

**THE CITY OF SHEFFIELD (45 Marchwood Road)  
COMPULSORY PURCHASE ORDER 2019  
STATEMENT OF REASONS**

**1.0 Property Description, Condition and Location**

- 1.1 45 Marchwood Road, Sheffield, S6 5LB (the Property) is a three bed roomed semi-detached house of brick cavity wall and tiled roof construction. The Property is situated in a quiet, residential area of Stannington and approximately three and a half miles North West of Sheffield city centre. It has been previously used for residential accommodation; however, officers from the Council's Private Housing Standards have been visiting the Property on a regular basis since December 2016. The Property has been visited on nine occasions, initially with access by agreement and later, with the service of Notices of Entry and entry under Warrant of Entry. In addition, the Property was visited to enable the service of notices and other correspondence. On each occasion, the property has appeared vacant<sup>10.1</sup>. The Property has been registered as empty since March 2012 (source: Council Tax database<sup>10.2</sup>).
- 1.2 A complaint was first received by the Council in November 2016<sup>10.3</sup> regarding the general condition of the Property. The Council wrote to the owner, drawing this matter to his attention in December 2016<sup>10.4</sup>.
- 1.3 In January 2017, a complaint was made by a neighbour regarding a general lack of maintenance of the Property<sup>10.5</sup>.
- 1.4 In February 2017, a complaint was made by a neighbour regarding intruders who had broken into and gained access to the Property<sup>10.6</sup>.
- 1.5 In March 2017, a complaint was made by a neighbour regarding the poor condition of the Property and garden along with instances of vandalism where windows were smashed and entry forced through an external door<sup>10.7</sup>.
- 1.6 Also in March 2017, a further complaint was made by a neighbour regarding a spate of break-ins and the fact that she felt intimidated by groups of youths hanging around at the Property. The complainant also stated that she had called the police at least four times regarding the anti-social behaviour at the Property<sup>10.8</sup>.
- 1.7 On 18 April 2017, a Notice of Intention to Exercise Power of Entry was served on the owner to allow access to the Property on 26 April 2017. Prior to this access date, the owner contacted the Council and an appointment was arranged to allow access to the Property. On 28 April 2017, an internal inspection was carried out in the presence of the owner<sup>10.9</sup>. At this inspection, category 1 hazards were observed including damp and mould and excess cold.
- 1.8 Following a period of time during which the owner made several claims that progress was being made to clear the Property and commence refurbishment, it became evident that no works were being undertaken. In August 2017, an Improvement Notice was served on the owner due to the presence of category 1 hazards at the property, requiring the owner to take action to remedy the hazards<sup>10.10</sup>. The Hazards observed were damp and mould and excess cold. During an inspection of the Property on 17 June 2019, it was noted that no works to remedy these hazards, as required by the notice, had been carried out.

## **2.0 Purpose in Acquiring the Property and Future Use.**

- 2.1 The purpose of acquisition is for the Property to be renovated and re-occupied.
- 2.2 This proposed Compulsory Purchase Order (CPO) is a last resort measure as the property has been vacant since at least March 2012 and the owner has not taken adequate steps to prevent its deterioration. There is demand for this type of property within its locality. The Council, in addition to offering support and advice to the owner, has served an improvement notice on the owner to remedy category 1 hazards, but the owner has not taken reasonable steps to put the property back into occupation or to ensure it is properly maintained.
- 2.3 The Council seeks a CPO in respect of the Property to enable it to be sold on the open market and be put back into occupation. Demand for properties in this area is strong. The intention is to sell the Property at auction immediately following acquisition. The Council will place a covenant on the sale stating the Property must be refurbished within 12 months of purchase and occupied within 18 months of purchase.

