

Empty Homes Strategy

2025-2030

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Foreword

I am delighted to introduce the new Empty Homes Strategy, as having a stable, safe and secure home is essential to enable people to live healthy, happy and fully independent lives in their communities.

We also recognise the negative impact empty homes has on communities. Tackling empty homes is a key priority for Westmorland and Furness Council so the new Empty Homes Strategy sets out what the Council will do to bring homes back into use, to make best use of housing stock across Westmorland and Furness and to reduce the negative impact empty homes can have on surrounding homes, neighbourhoods and communities.

By having an Empty Homes Strategy and a clear programme of actions and interventions, we can:

- improve neighbourhoods and create better environments for local communities
- reduce vandalism and anti-social behaviour
- improve the health and wellbeing of communities and individuals
- help meet housing need by providing additional housing options for the local community
- ensure best use of assets
- improve housing conditions
- increase Council Tax income and potentially increase spend on local goods and services from the occupants of formerly empty homes

Homes are left empty for a wide variety of reasons and plans to bring properties back into use need to be tailored to each circumstance. This Strategy will play a key role in addressing housing shortages, revitalising communities and recognising there is no one simple solution to the problem of empty homes and outlining a range of options to bring properties back into use.

This Empty Homes Strategy has been co-produced with a wide range of partners and the Council are hugely appreciative of all of the voices that have informed this Strategy and enabled a meaningful document to be produced which has a strong sense of ownership.

In future years I look forward to hearing from partner organisations such as parish and town councils, communities, and fellow councillors that, working alongside them, we have succeeded in bringing empty homes back into use.

Judith Derbyshire

Cabinet Member for Housing & Homelessness

Introduction

Westmorland and Furness Council (W&F) presents its first Empty Homes Strategy. This document aims to provide an understanding as to why homes become empty, the issues caused by empty homes within our area and what advice and assistance is available to the owners of empty homes.

The strategy also sets out how the Council will prioritise its resources following local government reorganisation to bring empty homes back into use in the most effective way, and where appropriate will use the powers available to bring empty homes back into use.

The strategy is a working document to reflect changing operational demands and will be underpinned by business rules that will ensure Housing Standards officers work consistently across W&F in order to achieve key successes, subsequently all operational procedures and the strategy document will be reviewed and amended at regular intervals.

Why do we need an Empty Homes Strategy?

Like many other local authorities, Westmorland and Furness Council is facing an increasing shortage of housing including affordable homes for its residents whilst the number of long term empty properties continues to rise. Many families are finding it difficult to access a suitable home they can afford resulting in increased homelessness and longer stays in temporary accommodation.

In 2023/24 alone, the Government reported local authorities across the country spent an estimated £2.3 billion on temporary accommodation for homeless households. Other Government figures published in October 2023, indicate that approximately 268,000 homes across England, had been empty for at least six months, an increase of 20 percent from 2019 and the biggest rise since records began in 2004.

For local context, Action for Empty Homes reported that in 2023 Westmorland and Furness ranked 7th in the UK for empty homes, and first in the North West region with 1 in 14 homes being classed as empty. There are approximately 900 empty properties in the former Furness Council area alone.

Subsequently the primary aim of this strategy is to make the best use of existing assets by bringing empty homes back into use to assist in meeting increased housing need and demand. A decrease in vacant properties will also have supplementary benefits that include a reduction in anti-social behaviour and associated crime, but also support regeneration in towns, villages and the high street that will help facilitate increased social cohesion and pride in the local community.

The ambition of our Empty Homes Strategy is to create good quality, affordable and sustainable homes that meet the needs of all of our communities.

Our vision

We have a vision for Westmorland and Furness as ‘A great place to live, work and thrive’.

Despite small successes in the former district councils, reoccupation of empty properties remains a considerable challenge for Westmorland and Furness Council, and strong partnership working with communities and other agencies is essential to drive progress and help deliver the Strategy to a successful outcome.

