



# **South Oxfordshire District Council and Vale of White Horse District Council**

## **Empty Homes Policy**

January 2024

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## **1. Overview and aims of the policy**

The Housing Delivery Strategy, approved by South Oxfordshire and the Vale of White Horse Cabinets on 10 and 11 November 2022, identified the need to develop an empty homes policy to support the availability of housing for residents.

### **Reasons for the policy**

Residential properties that remain empty for a significant time are a poor use of resources and a lost opportunity to provide housing at a time of high housing need in South Oxfordshire and the Vale of White Horse. By bringing empty homes back into use there are benefits to the owner, new occupier, and the local community. The use of existing housing stock to provide more homes is an environmentally friendly method of increasing the availability of housing.

Long-term empty properties can have a detrimental impact upon the local community with deteriorating property conditions becoming a blight on the neighbourhood, attracting anti-social behaviour, and negatively impacting the value of properties.

Bringing empty homes back into use increases the availability of local housing supply and improves the environment.

### **Aims of the policy**

The main aim of the Empty Homes policy is to encourage owners to bring empty homes back into use. The councils will promote the incentives available and provide practical support to property owners. As a last resort for non-co-operative owners, there is an option of taking enforcement action to bring empty homes back into use.

The policy provides a framework for the councils to pro-actively investigate empty homes and focus upon bringing empty properties back into use to the benefit of the owner, people in housing need and the local community.

Where appropriate, the policy will help the councils tackle homelessness by supporting owners to rent their empty properties to suitable tenants who are at risk of homelessness.

## **2. What is an empty home?**

An empty home is a property that is wholly unoccupied. If the owner returns on an ad-hoc basis, it may still be considered an empty property on environmental grounds. For the purposes of the policy, second homes, properties undergoing renovation work, and homes where the owner is absent due to receiving care, will not be classified as empty homes.

Six months will normally be considered a reasonable timescale for an empty property to be brought back into use, however this can vary depending upon the individual circumstances of the property.

An empty home that has been unoccupied for more than six months will be considered a long-term empty home. It is long-term empty properties that will normally be the focus of activities to bring empty homes back into use as set out in this policy.

A home which has stood empty for over two years may be charged an “Empty Home Premium” in addition to the full council tax charge for the property. The premium is between 100 and 300 per cent of the full council tax charge for the property, depending on how long the property has been empty.

### 3. Empty Homes: the national and local context

#### The national context

There are currently over one million empty homes in England as of November 2023<sup>1</sup>.

The table below shows the number and type of empty homes over a five-year period.

|                                 | 2022      | 2021    | 2020      | 2019    | 2018    | 2018-2022 difference |
|---------------------------------|-----------|---------|-----------|---------|---------|----------------------|
| <b>Less than 6 months empty</b> | 222,101   | 221,426 | 200,866   | 245,302 | 244,965 | - 22,864             |
| <b>Long term empty</b>          | 256,827   | 246,644 | 278,470   | 237,594 | 227,953 | + 28,874             |
| <b>Empty homes premium</b>      | 72,341    | 71,630  | 69,201    | 62,938  | 62,419  | + 9,922              |
| <b>Second homes</b>             | 256,913   | 253,357 | 262,953   | 252,629 | 251,654 | + 5,259              |
| <b>Unoccupied exemptions</b>    | 203,746   | 190,993 | 192,155   | 171,006 | 167,042 | + 36,704             |
| <b>Total</b>                    | 1,011,928 | 984,050 | 1,003,645 | 969,469 | 954,033 | + 57,895             |
| <b>% of total dwellings</b>     | 4.01      | 3.94    | 4.05      | 3.95    | 3.93    | + 0.08               |

#### Empty Homes in South Oxfordshire and Vale of White Horse

As of 1 January 2023, the number of empty homes in South Oxfordshire and Vale of White Horse was 1,225 and 1,103 respectively.<sup>2</sup> The number of homes unoccupied for more than six months was 438 in South Oxfordshire and 415 in the Vale of White Horse, of which 161 in South Oxfordshire and 113 in the Vale of White Horse had been empty for more than two years.

