

North Kesteven District Council

Empty Homes Policy 2025

Our Approach to Empty Homes

JANUARY 2025



North Kesteven
DISTRICT COUNCIL

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28/11/24

Approved by:

Executive Board

New or existing strategy:

Existing



Introduction and Scope

North Kesteven District Council recognises the importance of bringing empty properties back into use and is committed to this objective. This policy is intended to provide guidance to officers, partners, and the general public on the council's work on returning empty homes to use.

This policy sets out the measures the authority will employ to bring unoccupied and unfurnished properties back into use to help meet, the affordable housing and market housing needs which are identified in the Central Lincolnshire Local Plan adopted in 2023.

This Policy is primarily focussing on privately owned unfurnished and unoccupied properties (empty homes) that are long term empty. This means homes that have been empty for at least 6 months but with the main focus on homes that have been empty for 24 months. These two-year empty homes which have not come back into use with the normal operation of the housing market and are likely to need support or intervention.

However, we maintain an interest and oversight of all empty homes in the district including furnished but unoccupied properties. From 1 April 2025, owners of furnished but unoccupied properties which have been registered with council tax will be required to pay an additional premium (100%) for the council tax for their property. There will be exemptions for some of these properties when additional legislation guidelines have been published but these are currently unknown.

Why it is important to Bring Empty Homes back into use.

Not only are empty homes a wasted resource, particularly when considered against the need for housing, these long-term vacant dwellings can have an adverse impact on the local community.

Some of these effects include community safety issues (e.g. anti-social behaviour and vandalism), unsightliness, environmental issues (e.g. pest and vermin infestations) and reducing the value and ease of sale of neighbouring properties.

By bringing empty properties back into use, the following can be achieved:-

- Maximise the existing housing resource
- Increase the provision of good quality, affordable housing
- Minimise adverse environmental, social and local impacts
- Encourage growth, betterment and investment within communities
- Support other corporate priorities, objectives and strategies

Bring empty homes back into use is a national priority with England and Wales having recorded 248,149 long term empty properties in 2022 (excluding second homes and furnished empties) an increase of 24% over the previous figures from 2016.

In 2023 there were over 100,000 families living in temporary accommodation costing local authorities an estimated £1.6 billion a year to provide these places (Crisis-Make History: Ending homelessness with homes report 30th September 2023). To reduce homelessness the Government has committed to build 90,000 new social homes per year, but if these long-term empties can be returned to use this would reduce the need to carry out these new builds at that rate.

Strategic Links and Council Priorities

Under the 'Our Homes' priority in the 2023-26 NK Plan bringing empty homes back into use is a part of the ambition "To deliver sustainable housing growth and pursue energy efficient development to meet the current and emerging needs of all our communities".

The NK Plan sets out targets relevant to bringing empty properties back into use. These are:-

- Bring back into use at least 20 more empty homes annually.
- Work with developers to deliver more homes in the district, including at least 100 more affordable homes.

Bringing empty homes back into use also supports the Central Lincolnshire Local Plan adopted in 2023, which identifies an overall housing need for 1325 more homes per annum across Central Lincolnshire or 29150 dwellings over the planned period.

The Empty Homes issue in North Kesteven

The situation with empty homes is never static as homes are brought back into use and other homes become empty or remain empty for longer periods of time. Government empty homes data released in November 2023 showed that in England there were 261,189 homes registered as Long-term empty. This was a rise of over 12,556 from the previous year. Similar percentage rises are being seen in the numbers of unoccupied properties in North Kesteven and therefore having an active policy to dealing with managing these properties is a priority for this council.

The Empty Homes we prioritise in North Kesteven

North Kesteven prioritise working on: -

- Empty homes that have been unoccupied and unfurnished for over two years as they are unlikely to be return to use by the normal operation of the housing market and may need advice and support and in some cases enforcement action.
- Empty homes that have been empty for over one year, as since the 1st April 2024, following the Levelling Up and Regeneration Bill Royal Assent on the 26th November 2023, any property which has been left unoccupied and unfurnished for more than 12 months are now required to pay the additional empty premium for council tax. The council will offer advice and assistance to these owners but the majority of its work, remains focused on the 2-year long term unfurnished and unoccupied properties.
- Exempt unoccupied properties – whilst unoccupied for 'legitimate reasons', oversight of these

properties is maintained to ensure they do not become a problem for neighbours or a detriment to their local community.

