

The Wolverhampton City Council (Sunnyside, Inkerman Grove)  
Compulsory Purchase Order 2021

Statement of the Council's Reasons for Making the Order

The Housing Act 1985

The Acquisition of Land Act 1981

Dated - 12 January 2022

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

- 1.1 The Order land comprises Sunnyside, Inkerman Grove, Wolverhampton WV10 0EU. The property is listed as unoccupied and furnished since April 2015.
- 1.2 On 20<sup>th</sup> October 2021, 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 Heath Town Ward, in the Wolverhampton North East Parliamentary constituency, approximately 1 mile east of Wolverhampton City Centre. It is in an area of predominantly residential properties.
- 1.4 The Order land is a 3-bedroom semi-detached house built around 1937 shown as area 1 on the attached map.
- 1.5 The property is in a popular residential area and is detrimental to the local neighbourhood by way of its derelict condition.

## **2. Special Considerations**

- 2.1 Our Council Plan 2019 – 2024 has a strategic outcome to deliver Better Homes for All. In order to deliver this, we need to maximise the availability of homes within the City and bring empty homes back into use.

2.2 The Better Homes for All 2019 - 2024, the Housing Strategy for Wolverhampton underpins this commitment, and the acquisition of empty properties assists the Council in meeting its objectives as set out in the three key themes:

- Deliver more and better homes
- Ensure Safe and Healthy Homes
- Provide access to secure homes

2.3 The Strategic Housing Market Assessment sets out the growing overall requirement for housing in Wolverhampton. The Council's Empty Homes Policy and Strategy Action Plan 2019-2024 supports the Council objective to assist in bring the City's long-term empty homes back into use.

### **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 12,500 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.

3.1 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 until refurbished and occupied.

#### **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 refurbished and 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 currently no re-housing implications relating to the order land as the property is vacant. Should the property become occupied and if the Order is confirmed, the needs of any occupier will be assessed and where applicable, provision will be made in line with the Homelessness Policy of the council.

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

- 7.1 The property first came to the attention of the Councils Empty Property Team on 1<sup>st</sup> August 2016. The property was found to be in poor condition and a case was raised. Enquiries to neighbours established that they thought the property was occupied.
- 7.2 Land Registry searches established the owners to be PHILIP ROBERT JAMES and MARCIA ANN JAMES of Sunnyside, Inkerman Grove, Wolverhampton WV10 0EU.
- 7.3 Given the extremely poor condition of the property the matter was referred to the Housing Improvement Team to establish if the owners would qualify for any assistance in the form of an improvement grant or loan. Unfortunately, the owners did not engage with the Council or respond to correspondence.
- 7.4 On 14 March 2017, a further visit was made to the property and a card was left. Neighbours again confirmed that they thought the property was occupied.
- 7.5 On 16 January 2020 the property was again reported to the council following attendance by Police and Fire Service. Contact was made with one of the

owners (Marcia Ann James) who lived locally. A home visit was carried out to establish the circumstances and current situation. It was established that the owners of the property were separated, and that Philip Robert James was in London with his sister. Options were explained to Mrs James in an attempt to establish a way forward. The property was not in a fit condition to be occupied and the external condition was detrimental to the area. Mrs James agreed to speak to her husband and his sister to establish a way forward. It was agreed that I would write to the owners setting out what was required as a basis for discussion.

7.6 On 16 January 2020 a letter was sent which set out the works that I felt were required to avoid formal action -

1. Remove 4 overgrown trees from front garden.
2. Bring the garden at the front of the property to a maintainable standard removing, shrubs, rubbish and garden waste.
3. Arrange for the domestic waste/ green bins to be emptied with appropriate disposal of waste arising.
4. Arrange for the removal and appropriate disposal of 3 motor vehicles and numerous push bikes from front garden.
5. Ensure that the property is secure, re-glazing any broken windows and repairing any damaged door/ window frames.
6. Repair rendering to front bay widow.
7. All elevations - Prepare, repair and paint all woodwork to windows, doors, garage, fascia and soffits.
8. Rear garden – Remove shrubs and bring area to a maintainable standard.

7.7 On 30 January 2020 I had a telephone conversation with Mr James who confirmed that he was in London and that he had been made aware of the issues via his sister. I explained that I would have to serve Notice to tidy the

property to protect the position of the Council if a solution was not found. I again offered to arrange an assistance assessment, but this was refused as he did not want a debt against the house. I tried to establish an outline financial position and it seemed that Mr James had no income or benefits in payment and that Mrs James had been paying the Council Tax even though she did not reside at the property. I explained that the matter would need to be resolved as there were concerns for his safety if he moves back into the property and that the external appearance is having a detrimental effect on the neighbourhood while empty and derelict. Mr James stated that he would contact me again within a month and would look to get friends and family involved to start work.

7.8 On 5 February 2020 a further telephone conversation with Mrs James explained that I had had contact with Mr James and gave contact details of the Housing Improvement Team to Mrs James.

