



HERTSMERE BOROUGH COUNCIL

HOUSING DEPARTMENT

EMPTY HOMES STRATEGY 2024 - 2028

February 2024

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Foreword

I am pleased to introduce Hertsmere Borough Council's Empty Homes Strategy for 2024 – 2028. This strategy updates our previous strategy document which provided the strategic oversight for the Housing team to proactively and successfully work with home owners and landlords to bring empty properties back into use.

Research and analysis of current trends in Hertsmere show that our current schemes are helping to reduce the number of empty homes and this strategy contains an action plan with targets in order to continue this good work.

The strategy ensures the Council takes a balanced approach in supporting home owners to bring properties back into use and enforcing where appropriate and possible, recognising that, whilst having an empty property is not an offence in itself, bringing it back into use can help address housing need and tackle issues that are associated with empty homes within the community.

The Council's aim is to return empty homes to use, with a focus on long-term empty properties, in the most appropriate way and in the short timescale. This strategy will help us to achieve this.

Cllr Alan Matthews
Portfolio Holder for Housing and Housing Development

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1.0 Executive Summary

The Empty Homes Strategy sets out the Council's approach to managing the resource of empty homes within the borough. It should be read in conjunction with the Empty Homes Action Plan that sets out the details of how the Council will undertake the work required to return empty homes back into use.

Long-term empty homes represent an unused supply of housing, and cause a number of problems for the owner and the surrounding neighbourhood. There are clear economic and social benefits to bringing empty homes back into use.

The Council will use a range of financial products, discretionary powers and enforcement to encourage movement within the empty property market and to engage with property owners in order to help them bring their properties up to standard and into use.

There are 6 objectives which will feed in to the overarching aim which is *to return long-term empty homes to use in the most appropriate way in the shortest possible timescale.*

2.0 Statement of Policy

Bringing empty homes back into use is all about generating the best possible outcomes for all residents and customers. The Council seeking to bring empty homes back into use is not as an end in itself, but used as one measure to achieving its overall objectives.

The Council will work in partnership with other organisations to meet the objectives set out in this Strategy.

The Council will provide, using the flexibility offered by the Regulatory Reform Order 2002, a range of financial products. The Council will operate within the remit of legislation including but not limited to:

Housing Act 2004

Law of Property Act 1925

Building Act 1984

Town and Country Planning Act 1990

Levelling Up and Regeneration Act 2023

The Empty Homes Strategy will link effectively with other Council strategies including:

- Hertsmere Vision 2022 – 2027
- Corporate Plan
- Current and New Local Plan
- Homelessness and Rough Sleeping Strategy

3.0. Introduction

3.1 Which type of empty home is this strategy focused on?

For a housing market to operate, it is necessary for a proportion of properties to be empty to enable transfer of ownership. Generally, these properties are empty for a short period of time, usually less than 6 months. These properties are not a problem, as they have a short term goal to return to use. The scope of this strategy covers properties that have been empty for longer than the transactional period of six months and those which are not being brought back into use. Second homes are not classified as empty homes and are not included within this strategy, however the Council will be implementing a new Second Home Levy of 100% to empty but furnished properties from 1st April 2025 and also supports and ensures owners of second homes keep their properties to an appropriate standard.

3.2 Problems associated with empty homes

Long-term empty homes represent an unused supply of housing, and cause a number of problems for the owner and the surrounding neighbourhood:

- They are a wasted resource that could provide an additional home in an area of high housing need
- They can attract crime and anti-social behaviour

- They can reduce the value of surrounding properties
- They are often an eyesore in the neighbourhood
- They can be costly for the owner to maintain
- They are costly to the Council to investigate

3.3. Benefits of returning empty properties to use

Returning an empty home to use has benefits for everyone in the area, by:

- Providing additional housing
- Reducing crime and vandalism in the area
- Regenerating the area
- Unlocking potential capital for the owner

There are clear economic and social benefits to bringing empty homes back into use.

