



Working Together

BABERGH DISTRICT COUNCIL AND
MID SUFFOLK DISTRICT COUNCIL

EMPTY HOMES POLICY



Published July 2022

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Introduction

There are many definitions of an empty home. Council Tax legislation identifies a property as a long-term empty home when it has been empty of people, furniture and or possessions for six months or more.

Since April 2019, if a property remains empty for more than two years, an Empty Homes Premium is applied, and additional Council Tax is payable. This policy will concentrate on returning properties that have been empty for over six months, back into use.

A long-term Empty Home is also defined as a property that has been unoccupied for six months or longer and has nobody occupying it on a regular basis, whether it is furnished or not. This is the definition that Babergh and Mid Suffolk District Councils will use.

The government wants to increase the number of empty homes that are brought back into use, as a sustainable way of increasing the overall supply of housing, and to reduce blight on neighbourhoods. The government wants builders, investors, and local councils to increase the supply of repurposed empty homes.

In Babergh and Mid Suffolk, there are approximately 974 long term empty homes (February 2022). See Table 1 for a breakdown by Council. This is an unacceptable situation especially considering the pressure for affordable homes.

Table 1: Long Term Empty Homes by Council, based on Council Tax Data

	Babergh District Council	Mid Suffolk District Council
6-23 months empty	372	415
+24 months empty	74	113
Total	446	528

In some districts, evidence has shown that one empty house in a neighbourhood can cause significant blight, attracting vandalism, fly-tipping and resulting in adjacent houses becoming difficult or impossible to let out or sell.

Babergh District Council and Mid Suffolk District Council have a large number of privately rented housing, but there is still a need for affordable housing for those with young families and people wanting to get a foot on the property ladder.

By writing, publicising, and making full use of an empty homes policy, Babergh District Council and Mid Suffolk District Council will work towards preventing a property being left empty and bring an empty property back into use as affordable accommodation.

Aims & Objectives

Babergh and Mid Suffolk District Councils aim is to reduce the number of long-term empty properties within the districts by bringing empty properties back into use and discouraging owners from leaving them empty.

By achieving this, it will help alleviate a growing national housing need, offer more choice to the market, and prevent empty properties from becoming a blight within their residing neighbourhoods, improving the overall look of the area.

To achieve this aim, Babergh and Mid Suffolk District Councils' objectives are:

- Raise awareness of private sector empty properties across the districts, and commit appropriate resource within the council and utilise external partners, where appropriate, to tackle issues that arise
- Promote a range of advice and assistance available to owners of empty home residential properties
- Promote a loan that will financially assist owners of empty home residential properties with work to bring it back into use
- Bring empty properties back into use and increase the local and national housing supply
- Limit the number of empty properties becoming long term empties by utilising early initiatives and early intervention as part of investigations

To meet our objectives, Babergh and Mid Suffolk District Councils' will:

- Proactively utilise the empty homes toolkit including the use of enforcement action such as Compulsory Purchase Orders, Enforced Sale Procedures and Empty Dwelling Management Orders
- Target properties that are having an adverse impact on the neighbouring community or the sustainability of that neighbourhood
- Contact all owners of empty residential properties and advise them of the range of initiatives, options, and assistance available to them
- Monitor the number of empty properties within the districts of Babergh and Mid Suffolk and proactively contact any property owner where it is believed the property has been empty for a period exceeding six months
- Develop further initiatives and investigate ongoing legislation or resource that will allow us to proactively target and return long term empty properties to use

Most properties that become empty will often be returned to use via usual avenues (sale and lettings via local or national agents). However Babergh and Mid Suffolk District Councils' needs to have a range of responses and options available for properties that do not return to use via those methods.



Above left & right:
The same empty property before and after council intervention.



Background

There is a high demand for housing in Babergh and Mid Suffolk. Empty properties which could otherwise be made available for sale or rent are a wasted resource. In December 2021, there were 783 active applications on the housing register for Babergh and 631 for Mid Suffolk. Bringing empty properties back in to use will increase the supply of housing to help to meet local housing need and demand.

Babergh and Mid Suffolk District Council's has had an Empty Property Strategy since 2013.

Since then, a lot of work has been undertaken in bringing homes back into use through advice, the provision of renovation loan assistance, and the consideration and or action of compulsory purchase.

Initially, the Council's powers were limited with the only enforcement action available being compulsory purchase, which due to its complexity and resource required would only be used as a last resort.

