

### **Section 215 of the Town and Country Planning Act 1990**

A notice can be served under this act where the appearance of a property or land is causing significant blight to an area and loss of amenity, such as overgrown and untidy gardens, or untidy run down buildings.

### **Prevention of Damage by Pests Act 1949**

If a property contains harbourage for pests, the Council can serve a notice on the owner requiring them to remove it.

### **Section 80 of the Environmental Protection Act 1990**

For accumulations of refuse in the garden of a property the Council can serve a notice under this Act requiring the occupant or person responsible to remove it. If the notice is not complied with within a specified timescale the Council will remove the waste and charge the owner.

### **Enforced Sale Procedure – Law of Property Act 1925**

If there is a debt owed to the Council, the Council can go to court and have a debt registered as a charge against the property and force the sale of the property to recoup the outstanding debt.

If you require any further help or information, please contact:

#### **Housing Services**

Allerdale Borough Council, Allerdale House,  
Workington, Cumbria CA14 3YJ

Tel: 01900 702570 Fax: 01900 702507

Email: [housing.services@allerdale.gov.uk](mailto:housing.services@allerdale.gov.uk)

[www.allerdale.gov.uk](http://www.allerdale.gov.uk)



**Please phone (01900 702570) if you would like a copy of this document in a different format**

# Empty Homes Advice



## How to re-use your empty home

### **Introduction**

In the Borough of Allerdale, there is a high demand for affordable homes; figures from 2011 recorded approximately 900 long term privately owned properties. Owners are missing out on an opportunity to change these empty properties into occupied homes.

Officers in Allerdale Borough Council's Housing Services responsible for empty homes, provide advice and information on empty and derelict homes across the borough, as well as reducing the number of vacant properties.

This involves working directly with the owners of empty homes to give advice on returning their property back into use; however when this is not possible, as a last resort, we can carry out enforcement action to ensure that long term empty properties are renovated and reoccupied.

### **An empty home costs you money**

You still need to pay Council Tax on your empty home, add to that insurance and maintenance costs and it can cost more than you think.

### **Benefits of bringing an empty home back into use**

There are many financial benefits from bringing an empty home back into use and these can include:

- A regular rental income if rented;
- A capital sum if you sell.

But there are also many other benefits:

- It could provide a home for someone in need;
- Re-using empty homes makes use of a wasted asset.

### **What can I do with my empty home?**

You could sell or rent your property.

#### **Renting**

You might need to repair your property first, to bring it up to standard.

You could rent your property privately or use a letting agent – their fees and services will vary.

To help choose a suitable agent, you could contact the National Approved Letting Scheme (NALS) who promote quality standards for letting agents. See [www.nalscheme.co.uk](http://www.nalscheme.co.uk) or call 01242 581712.

You could also contact the Association of Residential Landlords (ARLA), who self regulate letting agents and provide information and guidance for landlords and tenants. See [www.arla.co.uk](http://www.arla.co.uk) or call 0845 345 5752.

### **Section 29 of the Local Government (Miscellaneous Provisions) Act 1982**

If an empty home is insecure and open to access, the Council can serve a notice on the owner giving them 48 hours notice of the Council's intention to carry out works to secure the property. The cost of this would then be reclaimed from the property owner by imposing a charge on the property.

### **Section 59 of the Building Act 1984**

If the empty home has defective drainage, for example gutters, which are causing a statutory nuisance, the Council can serve a notice requiring the owner to repair them. If the notice is not complied with the Council can carry out works in default (do the work themselves) and the charge can be registered against the property.

### **Section 79 and 80 of the Building Act 1984**

If a building is considered to be ruinous and dilapidated or a dangerous structure the Council can serve a notice on the owner requiring them to demolish or repair the building within a set timescale. Again if the works are not carried out the Council may carry out the works in default.

### **Compulsory Purchase Order under the Housing Act 1985 (as amended)**

These powers are used for the acquisition or clearance of housing which significantly fails the statutory minimum standard. This is a tool of last resort but the Council can compulsory purchase properties that are causing a serious nuisance or blight to an area in order to return them to use for housing purposes or demolish them.

### **How the schemes affect the builder**

Under the 5% scheme, the builder will have the additional responsibility of reclaiming the remaining VAT, which they may or may not be happy with. The builder may decide that it is not worth doing the job. That is why it is important to agree this with the builder at the first point of contact. There is no benefit to the builder with the 5% scheme. The 0% scheme is aimed at the larger builder or developer, at they own the property that is the subject of the work. Therefore, they benefit fully from incentive.