4.0 Objectives

4.1 Key Aim

The overarching aim is to return long-term empty homes to use in the most appropriate way in the shortest possible timescale.

4.2 Key objectives

The key aim will be achieved by working towards five key objectives:

- 1. Prevent properties from becoming long-term empty** - through proactive engagement with owners to support and assist them at an early stage in identifying the most appropriate use for the property.
- 2. Raise awareness of empty homes in Hertsmere** - through effective publicity of empty homes work and marketing of the service to encourage members of the public to report vacant properties in their area, and to encourage owners of empty properties to approach the Council for assistance.
- 3. Improve recordings of empty properties** - by maintaining a database that is updated regularly to enable identification of empty properties at the earliest opportunity.
- 4. To develop better partnership working across the council** - to deliver a corporate commitment to empty homes work.
- 5. To continue to investigate the provision of a set of robust financial solutions** - available to homeowners in the borough to enable

renovations which will bring their properties up to the Decent Homes Standard.

6. To implement available enforcement legislation to enable empty homes to be brought back into use

5.0 Review of previous strategy and progress

5.1 Review and progress made

Empty homes have historically been difficult to bring back into use in Hertsmere and this is reflected nationally. However the council is ambitious in providing a range of incentives, using discretionary powers and taking enforcement action where it is able to do so, in order to ensure empty homes remain as low as possible in the borough.

Between 2017 and 2022, we supported 4 home owners to access loans (called PLACE, Private Lease Agreements Converting Empties, Loans), bringing their properties back into use. We took a range of enforcement action on empty properties that were deemed hazardous and completed a Compulsory Purchase Order on 1 empty property.

We have progressively applied the maximum premium allowed by the legislation. In April 2019, we implemented an empty homes premium if a home had been empty for 2 years or more, increasing their Council Tax bill by 100%. A further premium was introduced in April 2020 for properties empty for 5 years or more resulting in a 200% premium and in and April 2021 for properties empty for 10 years or more resulting in a 300% premium.

In January 2024, the Council agreed to implement a new discretionary power, available through the Levelling Up and Regeneration Act 2023, reducing the empty period before the levy is charged from two years to one year with effect from 1st April 2024.

In 2019, we launched our competitive Let with Hertsmere scheme, providing a range of incentives to private landlords to let to households in housing need. Since then, we have worked with landlords to offer 286 households private rented tenancies for properties which may otherwise have sat vacant.

It is important to acknowledge that an empty property alone is not an offence.

6.0 National and Local Context

6.1 National Picture

The National Planning Policy Framework (Paragraph 51 published in March 2012) highlights the expectation that local authorities will address local empty homes issues:

‘Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers’

Further revisions of the National Planning Policy Framework (2018 and 2019) reinforce that local authorities should make best use of the built environment and use Compulsory Purchase Powers to secure land and property to address housing need.

Success in reducing long-term empty homes is rewarded through the Government’s New Homes Bonus grant paid to local councils to incentivise housing growth in their areas and considers the number of homes (empty for 6 months or more) brought back into use.

Latest Government data shows that 257,000 properties in England have remained empty for more than 6 months (Department of Levelling Up, Housing and Communities, November 2022). Data published by Government in October 2022 shows a 3.6% increase in homes recorded as empty across England.

6.2 Local Picture

6.2.1 Geographical information

Hertsmere lies just north of the Greater London conurbation in southwest Hertfordshire. The Borough has an area of 101 square kilometres (39 square miles).

Although its southern boundary is only 12 miles from the centre of London, the Borough is still a mix of rural and urban land, with 80% in the Green Belt. The Borough has four principal centres of population, Borehamwood (and Elstree), Potters Bar, Bushey and Radlett, with several smaller settlements with each community having its own distinctive character.

Transport routes north to south and to London are good, but routes east to west can be challenging, as are the public transport links between population centres.

Housing growth is expected to continue in all areas.