7.9 On 12 February 2020 the neighbour of the adjoining property called to inform me that the guttering was blocked at Sunnyside and that it was affecting his property. I explained that some progress was being made in engaging with the owners.

7.10 On 26 February 2020, Mr James contacted by telephone. Mr James stated that he now wanted to explore the grant/ loan option. I spoke to the Housing Improvement Team to set an appointment and called Mr James and left a message that an appointment was available for 5 March 2020.

- 7.11 On 5 March 2020, Mr James called and left a message that he could not attend the appointment.
- 7.12 On 1 June 2020 I received a call from the neighbour requesting an update as nothing has changed at the property.
- 7.13 On the 24 July 2020 a further visit was made to the property. The neighbour informed me that the property was occupied again. I knocked the door but there was no response.
- 7.14 As the property now appeared to be occupied, I discussed the case with my manager. As there were concerns for the health and safety of the occupier it was decided that the case would be passed to Public Protection on 9 September 2020 to explore action regarding the hoarding behaviour of the owner.
- 7.15 On 4 March 2021 a conversation with officers in Public Protection established that the occupier had not engaged and that it would be difficult for them to take action.
- 7.16 On 5 March 2021, I again visited the property and observed no progress. A further card was left to establish occupation. There was no response.
- 7.17 On 2 April 2021, a notice under Section 215 of the Town and Country Planning Act 1990 was served. The notice became effective 5 May 2021 and required



compliance by 5 July 2021. The notice had the following requirements aiming to remove the detrimental effect that the property was having on the area –

1. Remove 4 overgrown trees from front garden.
2. Bring the garden at the front of the property to a maintainable standard removing, shrubs, rubbish and garden waste.
3. Arrange for the domestic waste/ green bins to be emptied with appropriate disposal of waste arising.
4. Arrange for the removal and appropriate disposal of motor vehicles and numerous push bikes from front garden.
5. Ensure that the property is secure, re-glazing any broken windows and repairing any damaged door/ window frames.
6. Repair rendering to front bay widow.
7. Clean out and repair all guttering and rainwater goods.
8. All elevations - Prepare, repair and paint all woodwork to windows, doors, garage, fascia and soffits.
9. Rear garden – Remove shrubs and bring area to a maintainable standard.

The Notice further required that all waste materials arising from the works must be appropriately disposed of by a registered contractor.

7.18 On 5 April 2021, an email was received from Mrs James apologising for the delay in progressing the matter. The email stated that Mr and Mrs James were gathering information in order to raise finance to carry out the works.

7.19 On 18 June 2021 a message was received via customer services from Mrs James. The call was returned and during the conversation Mrs James stated that she was making progress to get finance in place and that she would get contractors in place to carry out the works. Given the history of the case, I requested that these assurances were put in writing in order for an extension of time on the Section 215 Notice to be considered further.

- 7.20 On 5 July 2021, an email was received from Mrs James requesting an extension of time. It gave details of a local solicitor who was stated to be dealing with a deceased estate which would in turn fund the refurbishment. The email also included a list of contractors who had been approached to quote for the removal of the large trees. The email further implied that Mr James was not being cooperative with Mrs James regarding the matter.
- 7.21 On 14 July 2021, I responded to Mrs James setting out that I had contacted the solicitor identified in the email of 5 July 2021 requesting confirmation that they had been instructed in the matter. Timescales for works were also requested as I did not feel that the matter could be deferred indefinitely. The email further set out that I would consider the matter again on 14 August 2021 based on the requested information being provided.
- 7.22 There was no response from either the solicitor or Mrs James.
- 7.23 On 20 October 2021 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.
- 7.24 Letters offering to acquire the property in advance of a CPO were sent to the order property and the residential address of Mrs James 26 October 2021. No response was received.

7.25 Further letters offering to acquire the property in advance of a CPO were sent to the order property and the residential address of Mrs James 1 December 2021. No response has been 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 Sunnyside Inkerman Grove is unlikely to displace any person or business, as at the present time one owner lives elsewhere and the other owner is an occasional occupant. While the property is un-occupied it is likely to remain detrimental to the area. Should Mr James reoccupy the property, there is likely to be a serious health and safety risk both to the occupier and the neighbouring properties. 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 the owners will fully refurbish and bring the property back into use as a result of this Compulsorily Purchase action being pursued. However, the Council has made numerous attempts to engage with the owners, has given

numerous opportunities to encourage a voluntary solution and it is therefore difficult to anticipate the property being brought back into use as safe and secure accommodation without formal action. Compulsory Purchase is considered the most appropriate course of action to ensure that the property is fit to be occupied. 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 made fit for habitation and brought back into effective use within a reasonable timescale.
- 9.2 It is the view of the Council that the owner(s) have been given multiple opportunities to bring forward refurbishment and safe occupation of the property.
- 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 refurbished and 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.