The Housing Act 2004 introduced the use of Empty Dwelling Management Orders (EDMO's), these provided an additional enforcement tool to assist with bringing empty homes back into use. In January 2022, Babergh and Mid Suffolk District Councils implemented its Empty Homes Toolkit. The toolkit will help to increase the number of empty homes being brought back into use.

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Empty Homes in Babergh and Mid Suffolk

Babergh District Council has approximately 446 homes (February 2022) homes that have been vacant for more than six months and Mid Suffolk District Council has approximately 528 homes (February 2022) homes that have been vacant for more than six months. These homes are left empty for a variety of reasons, but there is a high demand for housing in the district that makes this figure difficult to understand.

Owning an empty home is not an acceptable choice for an owner, as all too often, the empty property becomes an eyesore and becomes an attraction for anti-social behaviour. The garden becomes overgrown, and the house begins to slip into a state of accelerating disrepair. A slipped slate or clogged gutter may cause rainwater to penetrate an adjoining property, whilst doing untold damage to the vacant house. Neighbours will become disgruntled at the increasing eyesore and local children may develop an interest in playing around the garden. Eventually someone may break in causing vandalism and anti-social behaviour, sometimes being occupied by squatters or a venue to sell or use drugs.

An empty, perhaps fire damaged, house may prevent a neighbour from selling or letting out their house. Consequently, a second house may become vacant in what ought to be a desirable street. If the council does not tackle empty homes, an increasing number of houses will fall into a state of dilapidation and anti-social behaviour will increase.

Targeting the problem

The Councils will target action against all houses that have been vacant for longer than six months. In special circumstances, action may be taken in respect of houses that have been vacant for less than six months, for example where an enforcement notice is outstanding.

The Councils will identify an empty property by liaison with the Council Tax service and the maintenance of an empty property database. The database will include all houses that have been empty for six months or longer. The database can also be used to electronically map the location of empty houses to identify any concentrations.

The public can report homes that are suspected to be empty via the 'Report Empty Homes' page on the Councils website:

Babergh: <https://www.babergh.gov.uk/housing/private-sector-housing-grants/empty-homes/report-empty-homes/>

Mid Suffolk: <https://www.midsuffolk.gov.uk/housing/private-sector-housing-grants/empty-homes/report-empty-homes/>

Once a report has been made, the Councils will investigate the ownership of the property and if necessary, make contact with the owner. The Private Sector Housing team may also receive reports of empty homes from other council departments such as planning or building control, or outside organisations such as the police or fire and rescue service.

Identifying and implementing solutions

Due to the varying reasons for an empty home being left vacant, there are no “quick fix” solutions to the problem of empty residential properties.

The Councils have a range of options available for dealing with empty homes. They will endeavour to initially advise owners on the ways they can bring a property back into use.

Where an empty property is causing a nuisance, or is affecting neighbouring houses, the councils will make use of current legal powers to minimise any nuisance whilst it continues to progress bringing the property back into use. This action may include securing the property or carrying out works to rectify disrepair that is affecting neighbouring properties e.g. dangerous structure, broken sewer.

Where a property has been empty for longer than six months, the councils will contact the owner to ask what they plan to do with the house and offer advice and assistance to help them return the property back into use. If the owner does not respond, or does not appear to be taking steps to bring the house back into use, the Councils will consider making use of one of the following options to ultimately bring the property back into use:

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Empty Homes Toolkit

In January 2022, Babergh and Mid Suffolk's Private Sector Housing Service launched its Empty Homes Toolkit. The toolkit has:

- The most recent council tax list of properties that are registered with the council tax department as being empty,
- A calculator for scoring the level of risk an empty property poses to the community,
- A list of estate agents agreed to offer reduced fees for promoting, selling and letting empty homes,
- A list of a loan and schemes that are available to help bring empty homes back into use,
- A database of the long-term empty properties in Babergh and Mid Suffolk and a record of the actions that have been taken to bring them back into use,
- A number of letter templates that can be used to generate letters that provide advice and assistance to empty property owners,
- A log of the properties that have been brought back into use.

The Councils will use the toolkit to find empty properties, bring them back into use and to monitor and evaluate progress. The toolkit is designed to include schemes that can resolve every reason for a property being empty. If the property owner wants to sell the property, the toolkit has contact details for estate agents who offer reduced fees for the sale of empty homes. If the property owner would like to renovate and rent the property, the toolkit contains contact information to agencies that may be able to help.