The Council is therefore committed to reducing the number of empty properties by adopting a practical approach that will support owners to help return their empty properties to good use. The plan is about delivering the best for our residents, customers, and communities but also sets out clearly how we will work to engage with owners.

Fundamental to this process is being a council that will listen and put residents at the heart of everything we do, therefore the strategy having been developed following a number of Housing Strategy consultation events held with stakeholders earlier this year reinforces the Council's stance on empty properties within the wider context of the overarching Housing Strategy and Council Plan Delivery Framework.

First and foremost the Council will aim to understand the full scale of the empty property problem and consider options to increase staffing resource within the Housing Standards team to ensure we can address challenges and meet our objectives.

Council Plan Priorities

Our strategic priorities are set out in our Council Plan, they focus on:

- Our people
- The economy and culture
- The climate
- Our communities
- Our customers
- Our workforce

We have **ten delivery themes** supporting our priorities. They are:

- Care
- Learning
- Health and wellbeing

- Homes
- Growth
- Culture
- Connections
- Environment
- Communities
- Service

The Council Plan & other key strategies

Within the Westmorland and Furness Council Plan (2023-2028), delivering affordable, quality housing so that local families can build a life here and new people will be attracted to relocate is a key ambition of the new Council. The Empty Homes Strategy aligns with other key strategies within Westmorland and Furness including:

- Housing Strategy
- Climate Change Strategy
- Economic Development Strategy
- Health and Wellbeing Strategy
- Current Local Plans and emerging Westmorland and Furness Local Plan
- Homelessness Rough Sleeping Strategy

How we link with our strategic partners and work together is crucial to the Council meeting its housing objectives.

Housing Strategy 2025-2030

To achieve our vision for Westmorland and Furness Council to be “A great place to live, work and thrive”, it needs to be a place in which everyone has access to good quality affordable housing that meets their needs and is fit for the future. Housing and access to good quality affordable housing is critical to individual and community wellbeing.

Second homes and holiday lets

“Our Places” are also affected by growing shortages of affordable private rented housing. The attractive nature of Westmorland and Furness makes it a popular holiday destination.

Since the Covid pandemic the demand for 'staycations' has risen, which has resulted in an increase in the levels of short-term holiday lets.

Use of accommodation for bed and breakfast and Airbnb is therefore prevalent reducing the availability of private rented accommodation.

The total number of properties empty for six months is approximately 2,358¹. This can be broken down to:

- Furness : 951
- Eden : 547
- South Lakeland : 860

The total number of second homes is approximately 5,441¹ This can be broken down to:

- Furness : 362
- Eden : 1,278
- South Lakeland : 3,801

Our Operating Model helps us provide consistent, effective services which are community-focused, easily accessible and promote digital ways of working to allow more flexibility to our customers.

Community focus: We will focus on early intervention and prevention, working with individuals, community groups, parish and town councils, the voluntary sector and partners to reduce need for our services and improve health and wellbeing.

Easy access: Services will be user friendly, caring and accessible through multiple channels. Wherever possible services will be available and delivered digitally, reducing demand for phone and in-person interaction so those resources can be focused on those most in need.

Effective services: Services are outcome focused and maximise use of technology to drive efficiency and effectiveness. Service delivery is citizen-centred and seamless between services and partner organisations

¹ Ministry of Housing, Communities and Local Government Council Tax base 2022
Please note: This figure reflects a snapshot in time. As empty property figures are derived from 'live data', numbers may differ across other Council documents depending upon the information at the time of creation www.gov.uk/government/collections/council-taxbase-statistics

Enabling processes: Internal processes and functions are supported by key enabling functions including Human Resources, Project Management Office, Legal, Commissioning and Procurement working closely with service delivery teams.

Supporting technology: 'Fit for purpose' technology across the council that supports the delivery of services, promotes digital ways of working, and enables organisational efficiency.

What we want to achieve

The Empty Homes Strategy identifies four desired outcomes which offer practicality in their sequence. The objective is to decrease the numbers of empty homes annually by 10% across Westmorland and Furness.

