential) is to understand the impacts of empty residential property on the Island's housing supply and explain what measures the Council can take in terms of bringing empty homes back into use.

Whilst any empty property is a wasted resource, the Isle of Wight does not suffer a significant issue with empty homes. This strategy therefore sets out a balanced approach to tackling empty homes in a way that is fair and proportionate in relation to the overall supply of housing. There are always dwellings which naturally become vacant for short periods of time due to buying and selling. A residential property is considered empty if it has been vacant for six months or more.

Bringing empty properties back into use will not only provide a source of accommodation but also have additional benefits including detecting fraud and unpaid council tax, reducing crime and antisocial behaviour, tackling the negative affect on the surrounding area and reducing the risk of damage to adjoining properties.

The overall objectives of the Empty Property Strategy (Residential) are to.

- 1. Maintain relevant, accurate and up to date information relating to empty homes on the Island.**
- 2. Bring empty homes back into use by encouragement and advice to property owners.**
- 3. Consider options for acting when negotiations fail to bring empty homes back into use.**
- 4. Raise awareness of the Empty Property Strategy (Residential) with residents, property owners and community, town and parish councils.**

Owners of long term empty residential properties (more than 2 years) will be contacted to clarify their intentions for the property, advice and assistance will be provided wherever practicable. Where practical support has not resulted in the improvement and occupation of the dwelling, the Council have a range of legal powers available, and the Council will work with other agencies to promote a coordinated approach.

## 2. Introduction - What is an empty home?

Isle of Wight Council are committed to the provision of affordable housing for Island residents. As part of this commitment both the Corporate Plan and the Housing Strategy include actions to address the situation with empty dwellings.

This Empty Property Strategy (Residential) supports our Corporate Plan and Housing Strategy and outlines how we will identify empty homes and utilise resources effectively to reduce the number of empty homes across the Island.

Our main approach will be to encourage early engagement to prevent properties becoming long term empty. We will utilise the gathering of data, targeted prevention, provide encouragement, make intervention, and where necessary take action.

An empty home is a residential property that is unoccupied and substantially unfurnished for six months or more. There are exemptions for example when a person goes into care. A property which is substantially unfurnished is unlikely to be occupied or be capable of occupation. A property which is capable of occupation can reasonably be expected to contain some, if not all, items from both of the following categories: furniture such as bed, chairs, table, wardrobe or sofa, and white goods such as fridge, freezer and cooker.

Where a property is said to be occupied it will be reasonable for the local authority to cross-check with the electoral roll, or ask for evidence, such as utility bills showing usage of services, driving licence as proof of address, or receipts or other proof of moving costs.

There are broadly two main types of empty property, transactional short term empty property and long-term empty property. Transactional empty property, usually up to six months occur as part of the normal cycle of people moving house. Transactional empty properties are less of a concern, although they may be empty for longer if they need renovation and can still present a problem if their condition becomes a hazard or a detractor to the street scene.

In some cases, a dwelling may appear empty, but is not classed as empty by Council Tax. For example:

- Second homes
- A dwelling in the process of being redeveloped
- A dwelling where the owner is living elsewhere for care

Properties that have been empty for more than six months are monitored by the Isle of Wight Council, residential properties that remain empty after two years are likely to decline without intervention. The reason that a dwelling is left empty may vary including:

- Issues with inheritance / or probate
- Lack of finance to carry out necessary repairs and or refurbishment
- Perceived problems associated with letting of properties
- Unwillingness or capacity to bring property into use

The Isle of Wight Council are keen to work with owners to resolve issues to ensure owners can benefit from bringing empty properties back into use and to help the supply of suitable homes for local people.

### **3. Strategic Context**

#### **Corporate Plan 2021 to 2025**

One of the key areas within the Corporate Plan is to increase the availability of housing across the Island. The Council will work to bring empty properties back into use, including the use of compulsory purchase if necessary. The Council corporate aim is to;

- wherever possible bring appropriate empty and derelict buildings back into use for affordable housing.

