

THE REGULATIONS

Local authorities have a range of powers to tackle empty and derelict buildings but these are complex and little known even within councils, let alone among the wider community.

Section 215 Town and Country Planning Act 1990	to deal with derelict land and buildings that are undermining the amenity of the local area.
Sections 76-79 of the Building Act 1984	for defective premises, dangerous buildings, ruinous and dilapidated buildings and neglected sites.
Section 29 of the Local Government (Miscellaneous Provisions) Act 1982	for works on unoccupied buildings to secure the premise to prevent unlawful access or prevent it becoming a danger to public health.
Sections 79-82 of the Environmental Protection Act 1990	for abatement or prohibition of a substantial and unreasonable nuisance (eg offensive trades, obstructing the highway, noise, etc).
Empty Dwelling Management Order, created by Housing Act 2004	to seek approval from a Residential Property Tribunal to bring an empty home into use. Amended in 2011 so the property must have been empty at least 2 years as well as being heavily vandalised or actively used for antisocial purposes.
Completion Notice in Town & Country Planning Act 1968	where development has begun in accordance with planning permission but has not been completed, is adversely affecting amenity and the Council consider it will not be completed within a reasonable period. The notice states that the planning permission will cease to have effect at the expiration of a period, which is not less than 12 months after the notice takes effect.
Compulsory Purchase Order, using either Part 8 Planning & Compulsory Purchase Act 2004 or Section 47 Planning (Listed Buildings and Conservation Areas) Act 1990	The relevant legislation must be used but in either case the procedure is similar and there must be "a compelling case in the public interest". Owners or occupiers can challenge this, and their objection will be heard by an independent Inspector.

TYPES OF NOTICE

SECTION 215 NOTICES	URGENT WORKS NOTICES	REPAIRS NOTICES
To secure improvements to external visible appearance of land or a building	To secure immediate works to arrest deterioration	To specify repairs for the long-term preservation of the building
A statement of the local authority's requirement for the owner or occupier to remedy the condition of their land or building	A statement of the local authority's intent to carry out works itself (and to reclaim the costs from the owner)	A statement requiring the owner to carry out full repair of the building and preliminary to compulsory purchase
Local authority can carry out works itself (under section 219)	Local authority can carry out works itself	Local authority cannot itself carry out the works specified in a Repairs Notice
Can be served on any land or building whether designated or not	Can be served on any listed building and on unlisted buildings in conservation areas with the Secretary of State's permission	Can be served on any listed building but cannot be served in relation to unlisted buildings in conservation areas
Can be served on any land or buildings whether occupied or vacant	Can only be served on unoccupied buildings or parts of buildings not in use	Can be served in relation to occupied or vacant buildings

Referring to a research report from 2000, the Government's Best Practice Guidance in 2005 suggested that "practical examples in the imaginative and effective use of s215 needed to be disseminated... to encourage greater use of the power... Difficulties in the use of the power seem to arise from infrequent use and lack of experience rather than complexity or lack of scope of the legislation." This remains an urgent need for all of these enforcement mechanisms.