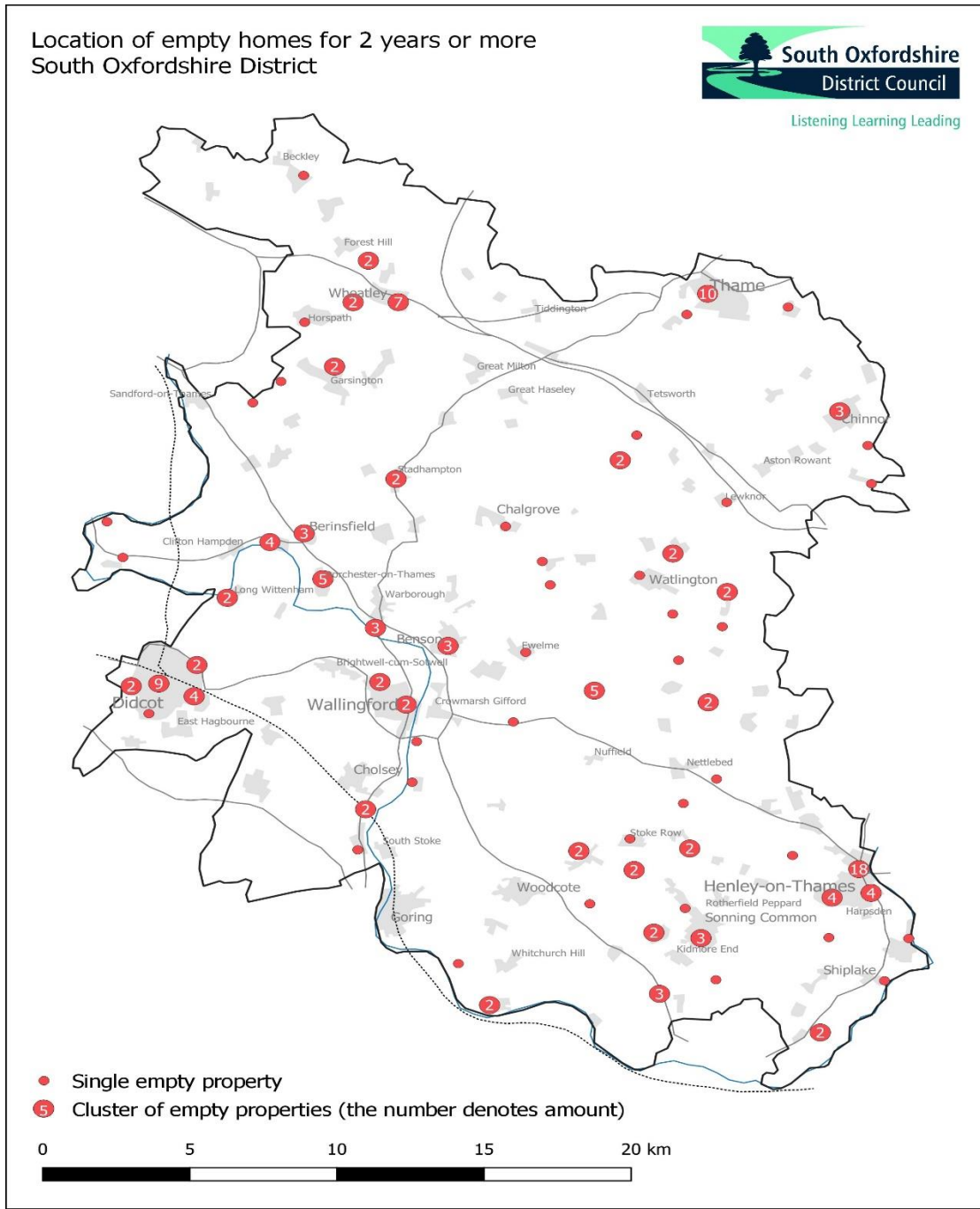
The council tax data for 31 October 2023 show 289 homes in South Oxfordshire and 259 in Vale of White Horse empty for longer than 6 months. A further 154 homes in South and 99 in Vale attracted a premium charge for being unoccupied for more than two years.

The percentage of dwellings categorised as being long-term empty homes (more than six months) was 0.67 percent in South Oxfordshire and 0.56 per cent in the Vale of White Horse.

<sup>1</sup> Local Government Association and Empty Homes Network report November 2023

