



CPO Report to the Secretary of State for Housing, Communities and Local Government

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Date: 17 September 2019

HOUSING ACT 1985

THE ACQUISITION OF LAND ACT 1981

THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

APPLICATION FOR CONFIRMATION OF

THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

(29 BEECH CRESCENT, BRADFORD)

COMPULSORY PURCHASE ORDER 2018

An Inquiry and inspection was carried out on 6 August 2019

File Ref: APP/PCU/CPOH/W4705/3198809

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29 Beech Crescent, Bradford BD3 0PN

- The Compulsory Purchase Order was made under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981 by the City of Bradford Metropolitan District Council on 31 October 2017.
- The purpose of acquisition is to bring the property back into use for housing.
- The main grounds of objection are that the owner is in the process of renovating the property and wishes to turn it into his family home.
- When the Inquiry opened there were 2 remaining objections.

Summary of Recommendation: The Order be confirmed without modification.

Procedural matters and statutory formalities

1. Mr W Latif was the owner of the property at the time the CPO was made and lodged an objection to the CPO. Subsequently it was sold to his brother, Mr M Farid, who is also an objector. Both parties were present at the Inquiry, with Mr Farid representing himself and his brother. As Mr Latif's objection has not been withdrawn both parties have been treated as qualifying objectors.
2. At the Inquiry the AA confirmed that it had complied with the statutory formalities.

The Order Lands and surroundings

3. The property is a two storey semi-detached house in a cul-de-sac of similar buildings two miles from Bradford city centre. The surrounding area is almost entirely residential. It has a partly built three storey rear extension. The property could be a 5/6 bedroom house depending on the layout adopted.
4. The building has been empty since 2004.
5. At the time of inspection, although some building work has obviously been carried out recently, the building was little more than a shell, and is in an uninhabitable state. Most external windows have been installed, but not finished, and the building does not have any fitted out rooms. It is missing floors/ceilings, internal walls, and finished staircases.
6. The front garden is filled with building materials, which appear to have been in place for many years and are clearly now unusable. The property and its garden have the appearance of a building site. Photographs of the property show the position before the more recent sporadic building works¹.
7. According to the owner, there is no water, electricity or heating, although the gas is said to be connected. (This has not been verified.)
8. Although some other properties in the cul-de-sac are in need of attention, this property is in an externally far worse condition than others in the Crescent and the surrounding area.

¹ Council's Statement of Case (CSOC) Item 2

The case for the Council

9. The property has been disused for many years, and its condition represents a waste of a valuable housing resource and a blight on the area.
10. The current owner of the property, who has been heavily involved with it since well before he acquired it, has not demonstrated that there is any realistic chance that the property will be refurbished and returned to beneficial residential use in the near future. Although limited work has been carried out at the property, this has been sporadic and undertaken on an informal basis.
11. There is a significant demand for this type of housing in the Ward and there is significant overcrowding². The objectors accept that there is a substantial need for housing in the area, and that the subject property could help meet that need.
12. There is a strong policy background to support the making of the CPO. In particular the Housing and Homelessness Strategy 2014-19³ sets out the need to make better use of the existing housing stock and reduce the number of long term empty properties. This is reflected in the Council's Local Investment Plan 2011-20⁴. Overall, there is significant policy support for making the CPO and bringing neglected properties back into beneficial use⁵.
13. This policy has been successful in a number of instances across the area⁶. The Council has used various different mechanisms in order to bring properties back into beneficial use.
14. Specific to this property a proper risk assessment has been undertaken⁷, costs have been calculated and ring fenced⁸, and a schedule of works prepared⁹. These works include windows, doors and the roof, replacement timber floors, fitting a kitchen and bathroom, and a wide range of other work¹⁰.
15. There is no planning impediment which would prevent the property being refurbished and reoccupied¹¹. Planning permission was granted for works to this property along with no.27 and, although the work which has been undertaken appears to vary from the permission, the clear and unchallenged evidence of Mr Ibrar is that such a new permission is likely to be granted.
16. The property would attract market interest if that is the way the matter was progressed by the Council¹². The house has been valued at £90,000 in its condition as at 2017 (internal inspection was not permitted by the owner), and £150,000 after renovation. The cost of the work at that time was estimated to be £53,000.

