

**DATED: 15 FEBRUARY 2021**

**THE STAFFORD BOROUGH COUNCIL (257 TIXALL ROAD, STAFFORD)  
COMPULSORY PURCHASE ORDER 2021**

**STATEMENT OF REASONS**



This is dated 15 February 2021

## **STATEMENT OF REASONS**

### **1. LIST OF ABBREVIATIONS AND TERMS USED IN THIS DOCUMENT**

- 1.1 **ALA 1981:** the Acquisition of Land Act 1981.
- 1.2 **CPO:** any compulsory purchase order which may be made by the Acquiring Authority pursuant to its powers under the Housing Act 1985 to acquire the CPO Land.
- 1.3 **CPO Land:** the land shown edged red on the CPO map appended to the CPO.
- 1.4 **Secretary of State:** the minister or authority (or any successor office) or any person appointed by him and / or having authority to act on his behalf or any person entitled to exercise powers conferred upon him to confirm the CPO.

### **2. BACKGROUND TO THE CPO**

- 2.1 Stafford Borough Council of Civic Centre, Riverside, Stafford, Staffordshire ST16 3AQ (**Acquiring Authority**) has made the CPO under section 17(1)(b) of the Housing Act 1985 (as amended).
- 2.2 The purpose of the CPO is to facilitate the return of the CPO Land to residential use.

### **3. DESCRIPTION OF THE CPO LAND**

- 3.1 The CPO Land is situated in Stafford, Staffordshire and comprises the freehold land and property at 257 Tixall Road, Stafford, Staffordshire ST16 3XS. The CPO Land is not registered at HM Land Registry.
- 3.2 The CPO Land is an unoccupied three-bedroomed semi-detached house built between circa. 1920 and 1945. It is located approximately one mile from Stafford town centre.
- 3.3 There are no buildings which are listed on the CPO Land and the CPO Land is not located within a Conservation Area.
- 3.4 The extent of the CPO Land is illustrated on the CPO map appended to the CPO.

3.5 The land proposed to be acquired is shown edged red on the CPO map.

#### **4. PURPOSE OF THE CPO**

4.1 The purpose of the CPO is to facilitate the return of the CPO Land to residential use and therefore achieve a quantitative and qualitative housing gain.

4.2 The CPO Land will be offered by the Acquiring Authority for disposal to the private sector by auction sale. The CPO Land will be sold subject to appropriate covenants to ensure that the CPO Land is fully renovated and reoccupied within a defined timescale.

#### **5. THIRD PARTY INTERESTS IN AND RIGHTS OVER THE CPO LAND**

5.1 The Schedule to the CPO lists all parties with a qualifying interest in the CPO Land as defined by section 12(2) of the ALA 1981

5.2 The CPO Schedule has been prepared following extensive inquiry by the Acquiring Authority based upon information gathered through inspection of Land Registry documents, site inspections and enquiries.

5.3 There is no land within the CPO land that is owned by another local authority, by the National Trust or which forms part of a common, open space land or fuel or field garden allotment.

#### **6. JUSTIFICATION FOR CPO**

6.1 The Acquiring Authority understands that the owner of the CPO Land moved into a residential care home in 2005 and the CPO Land has remained empty since that date. The owner of the CPO Land died in 2013. The Acquiring Authority has attempted to contact the CPO Land owner's son (who is the only known next of kin). The Acquiring Authority understands that the owner's son resides in South America. The Acquiring Authority has been unable to make contact with the owner's son. Staffordshire County Council have advised the Acquiring Authority that they also lost contact with the owner's son in 2013.

6.2 There is a caution against first registration lodged against the CPO Land at HM Land Registry by Staffordshire County Council in respect of a legal charge which they hold over the CPO Land relating to the costs of providing residential care for the deceased owner.