6.2.2 Demographic information and housing need

In 2021, there were 107,800 residents (Census, 2021) and over 44,000 dwellings in the borough.

Recent Land Registry data shows Hertsmere (with an average salary-to-price ratio of 14.1) as the 15th least affordable place to buy in Great Britain.

The medium estimated household income in Hertsmere is £43,700 compared to the £67,000 required to buy. To privately rent, a household income of £34,400 is required which is substantially higher than the lower quartile income for Hertsmere of £25,300 (South West Herts Local Housing Needs Assessment, 2020).

The Council currently receives over 150 homelessness approaches each month. These households receive advice and/or assistance and where it is required, advice and intervention to prevent illegal eviction and tenant harassment is given.

Good quality and affordable properties are therefore in high demand in the borough.

6.2.3 Empty property analysis in Hertsmere and neighbouring areas

Table 1. Analysis of empty properties in South West Hertfordshire and neighbouring London boroughs as at October 2022

| | Total number of dwellings in borough | Total empty dwellings | Number of empty dwellings empty for more than 6 months | % total dwellings empty for more than 6 months | % total dwellings empty for more than 2 years without a Council Tax Exemption |
|---------------------|--------------------------------------|-----------------------|--|--|---|
| Hertsmere | 45,565 | 1072 | 811 | 1.78 | 0.32 |
| Dacorum | 38,526 | 1181 | 678 | 1.76 | 0.15 |
| St Albans | 62,519 | 1040 | 432 | 0.69 | 0.16 |
| Three Rivers | 38,526 | 346 | 248 | 0.64 | 0.09 |
| Watford | 41,418 | 540 | 254 | 0.61 | 0.11 |
| Harrow | 95,779 | 2268 | 922 | 0.96 | 0.24 |
| Barnet | 157,502 | 3434 | 1891 | 1.20 | 0.3 |

Table 1 shows an analysis of empty properties in the districts of South West Hertfordshire and neighbouring London boroughs. It shows the number of dwellings empty for more than 6 months is 1.78% which is slightly higher than other neighbouring boroughs. When comparing the number of properties empty for more than 2 years without a Council Tax Exemption (in October 2022, the latest national Government figures available), Hertsmere continues to reflect a similar level in comparison to neighbouring boroughs.

Further analysis has been conducted on reasons why properties are being left empty in Hertsmere including analysis of Council Tax data which shows the largest 'exempted' reason a property is empty is due to it awaiting Probate and owned by a charity (see Table 3). Analysis from responses gathered from owners of properties left empty for more than 2 years noted a large number of owners were waiting to start renovation works. A significant number of

responses reported their property was no longer empty and as a result Council Tax/Council records were updated.

Comparison with neighbouring boroughs has shown that the council is utilising best practice in bringing properties back into use. Work through this strategy will continue to proactively review the number and reasons for properties being empty, the most effective initiatives and incentives to reduce the level, and will specifically consider best practice identified as part of the annual National Empty Homes Week (taking place in March).

7.0 Analysis of Empty Homes in Hertsmere

7.1 Analysis

Statistics on empty homes in Hertsmere have been derived from the Council Tax Register.

The Council's Council Tax department assess and categorise properties for the purposes of awarding discounts, exemptions or levies. In order to be placed in a specific class, certain conditions have to be met.

7.2 Results of analysis

The Council Tax empty property categories help understand the reason for empty properties in the borough. As of January 2024, the number of properties which fell into each category are shown in Table 2. By comparison since October 2022, the overall number of empty properties has reduced, largely attributed to a reduction in reported second homes and those registered as long term empty (empty for more than 2 months). This shows a positive trend in reducing the number of empty properties in the borough.