## **3.0 Ownership**

- 3.1 The registered proprietor of the Property according to Land Registry is Philip Bernard Anderson of 45 Marchwood Road, Sheffield, S6 5LB. In April 2018, the Council was advised by another authority that, from their information, although Philip Bernard Anderson owned 45 Marchwood Road, he resides at a dwelling within their area and had done so since December 2012. The Council from receipt of this information has used this address for correspondence.<sup>10.11</sup>

## **4.0 Contact with the owner**

- 4.1 The Council first wrote to Mr Anderson on 13 December 2016 offering advice and assistance in bringing the Property back into occupation. The letter also brought items of disrepair to the attention of the owner as well as seeking his intentions in respect of the Property. No response was received to this letter.
- 4.2 Since this initial letter, a further sixteen letters have been sent to the owner. In 2018, the Council wrote four letters<sup>10.12</sup> to the owner to offer assistance to enable the property to be put back into occupation. The final letter indicated that if an adequate response was not received the Council intended to seek a CPO in respect of the property and, as an alternative, an offer was made to purchase the Property by agreement. A further offer to purchase the Property by agreement was made in July 2019. No written response has been received to any of these letters.
- 4.3 On 8 February 2017, the owner came into the Council's reception and stated that his intention was to cut down all boundary trees to a height of six feet within the following two weeks and to then spend a further two to three weeks clearing the house as he had a purchaser lined up. To date, no work has been done to reduce the trees to this height, the Property has not been cleared and there has been no evidence of the Property being sold.
- 4.4 On 24 April 2017, the owner came into the Council's reception and stated he would provide access to the Property on 26 April 2017. A joint visit was made on that date and a full internal inspection was carried out.
- 4.5 On 8 May 2017, a phone call was received from the owner who stated that he had made good progress with the house clearance internally and externally<sup>10.13</sup>.
- 4.6 On 5 June 2017, a phone call was received from the owner who stated he was about to start painting the outside of the Property and was continuing to clear the Property internally<sup>10.14</sup>.

- 4.7 On 7 July 2017, the owner rang and a joint visit was arranged to inspect progress. On 17 July 2017, the owner rang to cancel the appointment stating he needed to earn more money to afford to refurbish the Property <sup>10.15</sup>. The owner was given contact details of an auctioneer in order to obtain advice on selling at auction. The auctioneer has informed the Council that although the owner had contacted them and discussed arranging a meeting, no meeting was arranged <sup>10.16</sup>.
- 4.8 A visit was made to the Property on 28 February 2018 and an internal inspection was carried out under a warrant of entry. No work had commenced on the Improvement Notice served on the owner in August 2017. There was no evidence of the Property being cleared either internally or externally. Painting of the exterior of the Property had not commenced.
- 4.9 In October 2018, the Council wrote to the owner informing him that the Council was in the process of preparing a report recommending compulsory purchase in respect of the Property to be submitted for approval by the Council's Cabinet. In addition, this letter made an offer for the Council to purchase the Property by agreement. A further offer to purchase the Property by agreement was made in July 2019. No response has been received to these letters.

## 5.0 Housing Need

- 5.1 According to the 2011 Census, there were 539,064 people living in Sheffield in 236,811 dwellings. This Census also states that there were 229,928 households living in Sheffield<sup>10.17</sup>. According to Sheffield City Council's Housing Solutions Team, as of May 2019, there were 92 households who were living in homeless temporary accommodation<sup>10.18</sup>.
- 5.2 The 2015 Private Stock Condition Survey estimated that 29,333 dwellings in Sheffield (12% of the stock) were found to have Category 1 Hazards (serious risk of harm to the health or safety of an actual or potential occupier)<sup>10.19</sup>
- 5.3 In March 2018, Council stock numbered 39,559 dwellings. A breakdown of this stock shows 46% are houses, 40% are flats, 7% are bungalows and 7% maisonettes. A breakdown of Council stock by size shows 36% are 2 bed, 34% are 1 bed, 28% are 3 bed, under 1% are 4+ bed and under 1% are bedsits. (Source: Sheffield City Council Local Authority Housing Statistics and Annual Housing Statistics 2017/18)
- 5.4 According to Council Tax records from 31 May 2019, there are currently 2722 long term (over 6 months) empty properties in Sheffield<sup>10.20</sup>.
- 5.5 Marchwood Road is located in the district of Stannington which falls into the Housing Market Area classed as North West, broadly suburban with a mix of housing. (Source: Housing Market Profiles 2016 <https://www.sheffield.gov.uk/content/sheffield/home/housing/sheffield-housing-market.html>)<sup>10.21</sup>
- 5.6 The HMP states that the turnover of privately owned stock in the area in 2016 matches that of the turnover city wide, thus demonstrating a satisfactory demand for properties in the area<sup>10.22</sup>.
- 5.7 In order to further establish demand in the area, local estate agents with offices in the area were contacted. The Council received a response from Haybrook Estate Agents who have an office in nearby Hillsborough and who deal with three bedroom accommodation in the Stannington area. They indicated that where they sell such properties, an offer is received within two to four weeks of the property being advertised. They also confirm that there is a very high demand in Stannington, for this type of accommodation especially from families and professionals<sup>10.23</sup>.
- 5.8 National Planning Guidance gives local authorities a methodology for calculating the number of new private sector homes needed each year. Using this

methodology, Sheffield City Council has calculated that 2,125 new homes are needed each year.