Please note that this information is correct at the time of publication. It is important that you check with HM Revenue and Customs for the up-to-date information. The VAT rate was 20% at the time of publication and the incentives were in place at this time.

### **Last resorts**

If an empty home is causing significant blight to an area or causing a statutory nuisance, Allerdale Borough Council has powers to take enforcement action to rectify this.

Allerdale Borough Council is keen to avoid enforcement action and prefers to work with responsible property owners to rectify issues relating to their properties without resorting to enforcement action. There is a wide range of powers available and we use the most appropriate and proportionate powers to resolve empty property issues. We will often need to use multiple powers to resolve problem cases. Outlined below is the most commonly used legislation which deals with the problems associated with, or caused by empty properties.

For help finding tenants, contact our Housing Options Team on 01900 702570. They try to help people who urgently require a home. If this is the first time you have been a landlord, you may find information on the following websites helpful:

- National Landlords Association – [www.landlords.org.uk](http://www.landlords.org.uk)
- North West Landlords Association Ltd – [www.nwla.co.uk](http://www.nwla.co.uk)
- Residential Landlords Association – [www.rla.org.uk](http://www.rla.org.uk)
- British Property Federation – [www.bpf.org.uk](http://www.bpf.org.uk)

### **Selling**

These are some of the ways you could sell your empty home:

- You could sell on the open market or use an estate agent;
- You could sell at public auction – this is quick but you need to price your property realistically;
- Or, you could join the Council's free 'Matchmaker' Scheme or use this scheme alongside an estate agent.

### **The Matchmaker Scheme**

The scheme works by 'matching' empty homes for sale with buyers. Allerdale Borough Council will promote empty homes available across the Borough in the hope of helping buyers get a foot on the property ladder.

Homes are advertised on the Housing pages of Council's website, [www.allerdale.gov.uk](http://www.allerdale.gov.uk)

Interested buyers can sign up to the scheme and will be contacted when an empty property, matching their requirements, becomes part of the scheme.

Housing Services will pass on the potential buyers contact information to the empty home owner to follow up.

You can still join the Matchmaker Scheme if you are already with an estate agent, as the Council is a 'matchmaker' and not part of the sales process. For more information visit [www.allerdale.gov.uk/housing/empty-properties.aspx](http://www.allerdale.gov.uk/housing/empty-properties.aspx) or contact housing services on 01900 702570 or email [housing.services@allerdale.gov.uk](mailto:housing.services@allerdale.gov.uk)

You may wish to contact one of the Registered Housing Providers to discuss the possibility of one of them buying or leasing the property from you.

## **Tax incentives to re-occupy your property**

The Government has reduced the level of VAT for the renovation of certain empty properties as an incentive to bring them back into use.

### **Residential properties empty for at least two years**

Since 01 January 2008, renovations and alterations to residential properties that have been empty for at least two years will be eligible for a reduced VAT rate of 5%. A builder will have to pay the full rate of VAT on materials, but would charge the house owner 5%. It is then up to the builder to

re-claim the remaining 15%. It is not the case that the builder will charge 20% then say that it is up to the property owner to claim the 15% back. The builder should be familiar with the legislation and will know if the incentive applies to a project before commencing the work.

Further information on this reduced rate can be found in Section 8 of Public Notice 708 – VAT: Buildings and Construction, available from the National Advice Service on 0845 0109000 or downloadable from HMRC website at [www.hmrc.gov.uk/vat](http://www.hmrc.gov.uk/vat)

### **Residential properties empty for ten years or more**

A developer or property owner can claim back all the VAT charged on the renovation of a building that has been empty for 10 years or more, once the dwelling is sold. It is important to note that the developer will have to be VAT registered or register for VAT and that the property has to be sold to reclaim the VAT.

If the property owner wishes to retain the property for private residential use and not sell it, they can make a claim for the VAT under the DIY Builders Refund Scheme, available from Customs and Excise.

### **How the scheme affects the property owner**

The main difference between the two incentives is that when the property has been empty for two years, the owner has nothing to do, simply pay a reduced VAT rate. If the property has been empty for ten years, the house owner has to outlay the full VAT rate then claim it back. This may not fit into the property owner's finances. So it may be the case that the property owner prefers to pay VAT at 5% not 0%. The two year period still applies even if the ten year period has passed.