The corporate plan has a key activity to:

- Annually increase the number of empty and derelict properties that are brought back into use and keep the Empty Property Strategy under review so that it remains fit for purpose.

The Corporate plan has set the following as indicators of progress in addressing empty properties on the Island:

- The percentage of long-term empty residential properties (annual measure)
- The number of empty residential properties where Isle of Wight Council intervention results in their being brought back into residential use (annual measure)

#### **Housing Strategy 2020-2025**

The Housing Strategy recognises that bringing empty properties back into use can increase the supply of housing and it sets out the way the council can utilise existing housing stock.

- Bring empty properties back into use for residential purposes where possible.
- Improve the quality of stock already built and where relevant improve how it is managed.

The Housing Strategy has set the following actions in the housing action plan in relation to empty properties:

- Use all available powers to bring genuine empty properties back into use.
- Continue to be first port of call for unsecured buildings, offering advice, assistance and enforcement powers if necessary.

The Empty Property Strategy does not seek to duplicate other policies or processes and should be read alongside the following:

- The Council Tax Policy for Second Homes, Long Term Empty Properties and determining discounts for certain dwellings
- Neighbourhoods Enforcement Policy
- Planning Enforcement Policy

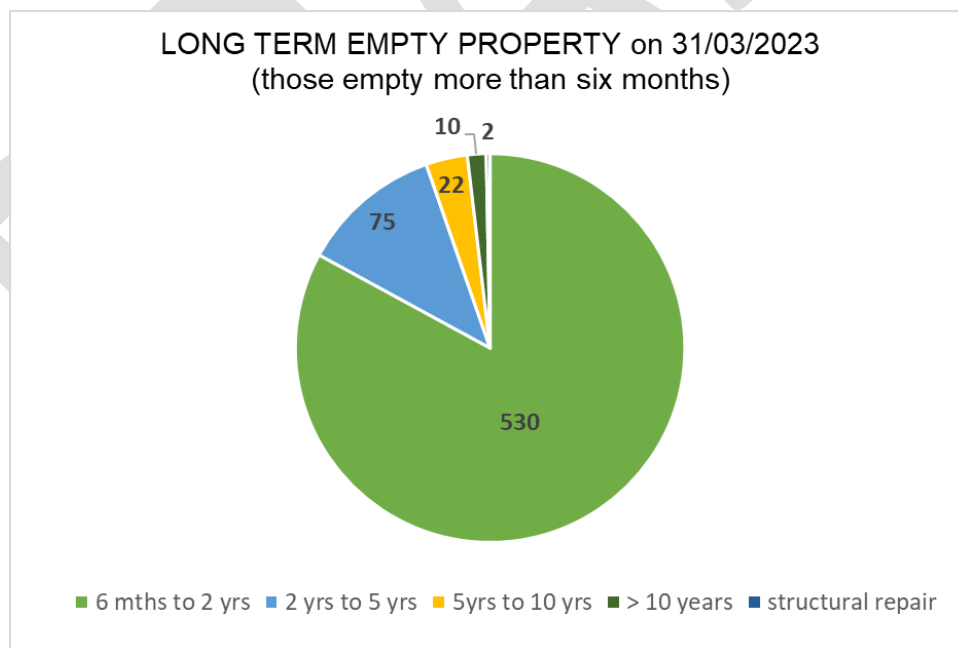
#### 4. National and Local Context

The Department for Levelling Up, Housing and Communities is responsible for gathering the total number of empty properties in the UK (those empty more than six months). Second homes are not included in empty homes figures.