Table 2. Number of properties in each Council Tax category comparing January 2024 and October 2022

| Category | Total as of October 2022 | Total as of January 2024 |
|------------------------------------|--------------------------|--------------------------|
| Planning conditions | 0 | 0 |
| Second Home | 210 | 122 |
| Work Related | 1 | 1 |
| Empty for more than 2 months | 777 | 674 |
| Unoccupied & Unfurnished | 77 | 123 |
| Uninhabitable or Major Repairs | 41 | 3 |
| Occupier in MoD Property (No Levy) | 0 | 0 |
| Annexe to Main Dwelling (No Levy) | 0 | 0 |
| 10 year levy | 9 | 10 |
| 5 year levy | 27 | 13 |
| 2 year levy | 147 | 80 |
| No levy | | 4 |
| Grand Total | 1289 | 1030 |

In addition to these categories, a property can also receive an exemption to Council Tax and, as of January 2024, the numbers are shown below in Table 3. These exempted properties are included in the *total empty properties* discussed in the strategy:

Table 3. Number of properties in each Council Tax category as of January 2024

| Exemption Reason | Total |
|---|--------------|
| Uninhabitable | 0 |
| Empty - owned by a charity | 102 |
| Unoccupied and Unfurnished or New/Alt work complete | 0 |
| Left empty by person(s) in detention | 3 |
| Empty - person in hospital / care home | 70 |
| Awaiting Probate | 177 |
| Probate now granted | 57 |
| Empty - occupation prohibited by law | 23 |
| Empty - held for a minister of religion | 2 |
| Empty - person receiving care | 2 |
| Empty - person providing care | 1 |
| Left empty by student | 0 |
| Mortgagee in possession | 3 |
| Left empty by bankruptcy | 0 |
| Empty caravan pitch or boat mooring | 20 |
| Empty - annexe to an occupied dwelling | 31 |
| Total | 491 |

Council run research into the reasons for properties remaining empty for longer than six months has shown that most properties are in fact in the process of being returned to the market either for rent or for sale after renovation, however, there are some properties that remain empty for a protracted period of time.

In January 2024, there were 122 second homes registered in the borough. In January 2024, the Council agreed to use new discretionary powers introduced by the Levelling Up and Regeneration Act 2023 (Section 6) to charge a Second Home Levy of 100% to empty but furnished properties from 1st April 2025.