Empty Dwelling Management Order

When a property has been unoccupied for at least 12 months, and the Councils feel that the property is unlikely to be occupied in the near future the Councils will consider making an Empty Dwelling Management Order (EDMO).

An EDMO allows the Councils to effectively 'step into the shoes' of the owner of an unoccupied dwelling. The Councils considers EDMO's to be a significant tool in tackling an empty property, preventing it falling into a state of disrepair and becoming a nuisance to neighbours.

An EDMO will be used when the property is in a habitable condition, or can be made habitable at a reasonable cost, and is likely to become occupied if an EDMO is made.

Private Sector Housing will work in partnership with Babergh and Mid Suffolk District Council's Property Asset Services Team who will take over the management of any properties that are subject to an EDMO. Those on the Council's housing register will be given the first opportunity of occupying the property.

Voluntary Purchase

Where contact has been made with an owner of a property that is in a very poor state of repair, the Councils will consider purchasing the property. A property that has been purchased voluntarily will be sold via the open market in a fair and transparent manner. This will allow other prospective home buyers an opportunity to own that property and to create a broader choice of properties available for purchase on the open market.

The use of voluntary purchase will only be used where all other enforcement action is deemed unsuitable or not cost effective.

Enforced Sale

Where the Councils are required to spend money in default following the service of a Statutory Notice (against the property/owner), if the owner does not repay those costs, the Council we will consider forcing a sale of the property to recover our costs.

Compulsory Purchase

The Councils will consider the compulsory purchase of a property where it is satisfied that the house is in a poor state of repair and/or it is unlikely to be brought back into use by the owner, and a clear public benefit would be achieved.

Such a benefit would include provision of affordable housing, improving the appearance of the neighbourhood and reducing anti-social behaviour.

Other Enforcement Powers

The Councils will use other available powers and work with other departments where additional or alternative powers are required, such as:

- Local Government (Miscellaneous Provisions) Act 1982 s29 to take action to secure an insecure property
- Prevention of Damage by Pests Act 1949 allows the Council to require and undertake works on behalf of an owner or occupier to prevent damage to buildings being caused by rats and mice (can include works to property or gardens)
- Public Health Act 1936 allows the Local Authority to require and undertake works on behalf of an owner or occupier to improve filthy and verminous properties
- Town and Country Planning Act 1990 s215 allows the Council to take action to require improvement of an unsightly building (including gardens).
- Sections 77 & 78 Building Act 1984 (dangerous structures).
- section 265 Housing Act 1985 (demolition orders).

Private Sector Housing – Empty Homes Renovation Loan

The Councils have a Private Sector Housing Renewal Policy that offers assistance to empty homeowners, to bring properties back into use.

Empty Homes Renovation Loan

How a loan is determined:

An Empty Homes Renovation Loan is considered following a survey and where a property has been empty for six months or longer and fails Housing Health and Safety Rating System (HHSRS). The HHSRS is a legislation tool, under the Housing Act 2004, the Council uses to determine if a property is fit for human habitation. The HHSRS consists of mainly two important levels for local authorities to consider. These are what type of hazard is presented in a property, and the level of likelihood and risk to harm. The level of a hazard outcome is known as; Category 1 and Category 2 hazards and each determine the action the Empty Homes Officer must or should take.

- A Category 1 hazard determines action 'must' be taken to reduce the seriousness it presents
- A Category 2 hazard gives an Officer the 'power' to consider action.

Further to the HHSRS, there is another part of the Housing Act to consider, the Decent Homes Standard. As empty homes are commonly left for long periods of time, old kitchen and bathrooms over 30 years old must be taken into consideration.

The Empty Homes Officer determines the level of essential works required for a property to make it habitable and which works will be covered by the Empty Homes Loan. The maximum empty homes loan Babergh District Council and Mid Suffolk District Council currently offer an owner is £20,000.

How to apply for an Empty Homes Loan:

The owner must complete an application and obtain at least two quotations for the works outlined by the Empty Homes Officer. Once the Officer has checked and is satisfied with application, the owner agrees and signs a 'Deed Agreement', which outlines the conditions and repayment of the loan. The application form and further information is available on the Councils websites.

Repayment of a Loan:

The Deed Agreement outlines the loan being repaid on the disposal of the property in question e.g. sale or transfer of the property. The loan conditions are recorded with Land Charges.