Empty homes that are not a priority for North Kesteven:-

- The majority of empty homes that have been empty for 6 months or less come back into use within that period of time due to the normal operation of the housing market so are not prioritised by the Council.
- Empty homes which are 'exempt' and cannot be targeted for action to bring them back into use; These include:-
 - properties owned by the Ministry of Defence and the Crown which are exempt under legislation.
 - derelict properties that have been removed from the council tax register by the Valuation Office and are no longer registered as a dwelling (however other enforcement action may be taken on these if dangerous, infested etc).
- Empty homes that are 'legitimately' empty, such as where the owner is away to give or receive care, a military posting, or the property is in probate.

Our Approach to Bringing Empty Homes Back into Use

The Council's approach to empty homes can be summarised as:

- **Empty Homes Officer**

Recognising the importance of returning empty homes to use the Council have an Empty Homes Officer (EHO) whose role is to specifically focus on empty homes and working to return them to use.

- **Empty Homes Working Group**

As Empty Homes impact on a number of the Council's service areas the EHO is supported by the Empty Homes Working Group (EPWG) which draws together Officers from a range of Council services who come into contact with Empty Homes. These include:-

- Private Sector Housing
- Housing Strategy
- Planning Enforcement
- Planning and Planning Conservation
- Environmental Health
- Building Control
- Council Tax
- Community Safety
- Elected Member
- Housing Needs
- Council Housing New Build/Projects including Lafford Homes

Additionally, other officers may attend as needed or as cases develop. These may include:-

- Legal services
- Housing Management/ Property Services

The group aims to bring together a range of departments with an interest in housing and whose work includes the issues that can arise from empty homes (for e.g. dilapidation, dangerous structure, infestation, anti-social behaviour). The Group supports the Empty Homes Officer to identify a coordinated approach and mechanisms to bring the property back into use.

In all cases the group will consider the merits and implications of a course of action. This consideration will include-

- Circumstances of the owner and the property
- Actions taken to date
- Other options
- Resource implications
- Risk of action /risk of doing nothing

Collaboration with Revenues and Benefits Department

The Empty Homes Officer works closely with the Council Tax team as they monitor the overall number of empty homes and the length of time, they have been empty.

The numbers of empty homes in North Kesteven are provided on a monthly basis and are produced from Council Tax records (shared in line with section 85 of the Local Government Act 2003).

Homes are empty for a variety of reasons, and subject to varying Council Tax charges. The Rating (Property in Common Occupation), Council Tax (Empty Dwellings) Act 2018 and The Levelling Up and Regeneration Bill 2023 which allows local authorities to increase the percentage by which a billing authority in England may increase the council tax payable in respect of a long-term empty dwelling. The council tax charges for NKDC are detailed below:-

- Empty between 0 and 2 months – 100% discount
- Empty 2 months – 12 months – 100% charge
- Empty 12 months plus – 200% charge
- Empty 5 years plus – 300% charge
- Empty 10 years plus – 400% charge
- In need of structural repair – 75% charge for 1 year
- 2nd homes and furnished empties 0 to 24 months – 100% charge
- 2nd homes and furnished empties registered for more than 2 years-200% charge.

In addition, there are properties which are exempt for a number of reasons including where the owner is absent to provide care to another person, where the property is in probate, in certain military personnel posting cases or where the owner is in hospital or in a care home either as a permanent or temporary resident.

Therefore, the Empty Homes Officer will investigate properties to establish if the Council has been correctly notified by the owners about the status of the property. Whilst Council Tax have overall responsibility for notification of changes to charges, the Empty Homes Officer also proactively

contacts empty homes owners to advise about potential future increases in Council Tax charging and whether there is any assistance that can bring the home back into use before the increased charges come into force.

Measures to bring properties back into use.

The Council's approach to bring homes back into use is based on four components comprising a staged approach and an ongoing awareness raising programme.

- Identification – proactively investigating and responding to referrals to understand where our problematic long term empty properties are located and who owns them.
- Support – developing a package of support for empty homeowners to encourage them to bring homes back into use.
- Taking action – where providing support has failed, taking appropriate enforcement action to ensure the home is brought back into use.
- Raising awareness – ensuring residents, businesses, stakeholders and empty property owners know what they can do and who to contact if they are aware of or own an empty property.