Outcome 1

The Council will gather and record all historical and current information collated by its officers relating to empty homes in its area.

Outcome 2

Bring empty homes back into use through extra resource, encouragement, advice and assistance.

Outcome 3

Where all other negotiation has failed the Council will consider options for taking robust enforcement action to ensure empty homes are brought back into use.

Outcome 4

Raise awareness of the Empty Homes Strategy with all residents, dwelling owners and town and parish councils.

Each of the four outcomes contains a number of “priorities for action”; these form an Action Plan at Appendix 1 which will allow monitoring and review of the Strategy.

Making our vision real: Outcome 1

Maintain relevant, accurate and current information relating to empty homes in the area

Where we are

Dwellings can naturally become empty for periods of time, normally due to the buying and selling process or when an owner is deceased. However, when a dwelling remains empty for a significant period of time, or is attracting unwanted attention, then it is considered to be a nuisance empty property.

Long term empty homes are properties that are vacant for more than six months. These are identified through Council Tax records or complaints from the public. Homes that have been empty for more than six months usually have an underlying problem and when properties have been empty for more than two years, it is likely that without intervention, they will stay empty and decline.

There are several reasons why homes become empty in the longer term, including:

- the dwelling is difficult to sell or let
- it is being renovated
- the owner does not have the finances/time/skills to manage the dwelling
- the dwelling has been repossessed
- probate issues
- the dwelling is an inherited family home, owner has emotional links to the premises and is reluctant to sell
- the owner is being cared for elsewhere or is in hospital
- the dwelling was bought as an investment, but the market has changed, and the project is no longer viable or there are insufficient finances to complete

The first step will be to identify the location of every empty dwelling and who owns them. The main approach the Council has of collating information about empty residential dwellings is by using information retrieved from Council Tax records, however other information sources will be considered.

Identifying empty dwellings is not always straightforward. A dwelling may be used as a second home, and so not occupied on a permanent basis, but is in use. Or instead, a dwelling may be empty, but not registered as such with Council Tax. It is therefore likely that Empty Homes Caseworkers will visit all reported vacant premises to ascertain the current status in respect of occupation and disrepair. Information

gathered will be entered on a database and used to prioritise the property for bringing it back into use.

A notable number of dwellings remain empty, often for a substantial number of years, where the owner has health issues and emotional attachments to the property which make it difficult for them to consider removing any items from the property or consider selling or renting it.

Owners are often reluctant to engage with the Council and believe that as the dwelling is privately owned the Council do not have the right to require action to return it to use. They may even be unaware of, or have no concern for, the affect the dwelling has on the local area and surrounding dwellings.

A number of empty dwellings within the Council's area are classified as listed buildings and/or are located within the National Park conservation areas, or might otherwise be considered historic because of their age and character and would be treated as heritage assets within the planning system.

These dwellings can provide additional challenges due to their nature and the requirement to protect their architectural and historic interest. If these dwellings are neglected their physical condition will start to deteriorate. This can result in a loss of historic fabric and structural integrity through decay, weather ingress, vegetation growth and pest infestations.

There may be dwellings awaiting planning permissions and work cannot commence whilst this is being sought. A number of these may include specialist permissions if they are Listed Buildings or located in a National Park or other conservation area.

How we will meet the challenges

- Information Technology will play an important role in the retention and utilisation of data including the development of a Geographic Information System (GIS) that will allow the Housing Standards team to map individual properties and target the most problematic area
- All dwellings which have been empty for over twelve months will have a completed scoring matrix and given a priority status for enforcement action
- Introduction of a web-based database to enable parish and town councils, community groups and residents to report empty dwellings
- Receive monthly update reports on residential empty dwellings from Council Tax
- Historical empty property data from former district councils will be incorporated into W&F records to allow this important evidence to be used in future formal proceedings. Subsequently the Council will maintain a live database of all empty dwellings. Only then can the Council fully understand the reason for dwellings

remaining empty and then can work with owners in the most appropriate way for each individual circumstance