Table 4. Analysis of Empty Properties in Borough

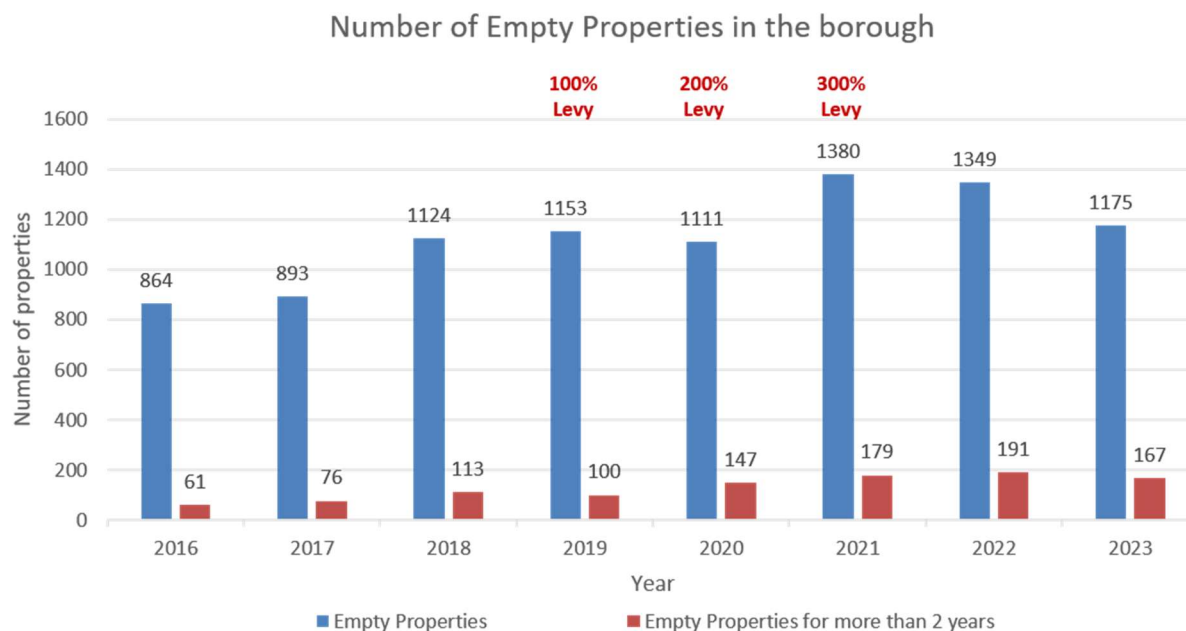


Table 4 shows the total number of empty homes at a fixed point in each year compared to the number of empty dwellings empty for more than 2 years. The *Empty Properties* represented is the overall number of vacant properties in the borough including those awaiting probate, repossessions, second homes and other empty properties inclusive of those empty for more than 2 years. The *Empty Properties for more than two years*, includes only those empty for more than 2 years without an exemption awarded via Council Tax and excludes second homes.

It can be difficult to measure the success of enforcement and incentives using only overall figures as, whilst working to bring one property back into use, another may become vacant. The number of properties empty for more than 2 years increased during the Covid-19 pandemic which may explainable when looking at the global economy and the impact Covid-19 had on the property market. The overall number of empty properties has reduced which suggests the incentives and proactive levies implemented by the Council are having a positive impact.

The most significant reason why a property was empty under an allowed Council Tax Exemption was due to the property awaiting Probate and this reflects the national delays in the Probate process.

8.0 Empty Homes Toolkit

Hertsmere Borough Council has introduced the following measures to bring properties back into use:

8.1 Let with Hertsmere Scheme

This scheme provides incentive packages to landlords to let their properties to families who are being supported by the Council’s Homelessness team. This not

only benefits the household to relief their homelessness but brings allows a property to be used for a suitable purpose. This scheme is suitable for all properties in the borough as long as the property is of an appropriate standard. The scheme has achieved great success and succeeded in assisting many households since it began.

8.2 PLACE (Private Lease Agreements Converting Empties) Grants, PLACE Loans to Sell and PLACE Repair and Rent Loans

PLACE Loan for Repair and Rent: This Scheme provides a loan of up to £50,000 to owners of long term empty properties (regardless of bedroom number). The owner can choose their own contractor to carry out the works or whether they prefer to carry out the works themselves, subject to agreement by the consortium. Loans must be repaid on sale of the property or after a period of five years.

PLACE Loan for Sell: A loan is offered to the owners of long term empty properties as a Loan to Sell. The loan available is £50,000 per unit up to a maximum of £175,000. Once the property is sold or at the end of the lease time period the loan is repaid to PLACE in full, incurring no interest charges.

The purpose of these two initiatives are to:

- Return long term empty properties back to use
- Renovate empty properties in disrepair to the Decent Homes Standard
- Provide short-term affordable social housing in urban and rural areas with the potential to increase the lease at the end of the compulsory lease period
- Provide grant funding to facilitate the return to us of long-term empty properties in severe disrepair that the owner is unable to complete without financial assistance
- Facilitate the recycling of PLACE monies and the sustainability of the PLACE Scheme by providing an interest free loan facility to assist in the return to us of empty properties that the owner is unable to complete without financial assistance.
- Where necessary to provide funding to the partner authorities to facilitate enforcement action to bring empty properties back to use where this is the best course of action

The scheme has been popular and the returned payments via the loans are recycled back into the scheme, the financial contribution from the Council is kept under regular review. In addition to the above main objectives the following additional objectives will also be achieved through the project:

- Achieving the Decent Homes Standard in the private sector
- Maximizing the use of stock by providing additional affordable housing without the need for greenfield development
- Stimulating engagement with the private sector

8.3 Empty Home Premium (Levy)

Properties that are empty for more than 2 years are subject to the following levy

rates:

- 100% extra (for properties empty for 2-5 years)
- 200% extra (for properties empty for 5-10 years)
- 300% extra (for properties empty for 10+ years)

From 1st April 2024, the levy will apply to properties empty after 1 year instead of the current 2 years.