This is set out in more detail below:-

Stage One: Identification

Empty homes are identified through:-

- Council Tax records
- Referrals from the public via telephone, email, website or post
- Referrals from Parish/ Town Councils
- Owner referrals
- Referrals via other departments within the Council (such as Environmental Health or refuse collection team)
- **Homes that are one- year empty**
 - In the first instance and prior to when a property is due to be recorded as a 12-month premium charged long term empty home, the Empty Homes Officer will send a letter advising of the change and offering assistance and advice to bring the property back into use.
- **Homes that are two- year empty**
 - If the property remains empty for 2 years:-
 - an external visual inspection of the property is carried out by the Empty Homes Officer to determine if the property is unfurnished and unoccupied and to assess its apparent condition, the condition of the garden and any impact upon neighbours and the local community.
 - contact is made with the owner of the property by a three-stage template letter process which requests information about the owner's intentions for the property.

- All 2 year plus long-term empty properties once inspected and confirmed unoccupied (regardless of whether the owner has responded to letters sent out) are brought to the Empty Property Working Group for discussion and assessment of options, from support through to enforcement actions if necessary.

Stage Two: Support for Owners:-

Our aim is always to provide advice and assistance to the owner to bring the empty home back into use by utilising whichever mechanism suits the particular circumstances of each empty property. For example, this could be helping the owner to sell the property, advice, and assistance on renting out the homes or identifying what is necessary for the reoccupation of the property by the owner.

Equally it is important the owner is made aware of any issues with the appearance and condition of the property, and/or impacts on neighbours and the wider community that require action, such as overgrown gardens, rodent infestation, or other nuisances. In these cases, the expectations and obligations upon them as the property owner to remedy the situation are set out and activity monitored.

Support for owners includes: -

- VAT reduction or exemption for empty 2-year and 10-year properties where owners are refurbishing the property to either rent, sell or living in themselves.
- Arranging and preparing Schedules of Works inspections to ensure properties are free of category 1 and 2 hazards as described in the Housing Act 2004 to ensure properties will be safe to occupy.
- Arranging pre-planning meetings and assessments for building control approval for proposed works/refurbishments
- Advice on becoming a landlord or providing information about long term leasing either privately or with the Council's Housing Team
- Advice finding local estate agents, property auctioneers and online sales websites.
- Advice on managing and employing trades people and building companies to undertake works at their property.

Stage Three: Taking Action:-

Where the owners are not willing to engage proactively with the Council and the Empty Property Working Group agree that the property and any issues of concern are unlikely to be dealt with voluntarily, the Council will consider taking enforcement action.

There are a wider range of enforcement actions with issues associated with empty homes such as requirements to tidy up the exterior of the property, ensure the building is safe etc.

These powers and procedures for the Council include:-

- Town and County Planning Act 1990 – section 215
- Planning and Compulsory Purchase Act 2004
- Historic Buildings and Conservation Areas Act 1991
- Building Act 1984 – section 76-80

- Housing Act 2004 – Parts 1-4
- Local Government Act 2003
- Local Government (Misc. Prov) Act 1982
- Local Government Act 2000
- Prevention of Damage by Pest Act 1949 – section 4
- Environmental Protection Act 1990 – Part 2 and section 80
- Anti-Social Behaviour Act 2003 – Part 1
- Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014
- The Levelling Up and Regeneration Bill 2023

Possible enforcement options include:-

- Serving notices such as Section 215 to undertake works to improve the appearance of the property and its garden areas.
- Community Protection Warnings and Notices
- Requiring works to be undertaken to the property to ensure it is secure and not dangerous.
- Enforced Sale or Order for Sale Procedure

Generated due to:-

- Prosecution of the owner leading to a charge against the owner and their property
- Works in Default that have been undertaken by the Council to ensure the property is safe which has led to a charge being placed on the property's land registry title following non-payment by the owner so as to recover the expense of the work.
- Non-payment of Council Tax including any premium charges associated with the property.
- Compulsory Purchase Orders
- Empty Dwelling Management Orders

Appendix Two provides a flowchart for the potential enforcement actions that may be taken on empty homes by the respective teams that attend Empty Homes Working Group.

Ongoing Activity: Raising Awareness of Empty Homes

The Empty Homes Officer seeks to raise awareness of the empty homes issue and advise how the Council can assist. This process includes:-

- Contact with Town and Parish Councils requesting information on any empty homes' issues within their locality.
- Publicity about empty homes activities in local media
- Enhanced publicity during national Empty Homes Week which seeks to spotlight the issue across the country.
- Annual reviews which include mail outs, phone call or site visits as required. These are intended to identify homes which are no longer vacant, and to promote the support the council is able to offer.
- Referrals and complaints can be received via numerous mechanisms. Referrals are investigated by the Empty Homes officer, and any concerns identified.

