THE ST HELENS BOROUGH COUNCIL (303 GARSWOOD ROAD, ASHTON-IN-MAKERFIELD, WN4 0TU) COMPULSORY PURCHASE ORDER 2024

COMPULSORY PURCHASE OF LAND IN ST HELENS

- Notice is hereby given that St Helens Borough Council has made the St Helens Borough Council (303 Garswood Road, Ashton-in-Makerfield, WN4 0TU) Compulsory Purchase Order 2024 under section 17 of the Housing Act 1985. It is about to submit this order to the Secretary of State for confirmation, and if confirmed, the order will authorise St Helens Borough Council to purchase compulsorily the land described below for the purpose of the provision of housing accommodation.
- 2. A copy of the order and of the accompanying map may be seen at all reasonable hours at St Helens Town Hall, Victoria Square, St Helens WA10 1HP.
- 3. A copy of the order and of the accompanying map may be viewed online at https://www.sthelens.gov.uk/article/5194/The-facts
- 4. Any objection to the order must be made in writing to Assistant Director (Legal and Democratic Services), Corporate Services, St Helens Borough Council, PO Box 512, St Helens WA10 9JX before 10 January 2025 and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND

All that land comprising 551 square metres forming a dwellinghouse and garden at 303 Garswood Road, Ashton-in-Makerfield, Wigan WN4 0TU

28 November 2024

M. E. Jones

Assistant Director (Legal and Democratic Services)



THE ST HELENS BOROUGH COUNCIL (303 GARSWOOD ROAD, ASHTON-IN-MAKERFIELD, WN4 0TU) COMPULSORY PURCHASE ORDER 2024

THE HOUSING ACT 1985 AND

THE ACQUISITION OF LAND ACT 1981

The St Helens Borough Council (in this order called "the acquiring authority") makes the following Order:

- Subject to the provisions of this order, the acquiring authority is under Section 17 of the Housing Act 1985 hereby authorised to purchase compulsorily the land described in paragraph 2 below for the provision of housing accommodation.
- shaded pink on a map prepared in duplicate, sealed with the common seal of the acquiring authority and marked "Map referred to in the St Helens The land authorised to be purchased compulsorily under this order is the land described in the Schedule and is delineated and shown edged red and Borough Council (303 Garswood Road, Ashton-in-Makerfield, WN4 0TU) Compulsory Purchase Order 2024".
- The acquiring authority may not serve a notice to treat or execute a general vesting declaration in respect of this order after the end of the period of three years beginning with the day on which the compulsory purchase order becomes operative. 3



SCHEDULE

Table 1

	Qualifying persons under Section 12(2)(a) of the Acquisition of Land Act 1981 – name and address	Owners or reputed Lessees or reputed Tenants or reputed Occupants	owners lessees tenants (other than lessees)	Christine Hart - Christine Hart	97 Sougher Lane 97 Sougher Lane						Jnknown	
	Qualifying perso	Owners or reput	owners	Christine Hart	97 Sougher Lan	Bryn	Wigan	WN4 0JT			Unknown	
1	Extent, description and situation of the land			sing	551 square metres		dwellinghouse and		Garswood Road,	Ashton-in-Makerfield,	Wigan WN4 0TU	