- Housing Standards will work internally across other directorates with increased joined up thinking and co-ordination to tackle empty homes
- Forge links with the Lake District National Park Authority, Yorkshire Dales National Park Authority and Historic England. There will be occasions when the Council undertakes housing enforcement remedial works on empty homes in the National Parks. It is important that the Council works closely with its partner agencies so that heritage/planning regulations are not breached during the enforcement process
- Growth pot funding will allow for the recruitment of three Empty Homes Caseworkers to carry out preliminary investigation work, including visiting all empty homes, tracing and liaising with owners of empty dwellings prior to cases being escalated to Housing Standards enforcement officers
- Construct and implement a comprehensive empty homes operational procedure for the use of caseworkers and investigating officers

Making our vision real: Outcome 2

Bring empty homes and dwellings back into use through encouragement, advice and assistance

Where we are

Each Empty Home has its own story and quite often the situation can be resolved through advice, support and signposting.

Once the Council has established ownership of an empty dwelling, it will contact the owner and set out the options of renting or selling the property, or they may choose to move back into their former home. Bringing the dwelling back into use will relate to the level of repairs and improvements needed and the desire of the owner to reach a resolution.

The Council will provide information, signposting and advice to owners of empty dwellings to help identify the best solutions to bring their empty dwelling back into use. For example, advice on how to present an empty dwelling to prospective purchasers, information on the availability of empty homes loans or VAT relief for renovating an empty dwelling or assistance with finding tenants.

How we will meet the challenges

- Empty Homes caseworkers will contact owners of dwellings that have been empty for over six months to establish the reason why the dwelling is empty and provide advice and information regarding available grant schemes and matchmaking service where the Council can provide contact details for prospective buyers
- A scoring matrix (Appendix 2) will be completed for all residential empty dwellings empty for over twelve months. This will enable the Council to ascertain the best use of resource for more effective results. The Council will prioritise properties where there is a realistic prospect of returning them to use. For example, clusters of terraced housing can be reintroduced as affordable housing whereby large, isolated farm properties requiring extensive renovation are not likely meet the eligibility criteria for enforcement action, but will be dealt with in the initial engagement phase of the strategy.
- Owners may be offered discretionary empty homes loans & grants via 'The Private Sector Housing Renewal and Assistance Policy' but will be subject to eligibility criteria and availability at the time of application.
- A lack of cooperation from the owner of an empty home will mean that Empty Homes Caseworkers will refer the case to a Housing Standards enforcement officer for further consideration and possible formal action. Formal proceedings will be implemented gradually with owners benefiting from the opportunity to engage with the council at any stage of the enforcement process.

Making our vision real: Outcome 3

Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use

Where we are

The Council aims to bring all empty dwellings back into use with the cooperation of the owners and will only move to take enforcement action as a last resort and where there are circumstances that justify such action. Subject to available resources within the Council, particularly available funding, enforcement powers (see Appendix 3) will be considered where it can be demonstrated that owners have been unwilling to engage with the Council over a significant period of time, and the dwelling is either creating a specific problem that is severely impacting the locality, or it would help to meet a particularly critical housing need.

There is a range of legislative powers available to the Council to deal with immediate and specific issues such as vermin, nuisance, fly tipping and insecure or dangerous buildings. Although the actions available under the relevant legislation will deal with specific issues, they will not necessarily result in the dwelling being returned to use.

A decision to undertake these enforcement action will be based on an assessment of each empty dwelling using the scoring matrix at Appendix 2. Action will be subject to available resources within the Council, particularly available funding, and only considered for those dwellings with a “high” score.