## **6.0 Environmental Impact**

- 6.1 The visual impact of the Property is having a detrimental effect on the neighbourhood. Various complaints received and inspections made by the Council have revealed that the Property is in a poor state of repair and has been broken into on occasions. In addition one complaint referred to penetrating damp in the adjacent property.
- 6.2 Empty properties commonly attract crime and anti-social behaviour including graffiti, nuisance, vandalism, fly tipping, break-ins and, in extreme cases, arson. The cumulative effect of such properties can lead to whole areas becoming run down, unstable and, ultimately, unsustainable. In the case of this Property, several neighbours have reported break-ins in February and March 2017.

## **7.0 Justification for Compulsory Purchase**

- 7.1 Section 17, Housing Act 1985 provides that local authorities are empowered to acquire land for the purpose of providing housing and this extends to acquiring empty properties by compulsory purchase for the purpose of providing housing where there appears to be no other prospect of the Property being brought back into use. The Council is justified in the compulsory purchase of the Property for the reasons detailed in this Statement of Reasons. There is a demand for property within the locality, the Property is in a poor state of repair and the owner, despite requests for his intentions for the Property along with offers of assistance in letters sent, has not taken satisfactory steps to repair the Property or to put the Property back into occupation. Further, compulsory purchase is the best option for bringing the Property back into residential use.

## **8.0 Human Rights**

- 8.1 The Council when deciding to acquire the Property by compulsory purchase had regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8. In respect of Article 8 the Property is in a poor state of repair and unoccupied and consequently is not treated by the owner or any of his family as their home. Further it does not appear to be the owner's intention to carry out the necessary repairs and occupy the Property as his home. The Council's acquisition of the Property does not contravene the owner's rights under Article 8, as it does not interfere with his private and family life, his home and his correspondence. In respect of Article 1 it is acknowledged that compulsory purchase will interfere with the owners peaceful enjoyment of his possessions, but that for the reasons detailed in this statement it is in the public interest that the Council acquire the Property.

## **9.0 Planning Requirements**

- 9.1 The adopted Unitary Development Plan (UDP) shows the premises to lie within an area zoned for residential use. The preferred use in the area is continued residential use.<sup>10.24</sup>

## **10.0 List of supporting evidence**

- 10.1 Evidence of inspections to confirm empty status
- 10.2 Confirmation of date property became empty
- 10.3 Confirmation of initial complaint
- 10.4 Copy of initial letter to owner
- 10.5 Additional complaint January 2017
- 10.6 Additional complaint February 2017
- 10.7 Additional complaint March 2017
- 10.8 Additional complaint March 2017
- 10.9 Copy of inspection notes
- 10.10 Copy of Improvement Notice
- 10.11 Confirmation of alternative address for owner
- 10.12 Copies of letters to owner 2018
- 10.13 Computer record of owner's comments
- 10.14 Computer record of owner's comments
- 10.15 Computer record of owner's comments
- 10.16 Computer record of auctioneer's comments
- 10.17 UK census data 2011, Sheffield
- 10.18 Housing Solutions email re homeless household figures
- 10.19 Private Stock Condition Survey 2015
- 10.20 Confirmation of number of long term empties
- 10.21 Housing Market Profiles 2016
- 10.22 Housing Market Profiles 2016
- 10.23 Estate agent email
- 10.24 Email from Planning

**APPENDIX 2**

**THE CITY OF SHEFFIELD (45 Marchwood Road)  
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**EQUALITY IMPACT ASSESSMENT**

**APPENDIX 3**

**THE CITY OF SHEFFIELD (45 Marchwood Road)  
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**ORDER MAP**

**APPENDIX 4**

**FINANCIAL AND COMMERCIAL IMPLICATIONS**