Table 2

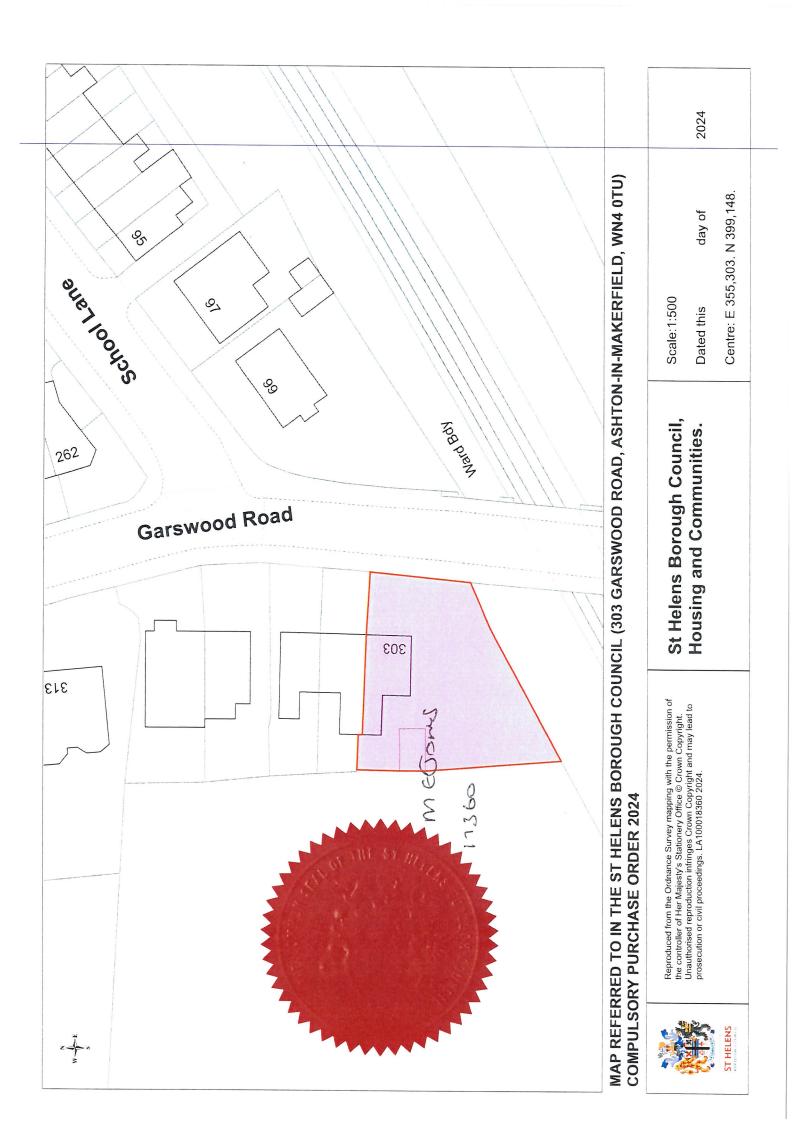
equisition of Land	Description of the land for which the person in adjoining column is likely to make a claim	
Qualifying persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	Name and address Description which the properties to column is I claim	Unknown
Acquisition of Land Act	Description of interest to be acquired	Unknown
Qualifying persons under Section 12(2A)(a) of the 1981 – name and address	Name and address	Unknown

Table 3

		Acquisition of Land Act 1981 - name and address
--	--	---

Unknown







The Common Seal of St Helens Borough Council was affixed in the presence of M Cones

Authorised Signatory



ST HELENS BOROUGH COUNCIL

HOUSING ACT 1985 AND ACQUISITION OF LAND ACT 1981

ST HELENS BOROUGH COUNCIL (303 GARSWOOD ROAD, ASHTON-IN-MAKERFIELD, WN4 0TU) COMPULSORY PURCHASE ORDER 2024

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1. This document is the Statement of Reasons of St Helens Borough Council ("the Council") for making a compulsory purchase order ("CPO") entitled the "St Helens Borough Council (303 Garswood Road, Ashton-in-Makerfield, WN4 0TU Compulsory Purchase Order 2024" ("the Order") in respect of land for which the Council is the Acquiring Authority. The Order is made pursuant to Section 17 of the Housing Act 1985.
- 1.2. This Statement of Reasons has been prepared in accordance with the Guidance on the Compulsory Purchase Process 2024 ("the Guidance"). In this Statement of Reasons, the land in the Order is referred to as "the Order Land" and is shown edged red and coloured pink on the Order map.