9.0 Enforcement

9.1 Introduction

As a general principle when dealing with empty properties, the first approach shall, as far as possible, be informal with the Council seeking to work proactively with the owners of empty properties, rather than by taking formal action from the outset.

There may be certain circumstances where the local authority has no option but to take formal action at the outset, for example where the property poses an imminent risk to the health and safety of others.

Empty properties frequently suffer from disrepair, pose health risks and can be eyesores that detrimentally affect the appearance of a neighbourhood, attracting crime and vandalism and adversely affecting property prices. The table in Appendix 1 lists the legislation available to the local authority to enable these issues to be addressed.

9.2 Choice of Legislation

The choice of legislation will be dependent on the specifics of each case; Enforcement Officers are mindful of balance the financial requirements with the need to meet the objectives of this Strategy. Some enforcement action is mandatory for the Council to take.

While powers exist to facilitate a local housing authority either taking over management or ownership of a property, these options should be considered as a last resort after trying to work with the owner informally. The current legislation allows for local authorities to use Enforced Sales, Compulsory Purchase and Empty Dwelling Management Orders which are available should this authority choose to use these powers.

10.0 Implementation

This strategy will be implemented in coordination with the Empty Homes Action Plan.

11.0 Partnership Working

Returning empty homes into use involves a number of internal and external partnerships including working with all relevant council departments to use best

practice to approach and engage with owners of difficult properties. The Council will also liaise with the police and other external bodies including social and private landlords. It is envisaged that these partnerships will continue to be an important resource in achieving a better and more integrated service.

Forming and maintaining partnerships can never be an end in itself; and the council is committed to partnership working and to ensuring our partnerships deliver real benefits and bring added value.

12.0 Evaluation and Monitoring

How will we measure success?

Empty homes are currently reported to the government annually through the Council tax statistical return.

In addition, the strategy will undergo regular analysis to reflect any key changes in procedure and/or legislation and will be updated formally every 5 years.

13.0 Contact Details

Hertsmere Borough Council

Private Sector Housing
Hertsmere Borough Council
Civic Offices Elstree Way
Borehamwood WD6 1WA

Phone 020 8207 2277

Email: private.sector@hertsmere.gov.uk

APPENDIX 1

Bringing Empty Homes Back into Use – A General Procedure

| Stage | Actions | Legislation | Timescale |
|-------|--|---|---|
| 1 | <ul style="list-style-type: none"> a. Identify owner from council tax list data and correspond with letter of enquiry and Notice requiring owner to disclose ownership details of the property b. Legal ownership can also be established by obtaining a copy of the entry for the property held by HM Land Registry if the initial correspondence does not resolve the issue | <ul style="list-style-type: none"> • Section 16 Local Government (Miscellaneous Provisions) Act 1976 • Section 235 Housing Act 2004 | At commencement of empty homes process |
| 2 | <p>Informal discussion with owner to:</p> <ul style="list-style-type: none"> • identify problems • outline councils empty homes policy • outline financial and practical help available from the council <p>Make owner aware of enforcement options available including prosecution and/or works in default</p> | | Within three months or return to Stage 1b |
| 3 | Officers will make full and complete notes regarding the condition of the property and curtilage supported with photographs. This will in turn be used to inform the decision as to which is the most appropriate piece of legislation to use in each particular case | | |
| 4 | <p>Officers will prepare notices if appropriate and schedules of work for service, along with a covering letter that explains why the notice is being served, what is required and the penalty for non-compliance. These shall then be checked for accuracy by another officer before being passed to a properly authorised officer for signature</p> <p>The notice should as far as possible be hand delivered to the recipient. Where the address for service is outside of the area of Hertsmere Borough Council, the case officer may discuss with the Housing Services Manager or Principal Private Sector Housing Coordinator the practicality of travelling outside the borough to serve notice. It may also be possible for officers of a local authority within which the owner of the empty property in question resides to serve the notice on behalf of Hertsmere, subject to prior agreement with that authority.</p> <p>Finally, it is possible to deliver the notice by recorded delivery.</p> <p>Service by normal first class post should be avoided as far as possible, but if these measures are used then officers must ensure that proof of service is available and that none of the other methods of service were available.</p> <p>Proof of Service, includes endorsed copies, photographs etc should be kept securely within the council's offices.</p> | | <p>If no response in three months and council tax data suggesting the property is still empty. Officer should confirm visually that the property is empty and issue a Notice under appropriate legislation which should be delivered to owner.</p> <p>Failure to comply with the notice will result in works in default being carried out and a charge being registered against the property.</p> <p>This may lead to the council undertaking a forced sale.</p> |