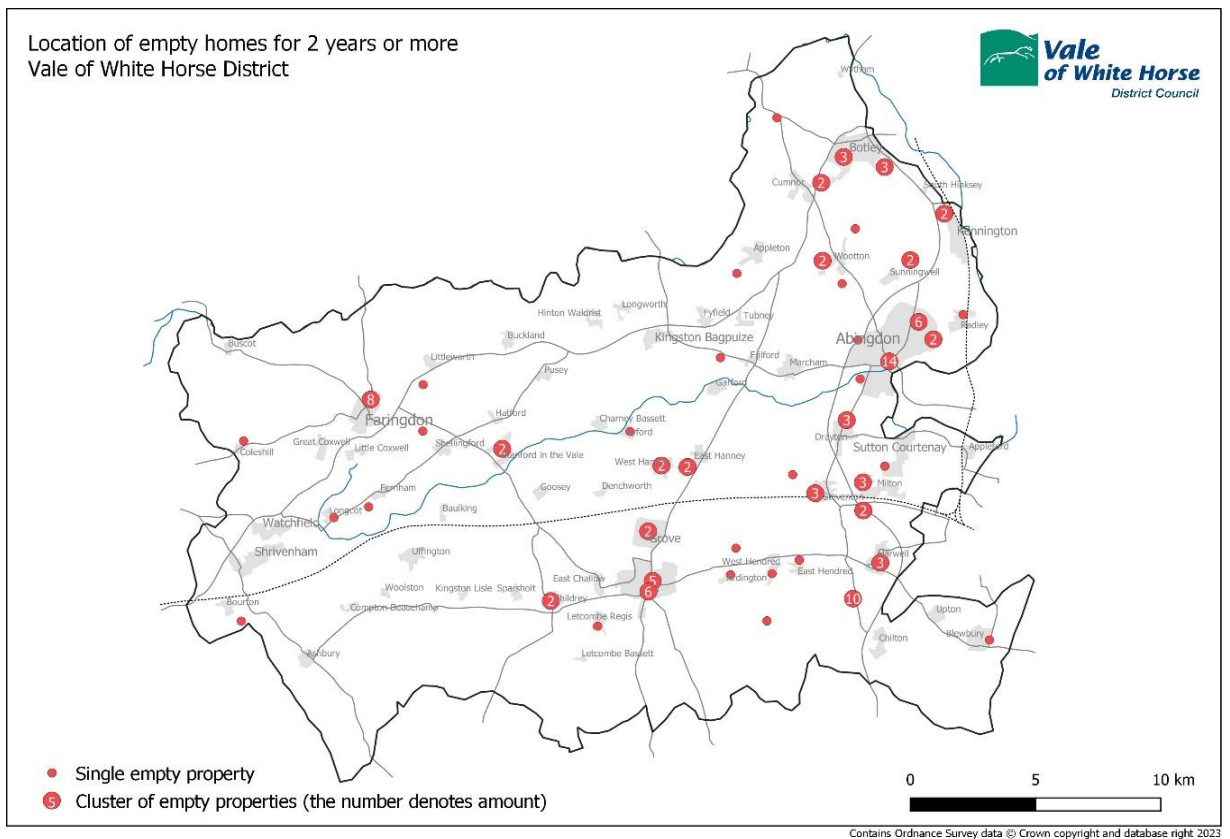
<sup>2</sup> council tax records

### Distribution of empty homes in South Oxfordshire<sup>3</sup>



<sup>3</sup> Ordnance Survey data January 2024

### Distribution of empty homes in Vale of White Horse<sup>4</sup>



## 4. The reasons for empty homes

There are multiple reasons a property may justifiably stand empty, particularly in the short term, and would not require council involvement.

- The property is undergoing major refurbishments.
- The owner/occupier is in prison.
- The owner/occupier is in care home or hospital.
- The property is awaiting probate for the owner occupier.
- Occupation of the property is prohibited by law.
- The owner/occupier is receiving care but not in a care home.
- The owner/occupier is giving care elsewhere.
- The owner/occupier is a member of the armed forces on deployment.
- The property is being repossessed.
- The property has been left empty by a bankrupt trustee.
- The property is in the process of being sold.

<sup>4</sup> Ordnance Survey data January 2024

The circumstances in which the council may choose to offer support, or in exceptional circumstances take enforcement action, to bring an empty home back into use include;

- The owner cannot afford repairs to the property.
- The owner is indecisive whether to sell or rent the property or lacks the knowledge to rent the property.
- There is a sentimental attachment to the property.
- The owners are not local and uncontactable – effectively abandoning the property.
- The property is part of a larger portfolio and does not significantly impact the owner.
- There is a dispute over ownership because the property was not registered with the land registry or the property deeds are missing.

## **5. The impact of empty homes and the benefits of returning to use**

### **The benefits for the community**

**Increases housing.** Empty properties are a waste of existing resources and in many instances it is more environmentally sustainable to return an existing property to use rather than to build a new property. Returning empty homes into use provides much needed housing for those that may otherwise not be able to secure suitable housing.

**Reduces risk of anti-social behaviour.** Long term empty properties can become a focus for anti-social behaviour including drug taking, graffiti and vandalism. This is particularly likely to happen where the garden is overgrown and is therefore not overlooked by neighbours. Anti-social behaviour impacts on neighbours, the wider community, and may increase demand on public services. By having a property in regular use, the risk is greatly reduced.