² Council's Statement of Reasons (CSOR) Paragraph 2 addresses elements of housing need.

³ CSOC Item 7

⁴ CSOC Item 9

⁵ CSOC Items 3, 7, 8,9

⁶ Document 2 shows examples

⁷ CSOC Item 4

⁸ CSOC Item 11

⁹ CSOC Item 12

¹⁰ CSOC Paragraph 7.6

¹¹ Mr Ibrar's evidence

¹² Document 3

17. Overall, there is little confidence that the owner will continue and complete renovation works whereas there is a very good prospect that if the CPO is confirmed it will be returned to beneficial use in a timely manner. There is a compelling case in the public interest to support the CPO.

The objections

18. As set out above, Messrs Latif (the previous owner) and Farid (the current owner) are both qualifying objectors. Their objections, as explained at the Inquiry by Mr Farid, are identical, and are treated in that manner in this report.
19. The intention is the same as it has always been, namely that the property will be refurbished and occupied as a family home. This would include Mr Latif's family, who are currently living in rented accommodation – this is especially unsatisfactory given the difficult medical situation of his son¹³.
20. The original intention was that Mr Latif would undertake the work himself but due to a serious assault on him and its aftermath¹⁴, he was unable to work for a considerable period of time. To this was added his son's condition. Mr Farid, who had been helping him financially and in other respects, acquired the property in June 2018 – but the purpose of the project did not change.
21. Since that time Mr Farid has made every effort to progress the renovation works but various matters, including the availability of finance, have delayed the project¹⁵. The Council, by way of a draft agreement¹⁶ was only prepared to give 12 months for the work to be completed, whereas a period of 18 months would have been more realistic and Mr Farid could not agree to this suggestion.
22. Mr Farid moved into the property in June 2019 and began paying Council Tax as an occupied property¹⁷. As there are no services or facilities, he eats take away food and uses bathroom facilities in a neighbour's house. Nevertheless it is his family home.
23. He now has the funding available, based on a loan from a client, to carry out the works and another family member is progressing the renovation. There is no paperwork but it is estimated that this will finish in early 2020.
24. Confirming the CPO would deny him and his extended family their future home.

Response by the Council

25. There is a danger that there is a 'show occupation' of the property and it must be decided if the property is genuinely in residential use. Given the state of the house and the lack of basic facilities, it cannot be regarded as an occupied house. The fact that the objector notified the Council Tax department and paid tax from the early summer is an automatic process, and is not proof of occupation.
26. It is important to note the accepted fact that Mr Farid has been actively involved in the property throughout, even before he was the legal owner, and was