2. DESCRIPTION OF THE ORDER LAND, LOCATION, TOPOGRAPHICAL FEATURES AND PRESENT USE

- 2.1. The Order Land is situated in the Billinge and Seneley Green Ward of St Helens and comprises the property numbered 303 Garswood Road, Garswood, Ashton-in-Makerfield, WN4 0TU.
- 2.2. The property is a 1930's two storey end terrace property, brick built with a slate roof, in a residential area. The interior of the property comprises of two ground floor reception rooms and a kitchen, and three first floor bedrooms and bathroom. To the rear there is a single storey wash house. Externally, the front of the property has been partially paved for car parking and the rear is laid mostly to lawn.

3. ENABLING POWERS

3.1. Section 17(1)(b) of the Housing Act 1985 enables a local housing authority to compulsory acquire houses, or buildings which may be made suitable as houses, together with any land occupied by the houses or buildings, for housing purposes.

- 3.2. The Guidance confirms that the acquisition must achieve a quantitative or qualitative housing gain.
- 3.3. This power may be used to bring empty properties back into residential use which have either been empty for lengthy periods of time and/or which are in an uninhabitable state of repair.
- 3.4. Under section 17(2), the local housing authority is empowered to acquire land for the purpose of disposing of houses provided, or to be provided, on the land or of disposing of the land to a person who intends to provide housing accommodation on it.
- 3.5. Section 17(3) allows the local housing authority to acquire land by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily.
- 3.6. Section 17(4) provides that a CPO will not be confirmed unless the Secretary of State is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.
- 3.7. Section 18(2) provides that where a local housing authority acquire a house, they shall, as soon as practicable after the acquisition, or as the case may be, after the completion of the necessary works, secure that the house is used as housing accommodation.
- 3.8. In considering whether to confirm a CPO, the paragraph 167.2 of the Guidance confirms that the Secretary of State will wish to know:
- How long the property has been vacant;
- What steps the authority has taken to encourage the owner to bring it into acceptable use and the outcome; and
- What works have been carried out by the owner towards its reuse for housing purposes.

4. PURPOSE IN SEEKING TO ACQUIRE THE LAND

- 4.1. The Council has a policy of seeking to acquire vacant and derelict housing through compulsory purchase where attempts to acquire by agreement have failed. Its Empty Homes Strategy states that "Applications for (the) CPO of individual properties can be made if the property is required to meet local housing needs if it has a detrimental effect on the neighbourhood or if it is part of a wider clearance/redevelopment programme. The onus is on the local authority to show that all other available methods of redress have been exhausted before an application can be made to the Secretary of State" (see page 12).
- 4.2. The purpose of seeking a CPO is to allow the Council to dispose of the property to a registered provider or to the private sector under strict conditions requiring works of improvement and repair to be undertaken, and the dwelling will be made available for residential use, sale or rent.

- 4.3. The property has been vacant for a number of years and has fallen into disrepair, which has affected the amenity of the area and created a health and safety risk. It has also attracted vandalism. The Council receive consistent complaints from neighbours regarding their concerns as detailed in section 5 below.
- 4.4. Acquisition under section 17 will achieve a quantitative and qualitative gain and it is justifiable in this case as it will return an empty property back into housing use. There is an acute shortage of affordable housing in the districts of St Helens with over 7,500 people on the waiting list as of December 2023. Returning the property to the useful housing stock is a benefit to community as it will house someone in need at a time of significant demand for housing.