Government regulations allow local authorities to increase the level of the council tax premium (this is in addition to the standard council tax levy) depending upon the length of time the dwelling has been empty and substantially unfurnished. From the 1st April 2024 Westmorland and Furness Council charges the council tax premium in respect of empty and substantially unfurnished residential dwellings as below:

- 100% Council Tax premium for properties that are unoccupied and substantially unfurnished between one and five years (total council tax payable 200%)
- 200% Council Tax premium for properties that are unoccupied and substantially unfurnished between five and 10 years (total council tax payable 300%)
- 300% Council Tax premium for properties that are unoccupied and substantially unfurnished for more than 10 years (total council tax payable 400%)

How we will meet the challenges

- Establish an Enforced Sales procedure
- Establish an Empty Dwelling Management Order procedure

- Liaise with neighbouring local authorities and legal services to establish a Compulsory Purchase Order procedure
- Ensure that the matrices for dwellings which are empty for over one year are kept up to date and all dwellings are prioritised for potential enforcement action

[Private Sector Housing Enforcement Policy link](#)

Making our vision real: Outcome 4

Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils

Where we are

Empty dwellings can have a direct impact on adjoining dwellings through issues such as damp and structural problems. Alongside this, unsightly dwellings can have a detrimental effect on neighbouring house prices and can also result in a lack of pride in the area.

The possibility of empty dwellings attracting unwanted attention can also result in crime and anti-social behaviour and cause anxiety and concern for local residents.

Returning empty dwellings to use can help eliminate these issues and ensure that house prices in the neighbourhood are protected from preventable reductions.

By returning empty dwellings to use, homes can be provided for local people enabling them to remain close to schools, employment and support networks.

There are many households across the area in housing need and the utilisation of empty dwellings could prevent some of these people from facing issues such as homelessness and over-crowding, or provide a first home for a local person.

Creating new housing from under-utilised space provides additional accommodation to help reduce the number of those in housing need, whilst improving the visual aspect of town centres and local communities. Westmorland and Furness attracts many visitors each year with its National Parks, beautiful countryside, tourist attractions and many towns to visit. By reducing empty dwellings in town centres this will ensure this important tourism aspect of the economy can continue to flourish.

It is, therefore, important that owners of long term empty residential and commercial dwellings contact the Council to discuss their options for bringing their dwelling back into use. This position is enhanced if parish and town councils, individual residents and community groups inform the Council about any empty dwellings that they are aware of.

How we will meet the challenges

- Establish a media campaign to publicise the Empty Homes Strategy
- Develop a Westmorland and Furness website that provides links to all signposted services and relevant information.
- Develop an empty homes information pack to upload to the Council's website, also for distribution as hard copies for members of the public without internet access.

What success looks like

This strategy identifies the importance of bringing empty homes back into use for the benefit of the community. The Council has set a realistic annual target of bringing 10% of empty homes back into use over the strategy lifetime. The target reflects the complexity of this work but will still deliver on much needed housing for our residents.

We will therefore continue to do all we can to encourage empty homeowners to bring their empty home back into use and include enforcement measures where necessary. Ultimately our goal is to increase the supply of housing, whilst positively impacting on the quality of life of our residents.

Our action plan will help to address the problems caused by long-term empty homes so we will concentrate our resources on those homes that have been empty for one year or more, as it is these empty homes that can often cause the most nuisance to our residents.

Key success measures and impact

Outcome 1: Maintain relevant, accurate and current information relating to empty homes in the area

We would expect to see:

A Westmorland and Furness Empty Homes management database and GIS package that will allow officers to work efficiently and without restriction, across the whole area regardless of location. Information will be readily available to all authorised staff undertaking empty homes case management and enforcement work. Evidence based data/quarterly reports will be presented to the Portfolio Holder for Housing and Homelessness and within performance monitoring reports.

Outcome 2: Bring empty homes and dwellings back into use through encouragement, advice and assistance

We would expect to see:

Every property that has been vacant for more than 12 months will trigger an on-site inspection and assigned a priority status score for potential enforcement action.

Outcome 3: Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use.

We would expect to see:

Owners of empty homes who are absent or uncooperative will be prioritised for enforcement action with a realistic prospect of losing their asset at the end of legal

proceedings. Enforced Sales and Compulsory Purchase Orders are likely to be used with more frequency than at district council level. Properties will be reintroduced to the property market (with conditions) by way of property auction or other alternative methods.