- 6.3 The CPO Land has been unoccupied since 2005. The Council has received complaints from local residents about the CPO Land. These complaints relate to:
- (a) the unkempt and overgrown front and rear gardens;
  - (b) trespassers entering onto the CPO Land;
  - (c) concerns that the CPO Land will continue to attract anti-social behaviour or squatters.
- 6.4 The house on the CPO Land has had windows broken at the front and rear. In 2019 and 2020 the Acquiring Authority has exercised its powers under the Local Government (Miscellaneous Provisions) Act 1982 to secure the house on the CPO Land and board up the broken windows.
- 6.5 Given the history of the CPO Land, the Acquiring Authority is of the opinion that the compulsory purchase of it is now the only way of bringing it back into use.
- 6.6 Empty properties can fall into disrepair and attract pests, graffiti and litter and become a target for anti-social behaviour, vandalism, squatting and arson.
- 6.7 The Acquiring Authority believes that there is a need for housing in the Stafford district. Empty private sector homes, if brought back into use, will help to meet the demand and need for homes.
- 6.8 There are approximately 62,143 homes in Stafford Borough<sup>1</sup>, of which 3.15% are reported as empty. This compares unfavourably with the Staffordshire regional and national averages of 2.62% and 2.65% respectively. The number of empty homes in Stafford Borough has increased by 16.8% between 2013 and 2018; from 1,680 empty homes in 2013 to 1,962 empty homes in 2018. The Acquiring Authority's "Empty Homes Strategy 2019 – 2024" highlights the need for the Acquiring Authority to bring long term empty properties back into residential use.
- 6.9 Empty private sector homes, if brought back into use, will help to meet the demand and need for homes.
- 6.10 The Acquiring Authority's Housing Strategy sets out that the Acquiring Authority will work with owners of empty properties to bring them back into use.

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<sup>1</sup> As at 2019: See <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> (Tables 125 and 615)

- 6.11 The Acquiring Authority believes that there is a compelling case in the public interest to acquire the CPO Land to assist in meeting housing needs. The Acquiring Authority also believes that this course of action is further supported by the local residents as the empty home has had a negative impact on the community. The Acquiring Authority therefore believes that the refurbishment and reoccupation of the CPO Land will be in the public interest and will bring community, safety and environmental benefits to the local community.
- 6.12 Following Cabinet approval at a meeting held on 16 January 2020, the Acquiring Authority made the CPO under section 17(1)(b) of the Housing Act 1985 (as amended).
- 6.13 The Acquiring Authority considers that in line with the requirements of section 17(1)(b) of the Housing Act 1985 that the land proposed to be compulsorily acquired will facilitate the provision of housing accommodation.
- 6.14 In pursuing this CPO the Acquiring Authority has carefully considered the balance to be struck between individual rights and the wider public interest. Regard has been taken, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (First Protocol). The Acquiring Authority has also given regard to Articles 6 and 8 of the First Protocol.
- 6.15 The CPO will affect the Article 1 rights of owners if confirmed by the Secretary of State. However, there will be no violation of those rights as the Acquiring Authority is content that the steps taken are in the public interest and lawful as required by Article 1 of the First Protocol. Any owners directly affected by the CPO will be entitled to compensation as provided by law, such compensation to be settled in the absence of agreement by the Upper Tribunal of the Lands Tribunal.
- 6.16 All those affected by the CPO will have the opportunity to make objections before a decision is made on whether or not the CPO should be confirmed. A right of legal challenge exists to this process in accordance with section 23 of the ALA 1981. Any dispute as to compensation payable will be determined by the Upper Tribunal of the Lands Tribunal.
- 6.17 The Acquiring Authority will not be denying any relative of the deceased owner a home given that the CPO Land has been unoccupied since 2005. The Acquiring Authority considers that the benefits that bringing the CPO Land back into residential use provides a compelling case in the public interest for the use of compulsory purchase powers and outweigh the impact on the present owners. In these circumstances, the compulsory acquisition of the CPO Land will not conflict with Article 8 of the First Protocol.

6.18 The Acquiring Authority is satisfied for the reasons set out that the CPO can lawfully be made.

## 7. DELIVERABILITY

The Acquiring Authority has funding in existing budgets to enable it to exercise its compulsory purchase powers as set out in this statement of reasons. This funding will enable the Acquiring Authority to complete the compulsory acquisition within the statutory period following confirmation of the CPO.

## 8. ADDITIONAL INFORMATION

8.1 For any enquiries related to the CPO the points of contact at the Acquiring Authority are:

Name	Further information	Telephone	Email:
Charlotte Birks	General queries concerning the CPO	01785 619384	<a href="mailto:cbirks@staffordbc.gov.uk">cbirks@staffordbc.gov.uk</a>
Neil Rawlings	Legal queries concerning the CPO	01785 619223	<a href="mailto:nrawlings@staffordbc.gov.uk">nrawlings@staffordbc.gov.uk</a>

## 9. DOCUMENTS

9.1 This statement of reasons is not intended to be a statement required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990.

9.2 The following documents have been deposited at the Acquiring Authority's Offices at Civic Centre, Riverside, Stafford, Staffordshire ST16 3AQ:

- (a) CPO (including CPO Schedule).
- (b) CPO map.

And are available to inspect on the Acquiring Authority's website: [www.staffordbc.gov.uk](http://www.staffordbc.gov.uk).

Copies will also be provided on request (by post or by email) from the points of contact listed above.

**PHOTOGRAPHS OF THE CPO LAND**









