

**PORTFOLIO HOLDER FOR HOUSING & PLANNING AND
PORTFOLIO HOLDER FOR ASSETS & COMMUNITY SAFETY**

23 September 2025

REPORT OF THE CORPORATE DIRECTOR FOR PLANNING & COMMUNITY

A. FREEHOLD SALE OF A RESIDENTIAL PROPERTY IN BRADFIELD BY AUCTION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval from the Portfolio Holder to agree the freehold sale at Auction of a three bedroom property in Bradfield that is of non-standard construction and requires substantial structural and maintenance work.

EXECUTIVE SUMMARY

On the 3 May 2024 a decision was taken to initiate the Property Dealing Procedure to consider the disposal of a property in Bradfield. The decision was made based on the structural condition of the property and the amount of funds required to repair and refurbish or rebuild the property to bring it up to standard. Both housing budgets and officer time are subject to high demand and practical disposal of this property is considered the best use of these resources, with the opportunity to use the funds received towards a more suitable alternative property.

The property in Bradfield is of non-standard construction (Airey house) deemed as 'defective' under the 1985 Housing Act. This means that lenders are reluctant to offer mortgages for this type of property unless repair works are done and PRC certification is provided. Therefore, disposal of the property at Auction is the quickest and most feasible solution.

RECOMMENDATION(S)

It is recommended that:

The Portfolio Holder approves disposal of the property in Bradfield at Auction.

REASON(S) FOR THE RECOMMENDATION(S)

The structure of the property has exceeded its life span and extensive works would have to be carried out to the structure as well as full refurbishment to bring the property back to a condition suitable to meet the standard for housing stock. In the current condition the property is uninhabitable and unlikely to be mortgageable therefore sale at Auction is most practical.

The Council's Housing Asset Management Plan notes that a considered approach is taken to disposal of stock that is disproportionately costly to repair or upgrade to an appropriate standard.

ALTERNATIVE OPTIONS CONSIDERED

The following options were considered and eliminated:

- Do nothing: the property will continue to deteriorate causing nuisance to neighbours; this will also have a negative impact on the Council's reputation
- Repair and refurbish: this has a significant capital cost and resource implications and is disproportionate to a single three-bed property in this area.
- Demolish and redevelop: this has a significant cost and resource implications, along with likely party wall complications. The cost of demolishing and rebuilding a single house is significantly more expensive than carrying out a small development of properties where the higher scale can bring down the cost per unit. In this instance with just a single property, the investment cannot be justified.
- To sell the property on the open market via an estate agent: Due to the likely unmortgageable nature of the property, sale in the open market is more complicated, both in finding a purchaser and in showing best value.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This decision supports the following priorities in the Corporate Plan 2024 – 2028:

- Pride in our area and services to residents
- Financial sustainability and openness

The Council's Housing Asset Management Plan includes a considered approach to housing stock which requires a significant amount of investment to repair or refurbish to a suitable standard. With disposal of property requiring a significant outlay, in order for receipts to be invested in more suitable property.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The ward member and the tenants' panel have been consulted. No concerns have been raised in respect of the disposal process.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☒ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	20 August 2025

The Powers to provide and deal with social housing land and property are provided by the Housing Act 1985 and accordingly this land is held under Pt II of that Act.

Section 32 of the Housing Act 1985 gives the Council discretionary power to dispose of land held under Part II of that Act provided that the consent of the Secretary of State is given.

Section 44 of the Act provides: “(1) A disposal of a house by a local authority made without the consent required by section 32 or 43 is void, unless—

(a) the disposal is to an individual (or to two or more individuals), and

(b) the disposal does not extend to any other house.”

The General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2013 provides that:

“...A3.1.1 A local authority may, subject to paragraph 3.1.2, dispose of land for a consideration equal to its market value...

A3.2 A local authority may dispose of vacant land.

A3.3.1 A local authority may dispose of an unoccupied dwelling-house to a person who intends to use it as their only or principal home subject to paragraphs 3.3.2 to 3.3.4....”

In this case the rationale for the proposed disposal is the non-standard construction and extensive work necessary.

It is not considered that this disposal is covered by the General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2013 for the following reasons:

1. The land would not be considered vacant for the purposes of paragraph A3.2 as although the dwelling-house is not currently habitable and it is not the Authority’s intention to demolish it before sale, a purchaser could choose to refurbish it.