Outcome 4: Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils

We would expect to see:

A central Westmorland and Furness user friendly website will signpost all stakeholders to important information that they need to deal with a particular issue. Neighbours of nuisance empty premises will be able to report concerns and owners of empty homes will be able to download information packs and contact the Housing Standards team on a dedicated empty homes mailbox.

Appendix 1: Action Plan

Priority for Action	Time-scale	Outcome	Responsible Service
Continue to receive monthly updates on residential dwellings from Council Tax	Ongoing	Ongoing monitoring of the number and location of empty homes in the Westmorland and Furness area	<ul style="list-style-type: none"> • Council Tax • Empty Homes Caseworkers • Housing Enforcement Team
Draft and implement Empty Homes procedure	Aug 2025	Procedure to set out the required action in a graduated process from initial contact to formal action	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team • Interim Strategic Lead Housing Standards
Explore opportunities for grant repair/empty homes loan schemes with the condition the property is brought back into use within 12 months	Sept 2025	Establish the feasibility of bringing properties back into use as affordable housing/ temporary accommodation	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team • Housing Strategy/ Homeless Welfare • Registered providers
Utilise the Westmorland and Furness Council website to enable parish councils, community groups and residents to report empty dwellings	Dec 2025	Parish councils, ward councillors, community groups and all members of the public will be able to report empty dwellings on a user friendly internet database	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team • Customer & Digital
Forge links with the Council's Planning department, Lake District National Park Authority, Yorkshire Dales National Park Authority, (Planning) and Historic England.	Dec 2025	Referrals system and contact list to be in place with stakeholder agencies .Ensure any works are compliant with planning and heritage regulations	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team • Interim Strategic Lead Housing Standards

Priority for Action	Time-scale	Outcome	Responsible Service
Establish an Enforced Sales procedure	Dec 2025	Enforced Sales procedure in place	<ul style="list-style-type: none"> • Housing Enforcement Team • Legal Services
Establish an Empty Dwelling Management Order procedure	Dec 2025	Empty Dwelling Management Order procedure in place	<ul style="list-style-type: none"> • Housing Enforcement Team • Legal Services
Establish a Compulsory Purchase Order procedure	Dec 2025	Compulsory Purchase Order procedure in place	<ul style="list-style-type: none"> • Housing Enforcement Team • Legal Services
Ensure that matrices for dwellings empty for over two years are kept up to date and dwellings prioritised for potential formal action	Dec 2025	<p>Long term empty dwellings are all prioritised for potential enforcement action based on an open and transparent ranking system</p> <p>All investigations to be indexed linked to Civica database which will aid the extraction of KPIs</p>	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement team • Planning (including National Park) • Building Control
Establish a media campaign to publicise the Empty Homes Strategy including the creation of a W&F Empty Homes website	Dec 2025	The public are aware of how to report empty homes and access further information on the Council website	<ul style="list-style-type: none"> • Communications team • Empty Homes Caseworkers • Housing enforcement Team
Ensure all empty dwellings which are empty for over 12 months have a completed scoring matrix	June 2026	A database providing data of all long-term empty dwellings and an accompanying score that will aid prioritisation for enforcement action	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team

Priority for Action	Time-scale	Outcome	Responsible Service
Contact all owners of dwellings left vacant for over six months to establish the reason why dwelling is empty and provide education/advice	June 2026	Will allow the Council to better understand why dwellings are being left vacant. Education will be key at this point and advice will be given to the owner about how they can bring their property back into use. Enforcement options will be outlined at this point as a potential outcome if dwelling is left in disrepair/vacant	<ul style="list-style-type: none"> • Empty Homes Caseworker • Housing Enforcement Team
Matchmaker scheme. The Council can help owners of empty homes to try and find potential buyers. The Empty Property Matchmaker Scheme brings together the owners of empty homes within the boundary of Westmorland and Furness and would include private individuals, investors and developers who want to purchase empty homes in the area.	June 2026	<ul style="list-style-type: none"> • Helps owner(s) • No fees: free service for seller/buyer • Bypasses estate agent • Reduces cost to sellers as no need to renovate before selling • Reduces cost to buyer due to any disrepair • Simple process for seller/buyer • Choice to pursue offers or not 	<ul style="list-style-type: none"> • Empty Homes Caseworkers • Housing Enforcement Team • Links to CBL partnership