¹³ Document 6

¹⁴ Document 7

¹⁵ Set out in Mr Farid's statement

¹⁶ CSOC Item 15

¹⁷ Documents 5

- previously acting as his brother's agent when he was not in a position to focus on the property.
27. The Council has set out a very lengthy history of attempts to make contact with Mr Farid and address the issue¹⁸. At best there has been a very limited and often contradictory responses from Mr Farid. Even the numerous requests to allow Council officers to inspect the inside of the property have been met with silence.
 28. Despite all this the Council prepared a draft agreement in October 2018¹⁹. This was a 'win-win' position and would have meant that the Council would not implement the CPO provided the works were completed by a specified date. It would have achieved the Council's objective of getting the property back into beneficial occupation and Mr Farid's objective of providing a family home. Despite reminders, there was no reply from Mr Farid – he stated at the Inquiry that because he did not like the time period in the agreement he did not see any benefit in replying.
 29. With that background and with numerous unfulfilled promises over the years, the CPO is a last resort.
 30. In addition, the Council notes that Mr Farid owns another property in the City (in Thornton) which has stood empty and decaying in a Conservation Area for many years and this has caused much local concern²⁰. At the Inquiry Mr Farid confirmed that he had owned this property since around 2003 and he stated that he was not proposing to do anything with it.
 31. The explanation as Mr Farid's source of funding for the works at Beech Crescent is inconsistent. There was a £40,000 payment into Mr Farid's bank account in June, which was still there at the start of August²¹. This was stated to be an advance from an unnamed client in expectation of obtaining planning permission elsewhere (unspecific). But this is not supported by any evidence and, in any event, it is reasonable to assume that if this unspecific permission is not forthcoming, the client will want the loan repaid. This cannot therefore be regarded as secure funding for the project.
 32. There is inconsistency in Mr Farid's previous statements regarding funding availability. In Mr Farid's objection to the CPO he stated that he had already loaned Mr Latif over £35,000 to do some of the works, and had agreed to loan him a further £20,000. This was not documented. For no clear reason this further loan apparently did not happen but instead Mr Farid purchased the property for £80,000 from his brother. There is no coherent reason why Mr Farid did not simply use the funds which were stated to be available to renovate the property.
 33. Overall, there is no schedule of works, costing, clear evidence of funding, documentary evidence of the appointment of a builder or a timetable for the works. Additionally there has been a history of limited works being carried out and then stopped, and a history of conflicting and difficult communications with

¹⁸ CSOC Items 5 and 6

¹⁹ CSOC Item 15

²⁰ CSOC Item 16

²¹ Document 8

the owner. There can be no reasonable degree of certainty that the works will be completed in a timely manner, if at all.

Inspector's conclusions

The numbers in square brackets [] refer to earlier paragraph numbers.

34. The main considerations in this case relate to:

- The need for housing accommodation of this type
- The condition of the Order property
- The prospect of the reuse of the building by way of the CPO
- The prospect of the reuse of the building without the CPO

The need for housing accommodation

35. The Council has demonstrated a general need for further housing in the City, and a specific need in this area and for this type of property [11]. This is not contested by the objectors, who accept that the property should be returned to use as soon as possible.
36. The authority has set out a wide ranging policy background which supports the making of the CPO, particularly including a Housing and Homelessness Strategy and the Local Investment Plan [12]. It is clear, and uncontested, that there is strong policy support for a CPO of this nature.
37. There are no planning impediments to the reuse of the property for residential purposes. A permitted extension to the property has apparently been built otherwise than in accordance with the approved plans, but it is clear that this could be rectified by the submission of a new planning application [15]. This would be necessary whoever undertakes the renovation of the property.
38. The Council's approach has been successful in a number of instances across the area [13]. The Council has used various different mechanisms in order to bring properties back into beneficial use. The Council has clearly established a housing need and that there is no planning impediment to refurbishment and reoccupation.

The current condition of the Order property

39. Large parts of the interior of the building, including ceilings, internal walls and all fittings, have been removed. To all intents and purposes the building is a shell, although there is a staircase leading to the first floor, which has a floor. There are new windows fitted to most of the openings, although these have not been finished in detail [5-7].
40. During the course of the inspection the room in which Mr Farid apparently stays was observed. This has virtually no furniture and there are effectively no services in the building [7]. Leaving aside the safety implications of staying in a building with exposed wiring and building materials, it is not in such a state as it could be classed as occupied as a dwelling. As the Council explained, the fact that Mr Farid advised the Council Tax department that the building was occupied (and subsequently received a Council tax demand) is an automatic process, and does not prove occupation [22,25].
41. Some works have obviously been carried out in recent months and the appearance of the property from the street has been improved, particularly by

the installation of windows. However there is a very long way to go and the overall appearance of the building and the front garden still resembles a partly abandoned building site [5-7].

42. In its present condition, the property detracts from its surroundings to the detriment of the neighbourhood.

Prospects of re-use for housing by way of the CPO

43. The Council has prepared a schedule of works needed to bring the property back into use, as best they could given that the owner has denied them access [27]. The schedule of works appears to include all major items which would be likely to be necessary, albeit that there would need to be some variations when a detailed survey is possible.
44. A risk assessment has been undertaken and the costs have been calculated and ring fenced to this project [14]. There are no planning impediments [15].
45. The Council persuasively explained the policy background and the financial commitment to undertaking the work. They also explained that they have a flexible approach to using different vehicles to achieve the desired objective. The authority has been successful in securing the refurbishment and reoccupation of empty and derelict properties. Examples have been given [13].
46. Overall, there is a high level of confidence that, if the CPO is confirmed, the Council has the will and the ability to undertake the necessary works and return the property to beneficial occupation expeditiously.

