

**THE CITY OF SHEFFIELD (104 Mill Road)
COMPULSORY PURCHASE ORDER 2021**

STATEMENT OF REASONS

1.0 Property Description, Condition and Location

- 1.1 104 Mill Road, Sheffield, S35 9XQ (the Property) is a two-bed roomed mid terrace house of stone walled, slate roofed construction. The Property is situated close to the main road through the district of Ecclesfield and approximately six miles north of Sheffield city centre. It has been used for residential accommodation but officers from Private Housing Standards have been visiting the Property on a regular basis since July 2015 and have commented that the Property appeared empty on each occasion^{10.1}. The Property has been visited on a number of occasions for the purposes of carrying out inspections, to serve legal notices and to deliver correspondence. The Property has been registered as empty since 1 April 1999 (source: Council Tax database^{10.2}).
- 1.2 A complaint was first received by the Council in February 2016^{10.3} regarding the general condition of the Property stating that the garden was overgrown and that birds were entering the Property through a hole in the roof. Further complaints regarding the condition of the Property were received in May 2019 and November 2019.
- 1.3 In July 2017, a notice was served on 'The owner' by affixing it to the door of the Property, under Section 59, Building Act 1984, due to the defective drainage at the Property^{10.5}. An inspection of the Property was carried out on 17 August 2020 and again on 26 January 2021 and it was noted that no works to comply with this notice have been carried out.
- 1.4 In October 2017, a notice was served on the person having control under Section 11, Housing Act 2004, by affixing it to the door of the Property, due to the presence of category 1 hazards at the Property requiring the recipient to take action to remedy the hazards^{10.6}. The hazards observed were damp and mould, excess cold, domestic hygiene, food safety, personal hygiene, falls associated with stairs and electrical hazards. On 17 August 2020 and again on 26 January 2021, an external inspection was carried out at the Property. It was observed that the Property appeared to be in a poor state of repair and from what could be observed the hazards set out in the Improvement Notices served in October 2017 do not appear to have been remedied.

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 April 1999 and the owner does not

appear to have taken any 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 and a Building Act notice to remedy defective drainage, but the owner does not appear to have taken any 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 Property is unregistered. The Council obtained a copy of a memorial of conveyance from West Riding of Yorkshire Registry of Deeds which indicates that in 1964, Arnold Morrell purchased the Property^{10.7}. The Council did a probate search which revealed that Arnold Morrell executed a will with two named executors^{10.8}, one of whom took out a grant of probate. The Council wrote to both executors at their last known address informing them of the Council's intention to seek a CPO in respect of the Property, asking for their intentions and offering to purchase the Property by agreement. The Council has not received a response to these communications.

- 3.2 Council Tax records for 104 Mill Road disclose that the Property is exempt from Council Tax as the Property has been left empty by deceased person, Mr A P Morrell.

4.0 Contact with the owner

- 4.1 The Property is unregistered, and the Council records indicate that the owner is deceased. Council Tax records gave a forwarding person who is understood to be a close relative. The relative indicated that their understanding was that no grant of probate had been granted and was reluctant to make an application themselves, even with assistance from the Council. The Council entered into lengthy discussions with the relative to enable the relevant authority to be acquired to allow them to deal with the Property, but ultimately these efforts were unsuccessful with the relative indicating they did not intend to acquire the necessary authority to deal with the Property.

- 4.2 In addition to correspondence with the relative, we wrote to 'the owner' on five occasions by affixing the letters to the door of the Property. In 2017 and 2018, the Council wrote four letters to 'the owner' to offer assistance to enable the Property to be put back into occupation^{10.9}. 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. No written response has been received to any of these letters.

- 4.3 Visits were made to the Property in November 2018 and September 2019 and internal inspections carried out under warrants of entry. No work had commenced on the Improvement Notice served on the owner in October 2017. On 17 August 2020 and again on 26 January 2021, an external inspection was

carried out at the Property. It was observed that the Property appeared to be in a poor state of repair and from what could be observed the hazards set out in the Improvement Notices served in October 2017 do not appear to have been remedied.