**Less vermin.** Pests are attracted to the food and warmth provided by people living in properties. An empty property, especially one in disrepair, may allow access routes to neighbouring occupied properties. An empty front forecourt or garden may also attract waste which, in turn, attracts vermin.

**Fewer unsightly properties.** An empty property may be neglected and deteriorate significantly. This may result in peeling paint work, missing render, eroding stonework, broken guttering, and overgrown vegetation. When a property becomes subject to anti-social behaviour this may lead to windows and doors being boarded-up or having metal shutters installed.

**Improved house values.** An empty property in a street can decrease the value of neighbouring properties. Many property websites advise buyers to be aware of empty properties in a street when purchasing. Bringing an empty property back into use could increase the saleability and value of neighbouring properties.



### **The benefits for the owner**

**Decreased costs and/or increased income.** The owner of an empty property continues to be responsible to pay costs such as council tax, utilities, insurance, maintenance etc. The owner is potentially missing out on a significant rental income through letting the property.

**Peace of mind.** By having a property occupied, either by the owner or tenants, it removes the threat of squatting. Although squatting has been a criminal offence since 2012, the freeholder has to prove they did not give permission for someone to live at their property. The empty property will need to be monitored to ensure no-one moves in without permission.

**Avoid enforcement.** The Empty Homes policy supports and encourages positive engagement with owners to bring properties back into use. It also outlines the enforcement action available to the council in cases of non-engagement and where an empty property is having a detrimental effect on the environment or local community.

## **6. The current approach to tackling empty homes**

South Oxfordshire and the Vale of White Horse councils employ four private sector housing officers who are responsible for enforcing housing standards in the districts. The officers will respond to approximately 300 service requests in 2023/24 mainly from tenants concerning the condition of rented properties. The team are also responsible for licensing Houses in Multiple Occupation as well as responding to any complaints concerning empty homes.

The Private Sector Housing team investigate complaints received concerning empty properties by gathering case information from the land registry, council tax, environmental health, and records of previous complaints.

A visit is undertaken to examine the external condition of the property. The inspection includes checking whether the garden is overgrown and whether there are any indicators the property is empty, for example a build-up of uncollected post. The Planning team are informed where gardens are significantly overgrown as they can consider taking enforcement action under section 215 of the Town and Country Planning Act 1990. The Environmental Protection team also have powers to deal with accumulation of rubbish and pest issues and to take enforcement action if a property is in such a condition it is considered a nuisance or prejudicial to health.

The Private Sector Housing team normally seek to engage positively with the owner in the first instance. An advisory letter is sent explaining the options available to the owner to bring the property back into use. The options include an empty home loan to bring the property back to a habitable standard. The maximum loan available is £20,000, however, if additional funds are required this will be considered on a case-by-case basis. The owner will also be

advised of any grants or loans to improve the energy efficiency of the property.

The Private Sector Housing team advises owners of the support available from the councils' in-house social lettings agency - White Horse Lettings (WHL). WHL operates across South Oxfordshire and the Vale of White Horse.

WHL help owners prepare their property for renting and to find suitable tenants. The services are provided free of charge and includes help with tenancy agreements, inventories, and housing benefit claims. WHL may also assist prospective tenants with deposits and rent-in-advance loans. The services offered by WHL to owners of empty properties can be very helpful for potential first-time landlords.

The structure of council tax charges encourages owners to bring empty homes back into use. Properties that have stood empty for over two years, apart from in very few exceptions, are subject to an additional 100 per cent empty premium charge. Should the dwelling remain empty for more than five years, the council tax premium will increase by a further 100 per cent, three times the original council tax liability. The council tax premium increases by a further 100 per cent, four times the original council tax liability, for dwellings which have been empty for more than ten years.

### **Enforcement options**

Enforcement action will normally be taken as a last resort after attempts to positively engage with the owner of the property have been exhausted.

The enforcement options outlined below would need careful consideration and discussions with the Legal and Finance teams to set out the governance, processes, and resource implications in advance of any individual action being considered.

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

An Empty Dwelling Management Order enables the council to take over the management of an empty residential property with the intention of agreeing with the owner a plan to bring the property back into occupation.

An EDMO can only be sought by the council after the property remains empty after a minimum period of six months and there is no reasonable prospect of the property becoming occupied in the near future.