- Referrals are sometimes anonymous, and as such no update can be given, however referrals made by neighbours or local residents affected by the empty home are kept up to date regarding progress in line with the General data Protection Regulations.

Legislation

The empty homes policy is in accordance with legislative framework:-

- The Council Tax (Alteration of Lists and Appeals) Regulations 1993
- The Housing Act 2004
- Local Government Finance Act 2012) Section 11B makes provision for an empty homes premium to be charged in relation to such classes of long-term empty dwelling as billing authorities choose, subject to exceptions prescribed by the Secretary of State
- The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allows local authorities to increase the percentage by which a billing authority in England may increase the council tax payable in respect of a long-term empty dwelling.
- The General Data Protection Regulation and Data Protection Act 2018 requires that data protection principles be followed in the handling and storing of personal and special category (sensitive) data. It must: -
 - Be processed lawfully, fairly, and transparently
 - Be obtained for a specified, explicit and legitimate purpose
 - Be adequate, relevant, and limited to what is necessary
 - Be accurate and, where necessary, kept up to date
 - Not be kept for longer than is necessary
 - Have appropriate security measures in place
- Levelling Up and Regeneration Act 2023 reduce the time before a property is considered an empty home from two years to one year, meaning that homes that have been empty for one year will be subject to a 100% council tax premium.

Internal Stakeholders

In terms of key contacts for the management of this policy, the expertise and professional knowledge of the following officers and departments are required:-

- Strategic Housing Manager
- Empty Homes Officer
- Governance & Business Resilience Manager
- Corporate Information Manager
- Private Sector Housing team
- Planning Enforcement team

- Planning and Planning Conservation Officer
- Environmental Health Team
- Building Control Team
- Council Tax Revenues and Benefits partnership
- Community Safety Team
- Housing Needs Team
- Council Housing New Build/Projects including Lafford Homes

Other appropriate Managers & colleagues have been consulted in the development of this policy
Any information shared will be in line with existing data sharing agreements.