- 4.4 In February 2018, the Council wrote to 'the owner' by affixing the letter to the door of the Property, informing them 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. No response has been received to this letter. In August 2019, August 2020, and again on 26 January 2021, the Council repeated this offer to purchase the Property by agreement^{10.10}, but no response has been received to these offers.

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^{10.11}. According to Sheffield City Council's Housing Solutions Team, as of December 2020, there were 218 households who were living in homeless temporary accommodation^{10.12}.
- 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)^{10.13}
- 5.3 In March 2020, Council stock numbered 38,989 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, 35% are 1 bed, 27% are 3 bed, under 1% are 4+ bed and under 1% are bedsits. (Source: Sheffield City Council Local Authority Housing Statistics/Local Authority Data Return 2019/20)
- 5.4 According to Council Tax records from 30 November 2020, there are currently 2672 long term (over 6 months) empty properties in Sheffield.^{10.14}
- 5.5 Mill Road is located in the district of Ecclesfield which falls into the Housing Market Area classed as Chapeltown/Ecclesfield largely consisting of an older population and settled families with children^{10.15} (Source: Housing Market Profiles 2019)
<https://www.sheffield.gov.uk/content/sheffield/home/housing/sheffield-housing-market.html>)
- 5.6 The Housing Market Profiles (HMP) 2019 report states that there is need for two bedroom housing for newly forming households in this Chapeltown/Ecclesfield area as these size properties make up the greatest shortfall in the area^{10.16}.
- 5.7 The HMP states that of the number of people within this area who need to move in the next 5 years, 35% expect to remain in the area. This is the second highest rate of people who expect to remain in their 'own' area behind the South HMA area.

- 5.8 In order to further establish demand in the area, local estate agents with offices in the area were contacted. The Council received responses from four estate agents (Reeds Rains, Your Move, Blundells and Hunters) who deal with two-bedroom accommodation in the area. They indicated that where they let such properties, they are usually let within seven to fourteen days of the property being advertised. Where they sell the property, a sale is usually agreed within two to twelve weeks. They also confirm that there is demand for such properties in this area with demand coming in particular from working professionals, couples, first time buyers, families, single adults, investors (for buy to let) and young people.^{10.17}

6.0 Environmental Impact

- 6.1 The visual impact of the Property is having a detrimental effect on the neighbourhood. Complaints received and inspections made by the Council have revealed that the Property is in a poor state of repair. In addition one complaint referred to birds entering the Property through a hole in the roof, an overgrown garden, infestation of mice, presence of a wasp nest and the fact that the proximity of the Property was having a negative impact on the sale of their 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.

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 Council has been unable to contact the executors of the estate of the deceased owner and therefore no action has been taken to repair and 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 therefore is currently not being treated as anyone's home. Further, the executors of the deceased owner's estate do not appear to have any intention to carry out the necessary repairs to enable the Property to be occupied as a home. The Council's acquisition of the Property therefore does not contravene any of the rights under Article 8, as it does not interfere with anyone's private and family life, their home and their

correspondence. In respect of Article 1, it is acknowledged that compulsory purchase will interfere with the owner's estate's peaceful enjoyment of their 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^{10.18}

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 Additional complaint May 2019
- 10.5 Copy of Building Act notice
- 10.6 Copy of Improvement Notice
- 10.7 Copy of West Riding of Yorkshire Registry of Deeds
- 10.8 Copy of will
- 10.9 Copies of letters to owner 2017 and 2018
- 10.10 Copies of letters to owner 2019, 2020 and 2021
- 10.11 UK census data 2011, Sheffield
- 10.12 Housing Solutions email re homeless figures
- 10.13 Private Stock Condition Survey 2015
- 10.14 Confirmation of number of long-term empties, Sheffield
- 10.15 Housing Market Profile 2019
- 10.16 Housing Market Profile 2019
- 10.17 Estate Agent questionnaires
- 10.18 Planning email

APPENDIX 2

**THE CITY OF SHEFFIELD (104 MILL ROAD)
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EQUALITY IMPACT ASSESSMENT

APPENDIX 3

**THE CITY OF SHEFFIELD (104 MILL ROAD)
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ORDER MAP

APPENDIX 4

FINANCIAL AND COMMERCIAL IMPLICATIONS