The council must first apply to the Residential Property Tribunal for an interim EDMO to be issued under section 133 of the Housing Act 2004. The duration of an interim order is for one year. The tribunal will normally grant an interim EDMO if they are satisfied the property has been empty for a minimum of six months, that there is no reasonable prospect that the dwelling will become occupied, that, if an interim order is made, there is a reasonable prospect that the dwelling will become occupied and that the a local authority has made reasonable efforts to notify the relevant proprietor that they are considering

making an interim EDMO in respect of the dwelling under Section 133 and to ascertain what steps (if any) he is taking or intending to take to secure that the dwelling is occupied and that any prescribed requirements have been complied with.

In deciding whether to authorise a local authority to make an interim EDMO in respect of a dwelling, the tribunal must take into account the interests of the community and the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties.

A local housing authority who have made an interim EDMO in respect of a dwelling must take such steps as they consider appropriate for the purpose of securing that the dwelling becomes and continues to be occupied. They must also take such other steps as they consider appropriate with a view to the proper management of the dwelling pending either the making of a final EDMO in respect of the dwelling under section 136, or the revocation of the interim EDMO. If the local housing authority conclude that there are no steps which they could appropriately take under the order for the purpose of securing that the dwelling becomes occupied, the authority must either make a final EDMO in respect of the dwelling or revoke the order. For the avoidance of doubt, the authority's duty includes taking such steps as are necessary to ensure that, while the order is in force, reasonable provision is made for insurance of the dwelling against destruction or damage by fire or other causes.

The local authority may make a final EDMO to replace an interim EDMO but beforehand they must consider whether compensation should be paid by them to any third party in respect of any interference in consequence of the order with the rights of the third party. Before making a final order, the authority shall serve a copy of the proposed order, together with a notice setting out the reasons for the making of the order and the main terms of the proposed order and will consider any representations made in accordance with the notice.

If enforcement action is necessary, the application for the making of an EDMO will always be considered before any consideration of a Compulsory Purchase Order. Guidance for residential property owners on EDMO's is included on the council's website.

### **Compulsory Purchase Order (CPO)**

A compulsory purchase order allows the council to acquire land, including houses and buildings, without the consent of the owner.

The council would need to demonstrate that all reasonable steps have been taken to bring a property back into use before applying for a CPO, and that it can justify the interference with the rights of the property owner.

The legal procedure for obtaining a CPO is long and complex and has associated costs for the council. The length of time to secure a CPO is approximately 20 months.

The relevant legislation to obtain a CPO is set out in Section 17 of the Housing Act 1985 and the procedural guidance in Circular 06/04 “Compulsory Purchase and the Crichton Down Rules”.

The owner would be informed by the council of the intention to issue a CPO and a report would be prepared for Cabinet by the Private Sector Housing team with input from legal and finance.

The CPO would need to be publicised in local newspapers and notices on site erected. The evidence to support the CPO would be submitted to the Secretary of State and various parties including the owner would have the right to object to the proposal. If an objection is received, a Public Local Inquiry must be held to consider written representations.

The Secretary of State confirms whether a CPO can be issued. If the order is granted, the owner is entitled to compensation.

## **7. The enhanced approach to tackling empty homes**

The Private Sector Housing team respond to the small number of complaints received concerning empty homes.

The team do not however have the capacity to pro-actively identify and engage with owners of empty homes who are not subject to a complaint, and who may represent an opportunity to bring an empty property back into use.

The policy will therefore be supported by an empty homes officer for up to two years to lead on taking pro-active measures to bring empty homes back into use. The officer will promote the available incentives for owners and provide direct support to bring their properties back into use.

The officer will also be responsible for ensuring up-to-date procedures are in place to support of the policy, including the issuing and recovery of loans.

The empty homes officer will develop an action plan, evaluate the effectiveness of the policy, and propose how the policy could be supported beyond two years.

The action plan will set out key objectives and tasks to maximise the potential for bringing empty homes back into use. The plan will include a review of the support available to property owners.

The Empty Homes policy provides a framework and a platform for the council to build upon its current activities and to take a pro-active approach to bringing empty homes back into use.

The new approach will mainly focus upon privately-owned long-term empty homes and providing support to the property owner. Empty homes owned by Registered Providers, military housing and accommodation attached to

commercial premises will normally be addressed outside the scope of this policy.

Where appropriate, the empty homes officer will work with White Horse Lettings and the owner to offer tenancies to households at risk of homelessness.

## **8. Conclusions**

At a time of high demand for housing, empty homes are a potentially valuable housing resource that are not available to help tackle the housing crisis.

Empty homes may have a detrimental impact upon the local community and housing market.

The Empty Homes policy provides a framework for officers to adopt a more pro-active approach to bringing empty homes back into use.

It will be an achievement to bring any suitable homes back into use to help tackle homelessness in the districts.

The policy encourages better use of the existing housing stock to the benefit of the owner, potential tenants, the local community, and to the environment.