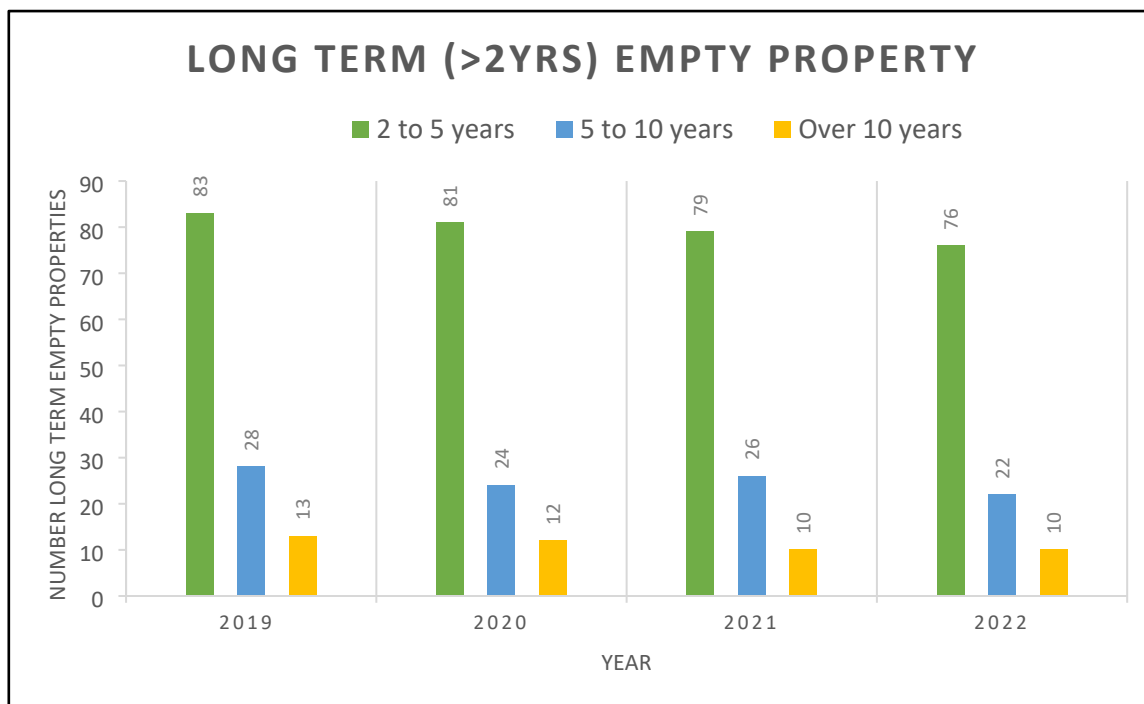
As of 31 March 2023, there are currently 72,359 properties on the Island. The total number of empty homes according to Council Tax records is **956**. (source Isle of Wight Council Tax base).

- 317 are empty less than six months
- 530 are empty more than 6 months but less than 2 years
- 109 are empty more than 2 years

Property empty for less than six months is not problematic and is attributed to people selling or changing tenants. This provides a certain amount of churn required in a housing market. As a proportion to the overall number of homes (72,359) the number of empty properties **639** (those empty more than six months) represents just 0.88% of the overall housing stock.



Of these **639** empty properties (empty more than 6 months) only **109** have been left empty more than 2 years. More than two years is the current length on time at which an Empty Dwelling Management Order (EDMO) can be considered, and a Council Tax premium can be applied. Council Tax premiums do not currently apply to second homes.



Powers previously held by central government to vary council tax paid on some empty homes has been devolved to a local level. The Isle of Wight Council have had an empty property premium under Council Tax Policy S11 since its introduction in April 2021.

Government regulations allow local authorities to apply a council tax premium depending on the length of time the dwelling has been empty and substantially unfurnished. The Isle of Wight Council applies the council tax premium in respect of empty periods as below:

- Empty Property Premium 100% two to five years
- Empty Property Premium 200% five to ten years
- Empty Property Premium 300% over ten years

More recently, the Levelling Up and Regeneration Bill, had its first reading in Parliament in May 2022. The bill proposes to introduce changes to the qualifying period for the use of the empty home premium. The bill if passed into legislation proposes to allow local authority to apply the premium after one year (as opposed to two years which is the current requirement). The Isle of Wight Council will consider whether to amend their Council Tax policy should the bill be passed. The Levelling Up and Regeneration Bill may also introduce council tax premiums on second homes if it becomes legislation.

## 5. Strategy aims and objectives

The overarching aim of the strategy is to:

Bring long term empty residential properties back into use to increase the supply of quality and affordable homes for Island residents and in turn reduce the impact of empty properties on local communities.