Appendix 2: Scoring Matrix

Criteria	Response	Score
How long has the dwelling remained empty?	<ul style="list-style-type: none"> • Over 10 years • 5 to 10 years • 2 to 5 years • 6 months to 2 years • Over 6 months 	5 3 2 1 0
Location	<ul style="list-style-type: none"> • Source of statutory nuisance to adjacent property • Prominent position in residential area • Residential area • Isolated dwelling with access • Extremely isolated with limited access 	5 3 2 1 0
Special interest	<ul style="list-style-type: none"> • Listed building in conservation area • Listed building not in conservation area • None 	5 3 0
Is there evidenced housing need in the area of the dwelling?	<ul style="list-style-type: none"> • Yes • No 	3 0
General Condition of property, including outbuildings and gardens	<ul style="list-style-type: none"> • Extremely unsightly/detrimental to area • Noticeably empty/unattractive • Some issue but doesn't stand out • Well maintained 	5 3 1 0
Evidence of crime or ASB / crime at the dwelling	<ul style="list-style-type: none"> • Persistent • Frequent • Minimal • None 	5 3 1 0
Number of complaints, including those related to statutory nuisance, fly tipping, vermin & vehicles	<ul style="list-style-type: none"> • Over 5 • 1 to 5 • Nil 	3 1 0
Has enforcement action ever been carried out at the property	<ul style="list-style-type: none"> • Yes • No 	5 0

Criteria	Response	Score
Are debts owed to Westmorland and Furness Council i.e. historical land charges applied to the dwelling?	<ul style="list-style-type: none"> • More than 5k • Less than 5k • Nil 	5 3 0
Have Works in Default ever been undertaken by the Council at the property	<ul style="list-style-type: none"> • One or more • Nil 	5 0
Additional dwellings owned/managed by this owner	<ul style="list-style-type: none"> • Two or more • One • Nil 	5 3 0
Owner interaction/cooperation	<ul style="list-style-type: none"> • Minimal/ no contact and little effort • Some contact and effort made • High level of cooperation 	5 3 0
	Total score	
	Risk rating	

Appendix 3: Enforcement Powers

Prevention of Damage by Pests Act 1049 Sections 2 to 7

This requires the owner of the dwelling to take steps to clear the land of vermin and/or remove waste likely to attract vermin or for the Council to do this.

Local Government (Miscellaneous Provisions) Act 1982 Section 29

This enables the Council to secure an empty dwelling against unauthorised access or to prevent it from becoming a danger to public health.

Building Act 1984 Sections 77 and 78

This allows the Council to require owners of dangerous or dilapidated buildings to make these safe or for the Council to take emergency action to make the dwelling safe.

Building Act 1984 Section 79

This requires the owner to rectify a dwelling where it is adversely affecting the amenity of the area through its disrepair.

Environmental Protection Act 1990 Sections 79 to 81

This requires the owner to abate the nuisance or prevent its recurrence or gives the Council the power to do so.

Town & Country Planning Act 1990 Section 215

In certain circumstances an owner can be served a notice which requires them to take steps to ensure the condition of their dwelling and/or land does not adversely affect the amenity of an area. Where the owner fails to comply with such a notice, the Council may undertake the works in default and make a charge against the dwelling. Although this action will not result in the dwelling being returned to use, Section 215 notices can be used as the basis of an enforced sale (see below).

Housing Act 2004

Where a dwelling has category 1 hazards present the Council is required to act, this includes serving notice to undertake remediation works. If the owner fails to comply with the notice, this allows the Council to undertake the works in default and recover the costs.