Prospects of re-use for housing without the CPO

47. It is well understood that the very distressing circumstances which befell Mr Latif and his family caused the renovation of the house to stall. That said, his brother Mr Farid appears to have been very actively involved throughout the process, in effect acting as his agent [20, 26]. There was no documentary evidence as to the work undertaken in this early period, nor convincing reasons why Mr Farid was not able to pursue the project with greater urgency, especially given his brother's obvious need for a home. The lack of progress during the previous ownership of the property is a relevant consideration.
48. Once Mr Farid became the owner, there has been some sporadic work at the house. However progress has been very slow and the property is still entirely uninhabitable. There is no schedule of works, timetable or contract for the completion of different stages of the project [23, 33].
49. Mr Farid explained that he preferred to rely on verbal arrangements [23]. But, whilst this is not unacceptable in itself, I share the Council's concern that the work will stall again now that the Inquiry has taken place. Given the knowledge that the Council was pressing for the work to be done, even to the extent of progressing a CPO, it is entirely unclear why Mr Farid did not produce any documentary proof showing progress of the scheme. His response seems to have been to simply not engage with the authority.
50. Specifically his lack of response to the Council's draft agreement does not indicate a willingness to progress the scheme and keep the Council informed. It

is appreciated that he was dissatisfied with the timescale set out therein, but this could have been the subject to a response and negotiations [21, 28].

51. There is a considerable lack of clarity in relation to the funding, both in the past and at present. Whilst Mr Farid's redacted bank statement indicates funds in the account during the summer [23,31] the explanation of the source of these funds was unclear. It seems most likely that, on the basis of the verbal evidence, there is at least a possibility that this loan will have to be repaid – contingent on unspecified decisions elsewhere.
52. I share the Council's concern that the owner has not demonstrated the commitment or funding to bring the property back into active residential use within a reasonable time period, if at all.
53. The current and previous owners have failed to maintain and restore the property to an acceptable standard. There appears to be very limited prospect of the property being brought up to standard and returned to residential use in the absence of compulsory purchase.

Overall conclusion

54. It is recognised that the CPO could interfere with the rights of the owner related to the protection of property. However given the history of this case, it is clear that the use of CPO powers are a last resort and the interference is justified as being outweighed by the public interest in improving the condition of the property and bringing it back into use, having regard to the provisions of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998.
55. For the reasons set out above there is very considerable doubt that, in the absence of compulsory purchase powers, the renovation and reoccupation of the property will proceed to completion. In the agreed position of considerable housing need, this is unacceptable.
56. The compulsory acquisition of this empty house would achieve both a quantitative and a qualitative housing gain. It is concluded that there is a compelling case in the public interest for the confirmation of the CPO.

Recommendation

57. I recommend that the City of Bradford Metropolitan District Council (29 Beech Crescent, Bradford) Compulsory Purchase Order 2018 be confirmed.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mr P Riley-Smith of Counsel	Instructed by Ms S Sheikh, Legal Officer
He called	
Ms I E Frost	Environmental Health Officer
Mr A Ibrar	Senior Planning Officer

THE OBJECTOR:	
Mr M Farid	The Objector

DOCUMENTS

1	List of persons present at the Inquiry
2	Examples of properties brought back into use by the Council
3	Letter (11 April 2019) to the Council related to potential market interest
4	Email (5 June 2019) regarding the valuation of the property
5	Council tax documents (8 July 2019)
6	Letter (31 July 2019) related to Mr Latif's son's condition
7	Letter (1 August 2019) related to the assault on Mr Latif
8	Mr Farid's redacted bank statement 3 June – 2 August 2019 (extracts)