We have four objectives that will underpin the delivery of this aim:

**Objective 1: Maintain relevant, accurate and up to date information relating to empty homes on the Island.**

The main source for monitoring empty homes is Council tax records. Permission to use the tax database for the purpose of empty homes is set out in legislation in Section 85 Local Government Act 2003.

For this reason, it is important that the Council retains an up-to-date database. An annual review is carried out by the Council Tax team. The outcome of this exercise may result in an increase in the number of empty properties being identified.

Isle of Wight does not have a significant concentration of empty residential properties they are dispersed across the Island. The reason for a home staying empty may include:

- Structural or land stability issues
- The property is being renovated or extended
- The owner has limited finance / time/ skills to manage the property
- The property is subject to Probate
- The owner has emotional sentiment to dwelling and is reluctant to sell
- The owner is being cared for elsewhere
- The property was bought as an investment, but the project is not viable

A property may appear empty but is still being used as a second home, a property may be empty but is not registered as such with Council tax records.

Some dwellings are deliberately kept empty by the owner, the reason may be financial, family disputes, or that the owners have health issues. Some owners have emotional attachment to a property which makes it difficult for them to clear the property and they can't consider selling or renting it. They may be unaware of, or have no concern for, the affect the empty dwelling has on the local area and the surrounding neighbours.

Empty properties are sometimes listed buildings and / or located in a conservation area or might otherwise be considered as a 'non designated heritage asset'. Empty properties in sensitive locations and in prominent locations will be prioritised.

**Objective 2. Bring empty homes back into use by encouragement and advice to property owners.**

Empty homes are a wasted resource, we need to maximise the availability of housing for people to live in. Empty homes can have a negative impact on the surrounding community including:

- Attracting unwanted crime, vandalism, fly tipping and anti-social behaviour
- Causing damage and reducing values of neighbouring homes
- Requiring additional resources from Council services and Police



- Having overgrown gardens and encouraging vermin
- Adding to the pressure for housing and housing waiting lists

The Empty Property Strategy (Residential) will raise awareness of the empty homes issue. We will promote the strategy within the authority, with local councils, the community and on our web site to ensure owners are aware of the strategy and that the public can report problem empty homes easily.

When an empty residential property becomes a priority case, the council will contact the owner and set out the help and advice we can offer. The ability to bring the dwelling back into use will depend on the level of repairs needed and the desire of the owner to reach a resolution. The council can provide information on VAT relief for renovation of property and assistance in finding tenants through our Landlord Incentive Scheme.

### **Objective 3. Consider options for acting when negotiations fail to bring empty homes back into use.**

The Council aims to bring empty dwellings back into use working with owners. Legal powers will be used where the owner has been unwilling to engage over a significant period of time, and the building is creating a specific problem impacting on the local area. This will be based on a case-by-case basis and is subject to the available resources within the council and available funding.

The Council can use a range of legislative powers to deal with specific issues that are presented by empty properties, such as vermin, nuisance, fly tipping, insecure and dangerous buildings. Where appropriate we will consider the use of improvement notices and where necessary enforcement to deal with cases that have exhausted all means of informal encouragement.

#### **Improvement notices**

Shall be used where the condition of the property is such that it poses a threat to public health, safety, or the integrity of the property or the neighbouring property. The council has powers given through law to address environmental nuisance or blight to the amenity of an area. When making decisions for regulatory action, we will take account of the location of the property, the condition of the property, complaints received, association with anti-social behaviour, the degree of neighbourhood blight caused and any explanation by the owner for the reason why the building is empty. Where costs are incurred by the Council through carrying out works in default of improvement notices, they will be recovered from the property owner wherever possible.

Any decisions will be made in line with the enforcement policy relevant to that power or department. Although the powers available under legislation may deal with a specific problem, they may not necessarily result in the empty property coming back into use.

Options for action to bring the property back into use include.