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 54(1)

Gives the local planning authority the power to execute an Urgent Works Notice to preserve unoccupied listed buildings. The scope of the works that can be specified are restricted to emergency repairs to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps taken should

be the minimum consistent with achieving this objective and should not involve an owner in great expense.

Section 55(1) of the Listed Buildings Act 1990

Allows a local authority that has incurred expenditure through service of an Urgent Works Notice, and subsequently undertaking the works in default, to seek to recover their expenses from the building owner.

Law of Property Act 1925

Allows the Council to force the sale (Enforced Sale) of a dwelling where there is an outstanding debt owed to it which has been registered against the title of a dwelling. This debt may have arisen as a result of works in default, where a Statutory Notice has not been complied with, or a Court imposed charging order has been placed on the dwelling for Council Tax debt. The dwelling is sold at auction and the cost of the statutory works undertaken in default by the Council, fees, debts and administration charges can be recovered from the proceeds of sale. This process can only be halted by the debt being paid to the Council before the forced sale is completed.

Housing Act 2004

Where a residential dwelling has been empty for more than two years and the owner cannot demonstrate efforts or plans to return it back into use, the Council can apply for an Interim Empty Dwelling Management Order. This Interim Order gives the Council management of the dwelling for a period of one year, although the Council cannot let the dwelling during this time without the consent of the owner.

During this time other measures to return the dwelling to use are explored with the owner but should these be unsuccessful a Final Empty Dwelling Management Order (EDMO) can be applied for. A Final EDMO enables the Council to carry out any works to the dwelling necessary to make it habitable and let the dwelling, using the rent to pay for the works carried out and any management costs, with any balance being paid to the owner. This Order can last up to seven years.

Housing Act 1985 Section 17 and Town and County Planning Act 1990 Section 226

The Council has powers to apply for a Compulsory Purchase Order (CPO) on an empty dwelling where the owner has made little or no effort to return the dwelling to use. It must be demonstrated that steps have been taken to encourage the owner to bring the dwelling back into occupation and that there is no other chance of the dwelling being occupied. It is also necessary to show that the dwelling is required for housing in the area.

A CPO is the final solution to a problem empty dwelling as it removes ownership from the current owner. The Council purchases the dwelling from the owner to

dispose of as it sees fit (the Council could either look to dispose of it to be used as affordable housing or instead dispose on the open market, subject to covenants to undertake works and re-occupy).

Acquisition of Land Act 1981

Sets out the procedures a local authority is required to follow when making a Compulsory Purchase Order. Further guidance is also provided the Government's Guidance on Compulsory purchase process and The Criche Down Rules' (2019).

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 7 and Section 47:

Section 7: of the act provides that an appropriate authority or the Secretary of State may compulsorily acquire a listed building in need of repair if it appears that reasonable steps are not being taken for its proper preservation.

Section 47: is a two-stage process: (i) service of a Repairs Notice; and (ii) service of a Notice of Compulsory Acquisition on every owner, lessee and occupier if, after the expiry of a minimum of two months it appears to the appropriate authority that reasonable steps are not being taken for properly preserving the building. It is important to emphasise that this is reserve power which is only to be used to ensure the long-term preservation of a listed building, when all other steps to achieve this have been exhausted.

Housing Act 1985

This gives the Council the power to place a demolition order on a dwelling where serious hazards exist and demolition is considered to be the most satisfactory course of action. The owner of the dwelling is responsible for its demolition and retains ownership of the land. Where a number of dwellings within the same area are considered suitable for demolition, the Council can declare a Clearance Area. This would then result in purchase and demolition of the dwellings by the Council, which then owns the land.

Glossary

Long term Empty Home- to be classed as 'long-term empty' a home has to be liable for council tax and to have been unfurnished and not lived in for over 6 months

Exempted Empty Homes - These are homes which are empty, possibly long-term, but for which there is a reason we might all understand - for example, the owner is in care or has recently died and the property is held in probate, waiting to be transferred to a beneficiary