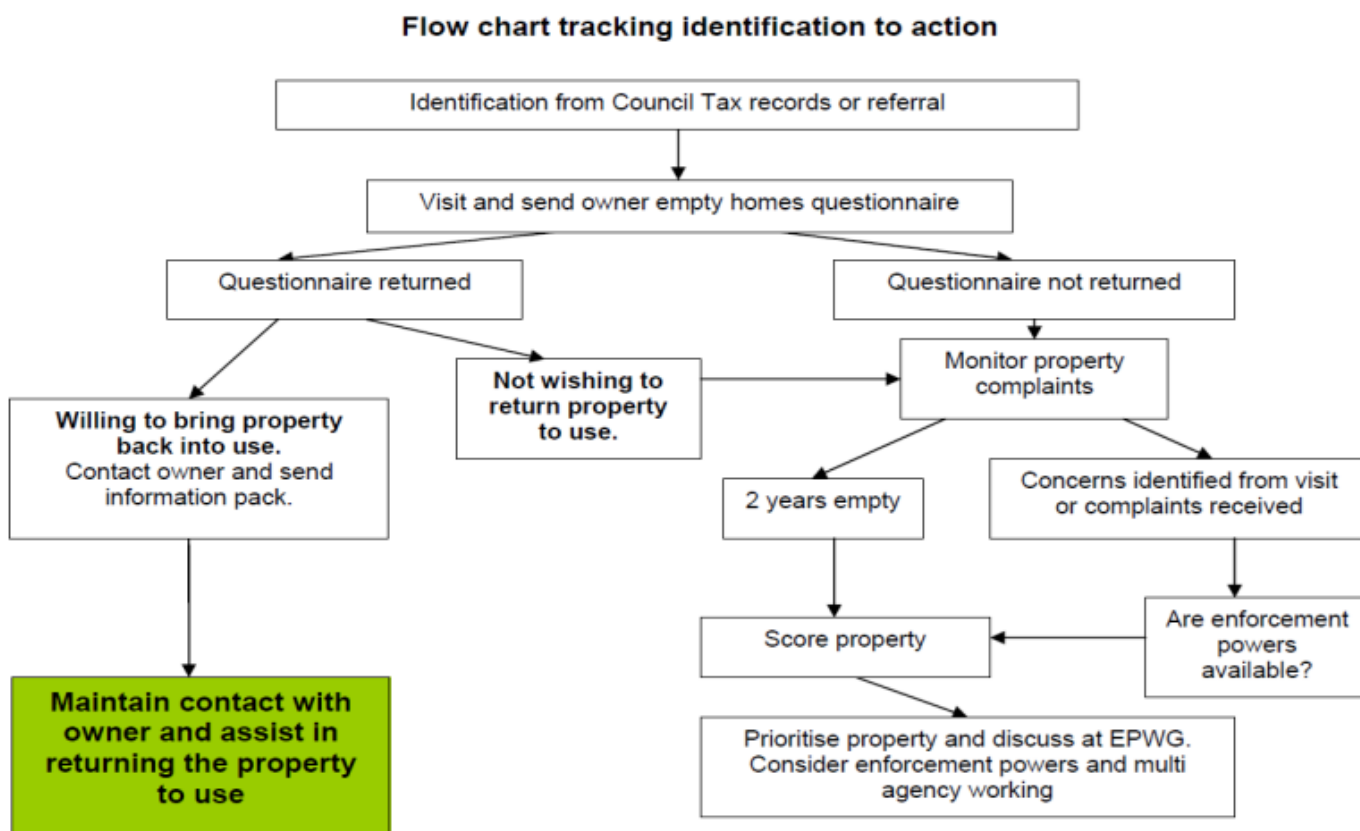
Monitoring of the Policy

Future amendments to this policy will be made as follows: -

- Changes to this policy which are minor, factual or occur due to new or changes to current legislation relevant to empty homes, will be approved by the Assistant Director of Place.
- Proposed non legislative changes to this policy which may arise due to changes to the Council 's vision, priorities or requirements for dealing with empty homes, or changes that are considered significant or in need of additional resourcing will be presented to Executive Board for consideration and approval.
- The Empty Homes Policy will be reviewed again in 3 years after adoption.

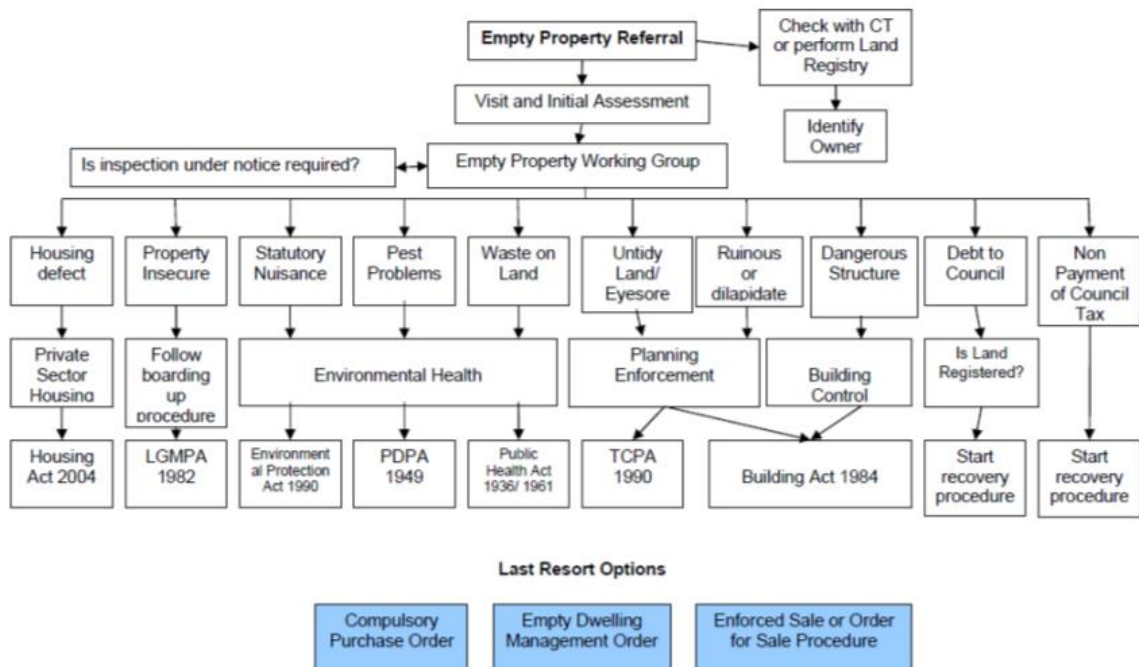
Appendix

Appendix One: Flowchart Identification to Action



Appendix Two: Flowchart of Potential Enforcement Actions

Appendix Two Flowchart of Potential Enforcement Actions





North Kesteven
DISTRICT COUNCIL

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