## **Voluntary Purchase**

Where there would be a significant public benefit and the property cannot be sold on the open market, in certain circumstances, the Council may consider a voluntary purchase this would require an agreement of the relevant parties. Any arrangement with a third party would include an agreement to bring the property back into use and or redevelop for the purpose of residential accommodation. The Council will where possible work in partnership with registered providers, community town / parish councils, charitable organisations and community led housing groups where such opportunities arise.

## **Enforced Sale**

Local Authorities can recover charges against a property through its enforced sale. This option is used when there is a debt against the property registered as a charge at the Land Registry. Council tax debts or works in default can be charged to a property in many cases bringing about a sale and a change in ownership will mean the property comes back into use.

## **Empty Dwelling Management Orders (EDMO)**

An EDMO can be made where an owner leaves a property empty. The council can use a partner housing association to undertake the management of the property for a set period, up to seven years. However, the EDMO is open to appeal and can be burdensome.

## **Compulsory Purchase Orders (CPO)**

Compulsory Purchase Orders provide the final sanction to ultimately facilitate the renovation and reoccupation of the most problematic empty properties. CPO's are seen as the ultimate consequence of owners leaving problem empty properties. This route is both resource intensive and costly and CPO's should only be used where there is a compelling public benefit.

## **Objective 4. Raise awareness of the Empty Property Strategy (Residential) with residents, property owners and community, town and parish councils.**

Empty dwellings can have a direct impact on adjoining property through issues of damp and structural problems. Unsightly dwellings can have a detrimental impact on being able to sell and effect neighbouring house prices resulting in a lack of pride in an area. There is also the probability of empty dwellings attracting crime and anti-social behaviour which causes anxiety to residents and uses up police resources.

Encouraging the use of empty properties particularly in town centres will improve the local economy and the attraction of visiting town centres for visitors. Community, Town and Parish councils, community groups and residents are encouraged to advise the council when and where the empty properties occur if they are creating a problem in their local area or where they know the owner may need some assistance.

## **6. Performance Monitoring and review**

The purpose on this strategy is to explain the current situation regarding empty homes on a local basis and sets out the Councils plans for supporting owners to bring property back into use. The strategy will be monitored and reviewed, to ensure the Council is achieving the objectives of the strategy it is proposed to

- Monitor the number of empty homes and how long they are empty
- Develop best practice through research and liaison with partners
- Create and review an action plan on an annual basis, based on the up-to-date position on empty properties.

The action plan identifies a range of approaches and activities that can be used to bring empty property back into use and address the related challenges. Data related to empty property can be limited and challenging to collect, and property can be empty for various and complex reasons at individual, societal and fiscal levels. Additionally, bringing property back into use requires dedicated effort.

The strategy and action plan will ensure the Council acts strategically to push the empty homes agenda to promote good practice with the overall aim of reducing the numbers of empty homes.

## Appendix 1 - Government data

Data is published by the government in the live tables on vacant dwellings is drawn from several separate sources, each of which has its own statistical release:

- [Local authority housing statistics \(This collection brings together all documents relating to local authority housing data.\)](#)
- [Council Taxbase](#)
- the Regulator of Social Housing's [Statistical data return](#)

Interested parties may wish to see [notes and definitions for dwelling stock data](#), which includes the housing flows reconciliation (HFR) returns form and full guidance.

## Appendix 2 - List of Legislative Powers

### • Town & Country Planning Act 1990

- Section 215, Adverse affect on the amenity of an area

### • Listed Buildings and Conservation Areas Act 1990

- Section 9 – Unauthorised works to listed building

### Building Act 1984

- Section 59 – Drainage (Inadequate Provision or Defective)
- Section 77 – Dangerous or dilapidated buildings
- Section 76 – Premises prejudicial to health or nuisance
- Section 78 – Dangerous Buildings (Emergency Works)

### • Housing Act 1985 & 2004

- Section 11 – Improvement Notice
- Section 20 – Prohibition Order
- Section 28 – Hazard Awareness Notice
- Section 40 – Immediate Risk (Cat1 Hazard)
- Section 43 – Emergency Prohibition Order
- Section 265 (1985) – Demolition Order