When a property is sold, the solicitors contact the Councils, clarifying sum to be repaid and the loan is repaid to the Councils.

The repayment timescales of a loan can vary, sometimes an owner's situation changes quicker than others but, its normally five years or more.

A loan is subject to the Council's application process, terms and conditions and the levels of grant aid available. Only in exceptional circumstances will the Councils consider giving financial assistance once enforcement action has commenced against an owner.

Example Loan Terms and Conditions

Written approvals for financial assistance will contain the terms and conditions which are attached to the loan. A Deed will be signed by the owner and sealed by the Councils prior to written approval being issued.

1. Information provided to the Councils by applicants as part of the application process will be thoroughly checked and verified. Applicants will be required to sign a declaration as to the accuracy of the information provided.
2. Applicants will normally be expected to submit at least two quotations for the eligible work. However, additional quotations may be requested. A single quotation may be acceptable where the Councils deems that the work is of a specialist nature.
3. The loan is issued on the proviso the property is occupied for either an Assured Short-hold Tenancy or Occupation by the Applicant on completion of the works. The Property must not be used for a Commercial purpose, Holiday Lets or Short-term rentals. e.g. Airbnb.
4. Where fraudulent applications are received, the Councils may put forward a case for prosecution.
5. All applicants must provide proof of ID, address and National Insurance number.
6. Discretionary financial assistance can be withdrawn at any time or approvals deferred subject to budget provision.
7. Applicants must be 18 years old or older.
8. Prior to approval of any financial assistance proof of ownership will be required. This will usually be through a Land Registry proof of title.
9. Applications will not be accepted for works that have already started or have been completed.
10. The cost of preliminary or ancillary services, fees and charges can be included in the calculation for assistance. However, costs will be considered on an individual basis and considered for reasonableness. Any payment is conditional on the loan being approved and the completion of the specified works.

11. Where there are alternative external sources of funding available, applicants may be referred to these schemes.
12. The eligible work must be carried out by one of the contractors who provided a quotation. Where none of the contractors who submitted quotes are able to carry out the work, further quotations will need to be sought.
13. Except in exceptional circumstances, the lowest priced quotation will be used to determine the financial assistance approved.
14. Where work is carried out by the applicant, or someone related to the applicant, financial assistance will only be available for the cost of the materials, not labour costs.
15. Upon completion of work, it will be expected that the property will meet the minimum statutory standards.
16. The costs of unforeseen work will only be considered where it is considered that it is essential for the completion of the eligible works, up to the maximum £20,000 loan limit. Payment will only be made where written approval for the additional costs have been obtained from the Councils.
17. All payments shall be conditional upon receipt of an acceptable invoice. Payment will be made direct to the contractor following agreement from the applicant and the Councils that the work has been satisfactorily completed. Where the applicant has paid the contractor, payment will be paid to the applicant upon receipt of proof of payment.
18. The applicant employs the contractor to undertake the eligible work and the Councils have no contractual liabilities in that relationship. The role of the Councils is to administer the financial assistance process.
19. The applicant has ultimate responsibility for ensuring the quality of the completed works.
20. Interim payments will be considered.
21. Work must be completed within 12 months of approval unless additional time allowed at the time of approval.
22. It is the applicants' responsibility to obtain all necessary approvals for the work being undertaken. This includes Planning Permission, Building Regulations and Listed Building Consent.
23. Where repayment of a loan is required and the applicant fails to make the necessary arrangements, the Councils will seek to recover the money through the courts which may involve obtaining a charging order.
24. Applicants will not be entitled to financial assistance if they have deliberately or unreasonably worsened the condition of their property.

25. On completion of the work, a local land charge will be registered. The full loan amount will be repayable upon sale or transfer of the property.



Approach to Enforcement

In line with the Councils enforcement policy, a graduated approach to enforcement will be taken when bringing empty homes back into use. The Councils will contact the owner if the property has been empty for more than six months. The Councils will treat properties that have been empty for more than 12 months as a priority. The Councils aim to educate first, encourage second and then, if necessary, enforcement action will be considered. This maximises the opportunity for the property owner to take action themselves to bring the property back into use, without enforcement action from the Councils.



Second Homes

There are instances where properties are listed as second homes for Council Tax purposes (furnished) or are described as second homes for various reasons by their owners.

