

The Wolverhampton City Council (1 Clarendon Street)  
Compulsory Purchase Order 2020

Statement of the Council's Reasons for Making the Order

The Housing Act 1985

The Acquisition of Land Act 1981

Dated 31 January 2020

## **1. Description of the Order Lands**

- 1.1 The Order land comprises 1 Clarendon Street, Wolverhampton, WV3 9PP, which has been empty since 23 February 2011.
- 1.2 On 1<sup>st</sup> 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.
- 1.3 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.
- 1.4 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.
- 1.5 The property is in a popular residential area, and is detrimental to the local neighbourhood by way of its derelict condition.
- 1.6 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.
- 1.7 The Order land presents a visual detriment to local amenities.

## **2. Special Considerations**

- 2.1 The Council's Corporate Plan 2019 – 2024 (Page 27) has a stated aim to increase the availability of homes within the city by bringing empty properties back into use.
- 2.2 The 2019 – 2024 Housing Strategy sets out the growing overall requirement for housing in Wolverhampton.

## **3. The Case for Compulsory Purchase**

- 3.1 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 10,500 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.
- 3.2 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.
- 3.3 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

and have a detrimental effect on the surrounding properties until it is brought back into use.

#### **4. Proposals for the Land and Planning Position**

- 4.1 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.
- 4.2 Compliance with any necessary approvals will be an additional contractual clause in any sale agreement.
- 4.3 This Compulsory Purchase should be considered on its own merits and is not included with any other property identified for acquisition.

#### **5. Enabling Powers**

- 5.1 The consent of the Secretary of State is currently required under Section 17 of the Housing Act 1985.
- 5.3 There are no related matters which require a co-ordinated decision from the Secretary of State.

#### **6. Proposals for Re-housing Residents**

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

## **7. Details of Attempts to Negotiate with Owners and Actions Taken**

- 7.1 The property was first brought to the attention of the Councils Empty Property Team on 7 February 2018.
- 7.2 Land Registry searches show the owner of 1 Clarendon Street, Wolverhampton, WV3 9PP to be SOHAN SINGH CHANNA of 84 Compton Road, Wolverhampton.
- 7.3 Council Tax records show that SOHAN SINGH CHANNA is deceased.
- 7.4 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.
- 7.5 On 7 March 2018, a probate search was requested.
- 7.6 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.
- 7.7 A statement of account was received from Council Tax confirming the position as of 8 March 2018.

- 7.8 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.
- 7.9 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.
- 7.10 A copy of the probate listing was obtained by the Council for the deceased. A copy was sent to Mr Chana via email on 13 June 2018 to assist the family in making progress.
- 7.11 On 10 July 2018, an email was sent to Mr Chana requesting an update. There was no response.
- 7.12 On 6 September 2018, a telephone call to Mr Chana was not responded to.
- 7.13 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.

7.14 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.

7.15 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.

7.16 On 7 June 2019, a telephone call was received from a Mrs Neetu Johal. Mrs Neetu requested that any action regarding the Section 215 Notice be stopped.

Again, plans for the property, timescales for implementation, and solicitor details were requested. No written confirmation was received.

7.17 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.

7.18 On 1 October 2019, the Resources Panel of the Council authorised officers to progress the acquisition of the order property by negotiation of compulsory purchase if necessary. Following local press coverage of the Councils intended action, calls were received from a Mr and Mrs Chana and a Gurvinder Bassi of GLS Solicitors.

7.19 On 1 October 2019, an email from Gurvinder Bassi of GLS solicitors stated that he had provided advice to a Mr Davinder Singh Chana in respect of the Order Property.

7.20 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.

7.21 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.

7.22 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.



## **8. Public Interest and Human Rights Act 1998**

- 8.1 Consideration has been given 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.
- 8.2 The purchase of 1 Clarendon Street, Wolverhampton, WV3 9PP will not displace any person or business, as at the present time the property remains un-occupied and is likely to remain a focus for antisocial behaviour. Refurbishment and occupation of the property will alleviate this problem and provide residential housing. The Council therefore concludes that acquisition would be in the public interest.
- 8.3 It is possible that matters surrounding the estate and ownership will be resolved and the property will be brought back into use as a result of this Compulsorily Purchase action being pursued. However, as it is difficult to anticipate the matter being progressed without the prospect of formal action, and Compulsory Purchase is considered the most appropriate approach to ensuring that the blight and nuisance is removed. It is the case of the Council that the acquisition of the Order property would be in the public interest by making a quantitative and qualitative housing gain.

## **9. Conclusion**

- 9.1 It is the view of the Council that a Compulsory Purchase Order is the most appropriate course of action to ensure the Order Property/ land is brought back into effective use within a reasonable timescale.
- 9.2 It is the view of the Council that the parties with an interest in the property have had a reasonable opportunity to resolve matters.
- 9.3 Should the Order be confirmed; the Council will market the property with a covenant or contractual clause to ensure that the property/ land is brought back into use within a reasonable timescale.
- 9.4 The Council considers that confirmation of the Order would make a positive contribution in terms of the economic, social, and environmental wellbeing of the area. Confirmation would also ensure a quantitative and qualitative housing gain and the Council respectfully requests that the Order is confirmed.