### • Environmental Protection Act 1990

- Section 79-81 – Statutory Nuisances (Smoke, Dust, Noise, Smell)
- Abatement Notice (Part 3 EPA 1990)
- Prevention of Damage by Pest Act 1949
- Section 4 – Destruction of rats and mice

- **Local Government (Miscellaneous Provisions) Act 1982**

- Section 29 – Prevention from Unauthorised Entry

- **Public Health Act 1936**

- Section 83 & 84 – Filthy & Verminous Articles/Premises

- **ASB, Crime & Policing Act 2014**

- Community Protection Notices

DRAFT

<b>Empty Property Strategy - Action Plan</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>Lead</b>
<b>Objective 1: Maintain relevant, accurate and up to date information relating to empty homes on the Island.</b>						
Policy and procedures- Determine what empty property policies and procedures are required and put in place	X	X				EPO
Council Tax Data - Receive monthly performance data from Council Tax and review changes etc.	X	X	X	X	X	EPO
Gathering Information - Ensure that reports received about empty property gets forwarded to Council Tax and records updated with 14 days	X	X	X	X	X	EPO
Record Complaints - Ensure online reporting of problem empty homes is followed up and complaints dealt with	X	X	X	X	X	EPO
Liaise with Council Tax team to ensure empty property data is up to date	X	X	X	X	X	EPO
Agree Prioritising Criteria - Create a scoring matrix for empty property to enable prioritisation of workload	X	X	X	X	X	EPO
Prioritise Cases - Assess all empty property over 2 years against scoring matrix to prioritise cases	X	X	X	X	X	EPO
Reporting - Annual Report to Housing Programme Officer Board and Housing Members Board on progress including update on action plan	X	X	X	X	X	SMHED
Monitoring- Set up a recording procedure to capture actions on empty homes and provide performance monitoring information and stats	X					EPO
<b>Objective 2: Bring empty homes back into use by encouragement and advice to property owners.</b>						
Identify owners of long term empty property - proactive warning of empty property premium approaching. Identify owners of multiple empty property	X	X	X	X	X	EPO

<b>Empty Property Strategy - Action Plan</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>Lead</b>
Engage with empty property owners focusing on- Registered providers to ensure that social housing is not left empty for long periods Owners of multiple empty property to understand reasons and encourage bring back into use. To ensure awareness of Landlords Incentive Scheme is known to owners of empty properties To ensure awareness of VAT reduction is known to owners of empty properties	X	X	X	X	X	EPO
Funding- Grant/Incentive Schemes research what could be offered to support landlords bring back into use Investigate funding options for landlord repair grants and other incentives Investigate options for the purchase/lease of empty properties (Council/Registered Providers) and make available for letting to council nominees		X				EPO
Develop a capital bid for funding to support new initiatives to bring empty homes back into use		X				SMHED
<b>Objective 3: Consider options for taking action when negotiations fail to bring empty dwellings back into use.</b>						
Implement a case management system that ensures accurate information is held for cases that may progress to enforcement	X					EPO
Design and produce an empty homes procedure, consider enforced sale, empty dwelling management orders (EDMO) and compulsory purchase orders (CPO).	X					EPO
<b>Objective 4: Raise awareness of the Empty Homes Strategy with residents, property owners and town and parish councillors.</b>						
Publish the empty homes strategy and keep it under review	X		X		X	EPO
Join Empty Homes Network to ensure process and procedures comply with good practice.	X					EPO
Communications - Develop a communications and publicity programme to raise public awareness of empty homes and how Isle of Wight Council can help owners to sell or use them.	X					EPO
Ensure website includes appropriate information to enable property owners to understand councils role and strategy	X		X		X	EPO

<b>Empty Property Strategy - Action Plan</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>Lead</b>
Information Review content and need for Empty property leaflet	X					EPO
Engage with community town and parish councils to raise awareness of Council approach to manage Empty homes	X		X		X	EPO
Promote Action on Empty Homes Week annually by website and local press.	X	X	X	X	X	EPO

DRAFT