

## 10. COMPULSORY PURCHASE ORDER FOR 125 QUEENS ROAD, EAST GRINSTEAD

REPORT OF: Lynne Standing, Head of Service for Housing, Environmental Health & Building Control  
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Wards Affected: East Grinstead Town  
Key Decision: Yes  
Report to: Cabinet  
14 March 2016

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### Purpose of Report

1. To obtain Cabinet's approval to compulsorily purchase a long-standing empty property at 125 Queens Road, East Grinstead.

### Recommendations

2. **Cabinet is recommended to approve action to obtain a Compulsory Purchase Order of 125 Queens Road, East Grinstead.**
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### Background

3. Empty properties are a wasted resource, can blight a neighbourhood and cause considerable distress to neighbours. Section 17 of the Housing Act enables a council to compulsorily acquire empty properties with a view to securing their reoccupation as dwellings.
4. In February 2012, Council approved a budget of £50,000 to take action to compulsorily purchase problematic long term empty properties. Since that time the Council has continued its work with the owners of long-term empty properties to try to persuade them to bring them into use, and has advised them that their properties may be compulsorily purchased if they fail to do so.
5. The Council agreed in April 2014 to obtain a Compulsory Purchase Order for a long-term empty property at 100 Mill Road, Burgess Hill. This had the desired effect and the owner of 100 Mill Road acted to sell the property voluntarily rather than have it compulsorily purchased. The new owners have been seeking planning permission in order to bring the property back into use.
6. 125 Queens Road is a 3 storey property in a residential area of East Grinstead, close to the town centre. It is estimated that it has been empty for over 18 years and officers from Housing, Planning Enforcement, Building Control, Environmental Health and Legal Services have been dealing with issues relating to the building for over 15 years. There have been numerous complaints from neighbours regarding the condition of the property and state of the garden. Our records show many interactions between officers and the owner to attempt to persuade him to address its condition.
7. The property has been subject to 3 notices served under Section 215 of the Town and Country Planning Act 1990 by Planning Enforcement. Such notices can be served where the condition of land or buildings is adversely affecting the amenity of

the area. The notices specify the measures required to remedy the condition of the land and period for compliance. The owner of the property has appealed the notices in Court on more than one occasion, but each time the court found in the Council's favour.

8. The current situation with the property is that it continues to be in a bad state of repair, with open access to the building at the rear as it is not boarded up.
9. Other enforcement options have been explored to rectify the situation, as set out in paragraphs 14 to 16 below, but officers now believe there is no alternative but to seek a Compulsory Purchase Order. The intention is that we would engage a solicitor experienced in obtaining CPOs in similar circumstances to act for us. The owner may of course at any time during the CPO process proceed with a voluntary sale, but we would not halt the CPO process until any proposed voluntary sale was completed.
10. Should a CPO be obtained the Council would sell the property on the open market with a covenant requiring its improvement and reoccupation.
11. Whilst Council did not ask for approval to individual CPOs to be referred to Cabinet, advice suggests that it would be helpful to obtain such approval.

### **Policy Context**

12. The National Planning Policy Framework encourages councils to bring empty properties back into use, with powers being used in appropriate cases.
13. Action to bring long-term empty properties into use contributes to Council priorities, in particular in contributing to the quality of our environment and meeting local housing need.

### **Other Options Considered**

14. Officers have attempted to pursue a Section 219 Notice where works are completed in default to meet the requirements of a s215 notice and there is an enforced sale to recover the debt. In this case works were eventually carried out by the owner before the process could be completed.
15. Officers considered the option of obtaining an Empty Dwelling Management Order to bring the property into use. However the cost of making 125 Queens Road habitable is too great to be recovered over the course of a seven year lease and there would be no guarantee that at the end of the lease the owner would either sell or continue to let the property
16. The other alternative is to continue to work with the owner in the hope that he will voluntarily sell the property or bring it back into use, but he has not done so in the course of over 15 years that the Council has been in contact with him. Therefore this option cannot be recommended.

### **Financial Implications**

17. There are some legal and administrative costs which the Council will have to bear. These will be up to £10,500 and include costs associated with an inquiry if the owner disputes the CPO. There could also be an additional basic loss payment due which is

7.5% of the value of the property. The current valuation for the property as at February 2016 is £290,000, 7.5 % of which is £21,750.

18. As set out in paragraph 4, there is budgetary provision for the cost of obtaining CPOs and there will be no financial implications for the Council outside of that provision.

#### **Risk Management Implications**

19. There is a risk that the owner will contest the application for the CPO and that the Council's application would be unsuccessful. We will be mitigating this risk by engaging an experienced solicitor who has undertaken CPO work for many local authorities.

#### **Equalities and customer service implications**

20. The council will act professionally and equitably towards the owner through all stages of the CPO process and he will be offered appropriate support if necessary.

#### **Other material implications**

21. None.

#### **Background Papers**

None.