| | | | |
|--|---|---|--|
| | If required by the statute, the service of the notice should be registered as a local land charge. | | |
| | The legislation available to deal with problems associated with empty properties is as follows: | | |
| | <p><i>Dangerous or dilapidated buildings or structures:</i></p> <ul style="list-style-type: none"> To require the owner to make the property safe (section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78) To require the owner to take the most appropriate course of action in respect of deficiencies that could affect the health and safety of future occupants and visitors and passers by | <p>Building Act 1984, Sections 77 and 78</p> <p>Part I, Housing Act 2004</p> | |
| | <p><i>Unsecured properties (if it poses the risk that it may be entered or suffer vandalism, arson or similar)</i></p> <ul style="list-style-type: none"> To allow the Local Authority to fence off the property To require the owner to take steps to secure the property or allow the Local Authority to board it up in an emergency | <p>Building Act 1984, Section 78</p> <p>Local Government (Miscellaneous Provisions) Act 1982, Section 29</p> | |
| | <p><i>Blocked or defective drainage or private sewers</i></p> <ul style="list-style-type: none"> To require the owner to rectify obstructed private sewers To require the owner to rectify blocked or defective drainage To require the owner to rectify defective drainage or private sewers | <p>Local Government (Miscellaneous Provisions) Act 1976, Section 35</p> <p>Building Act 1984, Section 59</p> <p>Public Health Act 1961, Section 17</p> | |
| | <p><i>Vermin (either present or at risk of attracting vermin that may detrimentally affect people's health)</i></p> <ul style="list-style-type: none"> To require the owner to remove waste so that vermin are not attracted to the site | <p>Public Health Act 1961, Section 17</p> <p>Prevention of Damage by Pests Act, Section 4</p> <p>Public Health Act 1936, Section 83</p> <p>Environmental Protection Act 1990, Section 80</p> <p>Building Act 1984, Section 76</p> | |
| | <p><i>Unightly land and property affecting the amenity of an area</i></p> <ul style="list-style-type: none"> To require the owner to remove waste from the property To require the owner to deal with unsightly land or the external | <p>Public Health Act 1961, Section 34 (see above)</p> | |

| | | | |
|--|---|---|--|
| | <p>appearance of a property</p> <ul style="list-style-type: none"> To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair | <p>Town and Country Planning Act 1990, Section 215</p> <p>Building Act 1984, Section 79</p> | |
| | <p><i>Long Term Empty Property</i></p> <ul style="list-style-type: none"> Empty Dwelling Management Order where the local authority can take over a property, renovate it and install tenants Compulsory Purchase Order where a local authority can forcibly buy a property | <p>Housing Act 2004</p> <p>Housing Act 1985 Town and Country Planning Act 1990</p> | |
| | <p><i>Enforced Sale through Council Tax Arrears</i></p> <ul style="list-style-type: none"> To force a sale of a property where there are substantial council tax arrears | <p>Local Government Finance (LGFA) Act 1992</p> | |

Appendix 2

Flowchart showing different routes to taking action on empty properties