5. JUSTIFICATION FOR THE USE OF CPO POWERS

- 5.1.303 Garswood Road is currently vacant, with evidence from Council tax records that it has been vacant since 1993, when the Council Tax data system was introduced. An empty property premium classification is currently applied. Claims from neighbours suggest the property has been empty since 1988 (which pre-dates the Council tax records).
- 5.2. The freehold of the property is unregistered and despite best efforts, the Council has been unable to trace the owner. This has included investigating title to the adjoining properties, requesting information from the leasehold owner (see below) and writing to "the Owner" at the property. As such, the freehold interest is being treated as in unknown ownership.
- 5.3. The Council understands that the freehold is subject to a long lease, which is also unregistered. The Council has been in correspondence with the purported owner of the leasehold interest and her solicitor but as yet has not been provided with evidence of title. The Council is proceeding on the basis that the owner will provide title in due course and in any event prior to the payment of any compensation. Reference to the "owner" in subsequent sections of this Statement of Reasons is a reference to the purported owner of the leasehold interest.
- 5.4. Initial correspondence was initiated with the owner through the Council's Empty Homes Strategy in June 2004. The condition of the property had been brought to the Empty Homes Team's attention, following a complaint from a neighbour regarding an accumulation of bin bags in the garden and the neighbouring properties were suffering from a mice infestation.
- 5.5. Since that time there has been numerous attempts to engage with the owner. A meeting with the owner took place at the Council offices in January 2008 where the owner advised that some work had been carried out, but vandalism had subsequently taken place. It was the owner's intention to refurbish the property to live in. The Council undertook a site visit in March 2008 and a further meeting took place with the owner in June 2008 where it was apparent that no progress with refurbishment works had taken place. The owner was requested to write to the Empty Homes Team to set out their proposals for

- the property and anticipated timetable for works, but no correspondence was received.
- 5.6. A further letter was sent to the owner in November 2009 seeking an update on progress and informing the owner that a CPO was being considered if there was no progress. The owner contacted the Council by telephone to explain that she was awaiting funds from an inheritance to undertake further works. In May 2010 the Council sent a letter to chase progress. In July 2010 the owner contacted the Empty Homes Team to advise that she intended to improve external security and tidy the garden, before dealing with the interior.
- 5.7. A further chasing letter was sent to the owner in November 2010. The owner responded to advise that new gates had been fitted but was unable to give a timetable for the interior works.
- 5.8. Further letters were sent by the Council chasing progress and site visits undertaken throughout the period 2011 to 2014 which confirmed no further works had progressed and the property condition was deteriorating and remained vacant.
- 5.9. In May 2015 a notice under Section 239 of the Housing Act 2004 was sent by the Empty Homes Team to inspect the interior of the property. The owner refused access and an external inspection took place only. The visit showed the rear garden of the property was extremely overgrown. The rear of the property remained in poor condition and showed that no refurbishment had been carried out.
- 5.10. In November 2016 a notice under Section 59 of the Building Act 1984 was served on the owner by the Housing Standards Team due to defective guttering causing rainwater penetration to the adjoining property. The owner carried out works but did not engage with the Council's Empty Homes Team to confirm plans for reoccupation of the property.
- 5.11. A further notice under Section 239 of the Housing Act 2004 was sent by the Empty Homes Team in March 2018 in order to carry out an internal inspection and gather evidence with regards to consideration of compulsory purchase due to the length of time the property had been left vacant and previous lack of engagement by the owner. Again, the owner refused access and did not engage with the Empty Homes Team.
- 5.12. In November 2019 a requisition for information under Section 5A of the Acquisition of Land Act 1981 was sent to the owner. The owner contacted the Council to advise she still intended to reoccupy the property and raise funds to undertake the necessary refurbishment and repair works and asked for extra time to acquire the information requested. A further month was granted. No further correspondence was received from the owner following this conversation.
- 5.13. A further requisition for information under Section 5A was served in August 2020 which led to correspondence with a firm of solicitors (ABH Law)

instructed by the owner. Despite various emails from the Council to ABH Law during 2021, no substantive response has been received.