2. Under paragraph A3.3.1, whilst there are no secure tenancies and no right to buy discounts will be applied, in selling the property at auction, the Authority cannot say definitively that the purchaser will acquire it with the intention of it being their only or principal home.

In order to request approval, a formal decision to sell in accordance with the Council’s Constitution has to be provided.

☐	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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FINANCE AND OTHER RESOURCE IMPLICATIONS

The financing of the HRA is ring fenced from the general fund and is established to be self-sustaining within the context of the 30 year business plan.

Funding and other resources for a repair/refurbishment project would be drawn from within the Housing Investment Programme and revenue repairs budgets. These budgets and

corresponding staff resources are already at full stretch and demand is increasing due to the onset of regulation of the sector, legislative and regulatory requirements and increasing claims.

Given the pressing need to invest in the wider stock the disposal of this individual property is a pragmatic way to prioritise the use of current resources and achieve some level off capital receipt to contribute to the acquisition of more modern property or improvement of existing ones.

The nature and condition of the property means that it is uninhabitable and unmortgageable therefore an auction disposal is recommended.

☐	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council operates a 30 year business plan for its housing functions, this sets a framework for decisions on expenditure and other resources. The disposal will relieve the Council from any financial and resource implications.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council has a constitution and scheme of delegations, which ensure that the decision has the best interest and minimal risks to the Council. This decision is also in line with the Council's Housing Asset Management Plan
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Careful consideration of the cost of refurbishment has been given in coming to the recommendation to dispose, in order for resources to be better used elsewhere.

MILESTONES AND DELIVERY

Subject to decision, an application can be submitted to the Secretary of State for permission to dispose of the property. If this is agreed, the disposal can be progressed by the auctioneer and the solicitors for the parties. Auctions are typically held once a month, with a 4 – 6 week lead time and completion 28 days after the date of the auction.

ASSOCIATED RISKS AND MITIGATION

There is a risk that the property won't sell at auction. Should this be the case, the Council will still be the freehold owner of the property and can choose to try again at another auction, or find an alternative disposal route.

EQUALITY IMPLICATIONS

It is not considered that the disposal has any implications on equality.

SOCIAL VALUE CONSIDERATIONS	
It is not considered that the disposal has any impact of social values.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
It is in the best interest of the Council to regularise the position on assets and property prior to a new organisation taking over.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
The disposal itself has no effect on the emission or absorption of carbon dioxide.	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Vacant and derelict properties can be targets of anti-social behaviour, the disposal of this property should have a positive effect in relation to crime and disorder.
Health Inequalities	The disposal will have progressive effect in relation to the health of people in the local area.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	There are no proposed subsidies.
Area or Ward affected	Stour Valley Ward

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The property in Bradfield is a three bedroomed semi-detached Airey house with substantial grounds. The adjoining property is privately owned and has had new external walls added. Airey Houses are mid twentieth century structures formed of precast concrete columns and panels. Surviving examples have significantly exceeded their design life of 20 years. Work was begun as a void reinstatement but during the initial stages of the work structural and other issues discovered. Significant financial and staff resources would be required to bring the property into a useable state. Such resources are stretched and the resulting property would still be a limited life non-standard structure. The necessary work to bring the building to an inhabitable state in line with social housing expectations are: • Repair of concrete columns. • Structural alteration needs repair.

- Holed and loose concrete planks to be replaced.
- Fire separation to the adjoining dwelling
- Full insulation and relining of external walls needed.
- Internal wall replacement required.
- Roof tiling needs to be replaced.
- Structural system must be regarded as limited life.
- Renewal of wiring.
- Removal and refitting of heating and bathroom.
- New kitchen and flooring throughout.
- Driveway, outbuilding and grounds repairs.

PREVIOUS RELEVANT DECISIONS

03 May 2024 – [Initiation of the Property Dealing Procedure in relation to the potential disposal of 11 Windmill Road Bradfield](#)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

REPORT CONTACT OFFICER(S)

Name	Nina Ferster
Job Title	Assets Surveyor
Email/Telephone	nferster@tendringdc.gov.uk 01255 686938