The Council acknowledges that there are genuine legitimate reasons for properties to be used as a second home, however there are instances where this is not the case, and a property is simply remaining empty and unused.

This section therefore aims to set out guidelines as to when Private Sector Housing, aside from any Council Tax declarations, will apply the Empty Homes Policy and Toolkit for investigation as an empty home, rather than conclude that the property is used a second home.

Table 1 outlines factors for and against a property to be considered as a second home and Table 2 sets out examples of evidence that owners can provide to support the use of a property as a second home.

Properties where owners cannot demonstrate the use of the property as second home will be investigated in line with the Empty Homes Policy and Toolkit.

Properties that are reported to the Councils as potential empty homes that are listed as second homes will be investigated, unless previously investigated and a decision was made not treat as an empty home within the last 12 months.

Table 1 – Factors for and against a property used as a second home

Factors For	Description
Holiday Homes	Holiday homes for those who live outside of Suffolk or are rented by the owner as a holiday let.
Weekday or Weekend Home	Second homes for those living outside of Suffolk but working in the Babergh/Mid Suffolk area and thus utilising the property as weekday or weekend accommodation. Or vice versa where the Suffolk property is their main residence, but the owner is accommodated elsewhere on weekdays/weekends.
Closer to local services	Second homes for those who live in or outside of Suffolk but use the property for weekday or weekend accommodation for closer access to healthcare arrangements or such other essential facilities deemed appropriate. Owners may be eligible for Council Tax carer exemptions and should therefore contact with the Council Tax

	department as to whether a second home classification is most appropriate.
Factors Against	Description
Distance from main residence	<p>Seconds homes where the owner's main residence is also in the Suffolk boundary or close to Suffolk with no reasonable reason why a second home would be needed may be considered as an empty home.</p> <p>A property claimed as a second home, but where the owner's main residence is a considerable distance from Suffolk might also suggest that the property is not being used as a second home legitimately.</p>
Inherited properties	Inherited properties that remain empty and unused because they are desired to be kept within the family name or being left empty as a potential investment. The property should not be left empty indefinitely and interim plans such as rental should be considered.
Furnished but not used properties	The presence of furniture does not show a property is used and other factors such as energy usage must be provided for the property to be considered a second home. Properties used simply for storage are a wasted asset that could be used as a home.
Disrepair/condition of the property	<p>Properties that do not have the essentials for use as a home such as water supply, fixed heating, working electrics etc.</p> <p>A property not maintained and gradually falling into disrepair such as slipped tiles, leaking guttering and rotten timbers is likely to be more indicative of a property not used as a second home and indicative of an empty home.</p>
Boarding	Boarded windows or doors brings the appearance of a neighbourhood down and is likely to attract unwanted attention to the property. Boarded properties are likely to be more indicative of a property not used as a second home and indicative of an empty home.
Rubbish accumulations/ Overgrown gardens	Unmaintained gardens and fences, properties attracting littering or used for hoarding of objects are indicative of an empty home.
Complaints	Complaints from local residents and immediate neighbours about a property remaining empty are more indicative of an empty home. Use of the property, bin collections and other factors against suggest an empty home rather than one used as a second home.
Anti-social behaviour/Squatters	Anti-social behaviour from unauthorised access or squatters accessing the property provide evidence that a property is not being used as a second home.

Table 2 - Examples of evidence to support the use of a property as a second home

Type of proof	Description
Gas usage	Copies of actual (not estimated) gas bills for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends throughout the year or mid-week usage equivalent to six months usage.
Electric usage	Copies of actual (not estimated) electric bills for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends through the year OR mid-week usage equivalent to 6 months usage.
Water usage	Copies of water meter reading bills (not set tariff) for the last 12 months showing the property in use for a minimum six months of the calendar year. Use may constitute 26 weekends through the year OR mid-week usage equivalent to six months usage.
Booking Confirmations	Copies of booking confirmations for use of property as a holiday home, or equivalent information
Officer inspection	A Council Officer inspection to help evidence the property's internal condition and suggest use as a second home.

Contact Babergh District Council and Mid Suffolk District Council – Private Sector Housing, Housing Solutions, for more information.

Email: housingstandards@baberghmidsuffolk.gov.uk

Address: Empty Homes Officer, Private Sector Housing, Endeavour House, 8 Russell Road, Ipswich IP1 2D

Policy will be reviewed every 36 months if not before. Next review date January 2025.