- 5.14. More recently, ABH Law have confirmed that they remain instructed by the owner and a further and final letter was sent to them on 26 September 2024. This requested the owner to make contact within 21 days, otherwise the Council would have no option but to make a CPO. This resulted in email contact from ABH Law on 14 October 2024 who indicated that the owner intends to put the property on the market. The Council enquired as to whether the owner would be prepared to sell directly to the Council instead. By way of email dated 22 October 2024, ABH Law indicated that the owner was not prepared to sell to the Council and instead has agreed a schedule of works with a builder. In exchange for undertaking the works, the owner would grant a residential tenancy to the builder on completion of the works.
- 5.15. Whilst it is encouraging that the owner is looking to engage a builder, the owner has promised to undertake work on numerous occasions over the past twenty years yet the property remains uninhabitable. The Council would have no control over the arrangement with the builder. As such, by way of email dated 28 October 2024, the Council suggested to the owner that an implementation agreement is entered into which would require the owner to undertake the schedule of works to bring the property back to habitable standard in an agreed timeframe. Alongside this, the Council would make a CPO and in the event it was confirmed, the Council would undertake not to implement the powers in the event the implementation agreement is complied with. Without the implementation agreement, there is no assurance that the necessary works will be undertaken to an appropriate standard in an appropriate timeframe, if at all.
- 5.16. As of 11 November 2024, the owner has not indicated whether she would be prepared to consider an implementation agreement.
- Other than remedial works required to comply with the Building Act 5.17. notice, over the last twenty years there has been no action to improve the property or market it for sale. It is only now that the Council has obtained authority to make a CPO that the owner has renewed her assertions that the property is to be refurbished but the Council has no certainty that this will be done. Failure by the Council to take action now will leave the property to deteriorate further. The property has been the source of vandalism, security issues, missing gutters causing dampness in the adjoining property and there have been numerous complaints from neighbours. Accordingly, its condition has declined and affects the overall appearance of the neighbourhood. However, the property is in a popular location and as such the property should be readily saleable, despite its current condition. The Council has taken steps to encourage the owner to bring the property back into use, however due to the lack of engagement and commitment to date the only way refurbishment and re-use of the property will occur is via a compulsory purchase order.

5.18. The Council has a strong track record in acquiring similar properties and returning to the housing stock and acquisition of the property would support Local Plan Policy LPA04 and the Council's Empty Homes Strategy.

6. BALANCING EXERCISE AND COMPELLING CASE IN THE PUBLIC INTEREST – HUMAN RIGHTS CONSIDERATIONS

- 6.1. The Guidance states that a CPO should only be made where there is a compelling case in the public interest that sufficiently justifies interfering with the human rights of those with an interest in the land affected.
- 6.2. Article 1 of The First Protocol of the European Convention on Human Rights provides that "every natural or legal person is entitled to the peaceful enjoyment of his possessions".
- 6.3. Article 8 of the Convention provides that "everyone has the right to respect for his private and family life [and] his home".
- 6.4. However, these rights are qualified in that they may be interfered with in the general interest and in accordance with the law. As such, the Council has taken a robust balancing exercise between the intentions of the acquiring authority and the concerns of those whose interest in the property it is proposed to acquire has been undertaken.
- 6.5. The owner has family links to the property and has indicated a willingness to renovate the property in the past. However, no works of renovation have taken place and the owner has allowed the property to remain vacant for many years and fall into a state of disrepair, which has acted as a magnet for vandalism, anti-social behaviour and fly tipping. This has impacted negatively on the local residents and community which have suffered living next to this for a prolonged period. It conveys a negative image of the area, it signals decay, it undermines the investment and regeneration of the area to produce a healthy housing market. There is an acute shortage of affordable homes in the borough and tackling empty properties is one aspect of the Council's strategy to address the issue.
- 6.6. Taking into consideration these rights, the Council considers that there is a compelling case in the public interest for the compulsory purchase of this empty property, which is proportionate and sufficiently justifies interfering with the human rights of those with an interest in the property. The Council is therefore confident that the public benefit of such acquisition would outweigh the private loss.
- 6.7. Whilst the owner will be deprived of their property if the Order is confirmed, it will be in accordance with the law (i.e. section 17 Housing Act 1985). The Order is pursued in the public interest as required by Article 1 of the Convention. The public benefits associated with the Order are set out in section 5 of this document. The Council considers that the Order strikes a

fair balance between the public interest and the private rights which will be affected by the Order. The owner shall be entitled to proper compensation for the loss of property in accordance with statute and the compensation code. The Council therefore considers that the Order does not have an excessive or disproportionate effect on the interests of the person affected and is content that the extent of the powers sought in the Order strikes a fair balance between the public benefit and the rights of the individual.

- 6.8. The Order Land is not occupied as a dwelling (or at all), so the Council is satisfied that Article 8 is not engaged.
- 6.9. The Council has considered its duty under section 149 of the Equality Act 2010 and the requirement to have due regard to the need to eliminate discrimination, harassment or victimisation and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not and to foster good relations between persons who share a relevant protected characteristic and those who do not. The Council is satisfied that the promotion of the Order shall not disadvantage any individual or group with protected characteristics or otherwise be the cause of any direct or indirect discrimination within the community.

7. STATEMENT OF THE NO-SCHEME WORLD

- 7.1. Paragraph 196(v) of the Guidance requires a statement justifying the extent of the scheme to be disregarded for the purposes of assessing compensation in the "no-scheme world".
- 7.2. Section 6(A) of the Land Compensation Act 1961 provides that "The noscheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for the compulsory acquisition of the land". Section 6D defines "the scheme" as the scheme of development underlying the acquisition.
- 7.3. For the purposes of this case, the "scheme" comprises the acquisition of an empty property to bring it back into residential use.

8. PROPOSALS FOR USE OR DEVELOPMENT OF THE LAND

- 8.1. On confirmation of the CPO, the property will be acquired by the Council and marketed for sale. The sale will be conditional on refurbishment works taking place within a defined timescale and the property made available for sale or rent in accordance with the Empty Homes Strategy (pages 12 and 13).
- 8.2. There is sufficient budget provision in the Council's Housing enforcement budget to acquire the property and cover any ancillary costs, such as making the CPO, marketing and professional fees, securing the property following confirmation of the CPO pending sale, and any public inquiry (should it be required).

8.3. The costs incurred by the Council in the acquisition and sale of the property will be reclaimed from the proceeds of the sale. Any remaining monies will be passed to the owner subject to receipt of eligible claim (including proof of title) within 6 years of the General Vesting Declaration.

9. STATEMENT OF PLANNING POSITION

- 9.1. The Council's latest evidence of housing need as per the St Helens Strategic Housing Market Assessment (2019) identifies that the greatest need within the market and affordable home ownership sectors is for 2 and 3 bed dwellings.
- 9.2. As such, the proposal is consistent with paragraph 124(d) of the National Planning Policy Framework (2023), which states that planning policies and decisions should:
 - "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...".
- 9.3. This is supported by footnote 50, which provides further clarity in relation to supporting efforts via the use of compulsory purchase powers as follows:
 - "As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate."
- 9.4. At the local level, the proposal contributes to the Strategic Aims and Objectives of the "St Helens Borough Local Plan Up To 2037" (the "Local Plan"), adopted in 2022, including:
- Strategic Aim 1 Supporting regeneration and balanced growth
- Strategic Objective 1.3 To help meet development needs by ensuring the efficient re-use of previously developed land
- Strategic Aim 2 Ensuring quality development
- Strategic Objective 2.3 To contribute to the development of stronger and safer communities by prioritising new development and investment that can benefit those who are disadvantaged
- Strategic Aim 4 Meeting housing needs
- Strategic Objective 4.1 To enable the delivery of sustainable communities by identifying land for a sufficient number and range of new dwellings
- 9.5. In particular, the proposal meets Local Plan Policy LPA04 (Meeting St Helens Borough's Housing Requirement), which is designed to ensure that a sufficient number of dwellings are available in the Borough to meet identified housing needs. Section 2 of the policy states that one of the sources that the housing requirement will be met from will be "windfall development", including sub-division of dwellings and conversions / changes of use. In the reasoned

justification to this policy, paragraph 4.15.17 refers to the re-use of vacant dwellings. It states:

"Council tax data confirms that in October 2017, 936 dwellings in St Helens Borough met the Government criteria for being long term vacant for six months or longer. The Council uses a number of methods in line with its Empty Homes Strategy to enable and encourage private owners to bring vacant dwellings back into use. As a result, the Council has enabled over 400 vacant dwellings to be brought back into use since April 2014. However, whilst this activity makes a contribution to meeting housing needs it must be balanced against the fact that the Council has only limited control over the overall number of vacant dwellings, which is affected by landowner decisions and other factors. For this reason, the housing supply figures in Tables 4.6 to 4.9 do not include an assumed contribution to the overall supply of housing from trends in the number of vacant dwellings."

- 9.6. It is therefore clear that the re-use of vacant dwellings can make a positive contribution to the overall supply of housing, and when they come forward, they are considered as "windfall" contributions towards meeting the housing supply (reflecting the complexities of their delivery overall).
- 9.7. Further, Policy LPA01 (Spatial Strategy), section 3 states that "the re-use of previously developed land ... will remain a key priority".
- 9.8. The proposal is also in accordance with the 2019 Strategic Housing Market Assessment (SHMA). Using the long-standing definition of affordable housing need (i.e. those who cannot afford to access market property), the SHMA identifies an average need for 117 affordable homes per annum to be delivered (2016-2033). Therefore, it is clear that a range of initiatives to make the best use of the existing stock need to be considered, including bringing empty homes back into use.
- 9.9. Planning permission would not be required for refurbishment works to bring the property back into use.
- 9.10. The property is not located within a specific planning regeneration area nor falls within a designated Conservation Area.

10. EXTRA INFORMATION REQUIRED IN SUPPORT OF AN ORDER MADE UNDER PART 2 OF THE HOUSING ACT 1985

- 10.1. The total number of dwellings in the district Council Tax data for October 2023 confirms that the district currently has 83,699 dwellings.
- 10.2. The total number of substandard dwellings (i.e. the quantity of housing with Category 1 hazards as defined in section 2 of the Housing Act 2004)

10% of the St Helens Borough housing stock has 1 or more Category 1 Hazard.

10.3. The total number of households and the number for which, in the authority's view, provision needs to be made

The St Helens Local Plan, informed by the SHMA, recognises an annual net need for an additional 486 homes per year.

10.4 Details of the authority's housing stock by type

- Detached 11.8%
- Semi-detached 41%
- Terraced 30.9%
- Flats/maisonettes 9.4%
- Bungalow 6.5%
- Other annex types, houseboat, caravan 0.4%

11. ANY SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

None.

12. ADDITIONAL CONSENTS REQUIRED

None.

13. GOVERNMENT VIEWS

None expressed.

14. RELATED ORDERS, APPLICATIONS, CONSENTS OR APPEALS ETC MADE UNDER OTHER POWERS

None.

15. COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

16. DOCUMENTS, MAPS, PLANS AND OTHER RELEVANT INFORMATION IN THE EVENT OF AN INQUIRY

- 16.1. In the event of a public inquiry or written representation procedure, the Council intends to refer to or put into evidence the following documents, plans and maps:
 - The St Helens Borough Council (303 Garswood Road) Compulsory Purchase Order 2024
 - St Helens Empty Homes Strategy
 - St Helens Housing Market Needs Assessment
 - St Helens Borough Housing Strategy 2022-27
 - St Helens Local Plan (Up To 2037) July 2022

- The National Planning Policy Framework 2023Guidance on the Compulsory Purchase Process 2024
- The Council may also refer to other documents in order to address any objections made to the Order. 16.2.

