



Empty Homes Strategy 2023 – 2028

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1. Introduction



1.1 The nature and extent of the problem

1.11 Empty properties are a waste of scarce resources, whilst also contributing to urban decline. They are linked with, and contribute to, a range of associated problems such as:

- A reduction in capital value of the empty property, and neighbouring properties,
- An increased rate of deterioration and decline in the fabric of the building,
- An increased vulnerability to vandalism, squatting and anti-social behaviour, and Neighbourhood blight.

1.12 Empty properties are therefore directly detrimental to both public and individual finances, and to the day-to-day conditions in the neighbourhoods in which we live. In bringing empty properties back into use there are benefits to:

- Individuals - prospective purchasers and tenants - by increasing housing availability and choice – addressing housing need and preventing homelessness by making more housing available.
- The community, by improving the local environment.
- Owners and landlords, by improving the condition of the property and turning it into a productive asset.

1.2 The National Picture

1.21 There are currently around 124,000 empty dwellings receiving an empty dwelling premium or reduced council tax rate in England, compared to 122,000 in 2020 [1]. This is a year on year increase following a decline in empty properties of this type from 2017 – 2019 [1].

1.22 The number of empties has reduced dramatically since 2013, when councils were given powers to charge a 50% premium on Council Tax bills. The vast majority of councils currently apply a 50% premium on long-term empty homes [2].



1.3 The Local Picture



1.31 There are currently 3359 known long-term privately owned empty properties in Sandwell as of March 2022.

1.32 Sandwell has had success in bringing many empty properties back into use through advice and persuasion. However; there are a considerable number of empty property owners who are unreceptive to this that have been empty for many years and that are in a dilapidated condition where the advice and persuasion approach has failed.

1.33 The intended purpose of this strategy is to develop more pro-active solutions to empty properties across our borough to utilise a wasted resource and reduce the impact of empty homes on surrounding communities.

Definition of a long-term empty property

1.34 An empty property that has been empty for six months or longer is considered to be a long-term empty. Any property that has been empty for two years or longer may be subject to automatic sanctions, such as elevated council tax charges.

Established action - Empty Homes Premium

1.35 Section 11B of the Local Government Finance Act 1992 was introduced by Section 12 of the Local Government Finance Act 2012 and allowed for local authorities to charge an additional 50% Council Tax where properties had remained empty for a period of 2 years or more.



Legislation introduced by the Rating (Properties in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 on 1st November 2018 allows for councils to increase the levels of the premium as shown below. This is undertaken by Sandwell Council's Council Tax Team.

Date of change	Empty period	Additional amount on top of normal empty charge	Total Council Tax charge
1 April 2019	Two or more years	100%	200%
1 April 2020	Five or more years	200%	300%
1 April 2021	Ten or more years	300%	400%

This action is established and in addition to the proactive work that is planned in this strategy.

More information at:

[Sandwell.gov.uk/info/200207/council_tax/4270/paying_council_tax_on_empty_properties](https://www.sandwell.gov.uk/info/200207/council_tax/4270/paying_council_tax_on_empty_properties)



2 Aims and Objectives of the Empty Property Strategy

The '200 homes' plan



Bringing 200 family homes back into use in 5 years

2.1 The Council has identified empty properties as one of its key priority areas in relation to Private Rented and Owner-Occupied housing. The priority to be given to Empty Properties is reflected in the following performance indicators that have been established by the government as a means of assessing and bench marking the progress made by council's in dealing with empty homes.

2.2 Over the course of the strategy the council intends to bring back into use 200 long-term empty domestic properties that can be used for housing families in Sandwell.

2.3 As part of our monitoring of the homes brought back into use, the number of bed spaces from these homes will also be counted.

Year 1 – 20 homes brought back into use.
Year 2 – 30 homes brought back into use.
Year 3 – 50 homes brought back into use.
Year 4 – 50 homes brought back into use.
Year 5 – 50 homes brought back into use.



Achieving the '200 homes' plan

Identified Need	Action	Outcomes
<p>Ensuring resources are in place to achieve targets.</p>	<p>Recruitment of an Empty Property Officer, creation of new strategy and financing for loans and enforcement action made available.</p>	<p>A dedicated officer who can engage with empty property owners, assess cases to plan and action the most appropriate interventions.</p>
<p>Finding suitable long-term empty homes.</p> <p>Identification the empty homes that are right for intervention.</p>	<p>Work with council tax records, on site staff and members of the public reporting empty homes. Identify cases from records and cases from previous intervention.</p>	<p>A database of suitable long-term empty homes that can be effectively targeted to bring back into use.</p>
<p>Making empty homes available for families in Sandwell.</p> <p>Ensuring a robust strategy to bring empty homes back into use.</p>	<p>Ongoing case work to ensure KPIs are achieved utilising encouragement and enforcement strategies.</p>	<p>Targets</p> <p>22/23 – 20 properties back into use</p> <p>23/24 – 30 properties back into use</p> <p>24/25 – 50 properties back into use</p> <p>25/26 – 50 properties back into use</p> <p>26/27 – 50 properties back into use</p> <p>We will also report on the number of bed spaces made available.</p>



<p>Getting the word out.</p> <p>Greater knowledge to be made available around empty property powers and council strategy to bring empty homes back into use.</p>	<p>Awareness raising within SMBC.</p> <p>Awareness raising externally.</p>	<p>Increased knowledge and agreed referral procedure with other teams.</p> <p>Engage with planning and Environmental Enforcement on use of their powers.</p> <p>Presentation to other teams in team meetings.</p> <p>Increased knowledge within external agencies.</p> <p>Posters.</p> <p>Work with Communications Team.</p>
<p>Ensuring people can reach us.</p> <p>Improved options for reporting of empty properties.</p>	<p>Update SMBC and Housing Strategy web site with EPS and simplified contract forms.</p>	<p>High quality information on web site and social media with simple contact forms.</p>
<p>Better options for empty property owners.</p> <p>More detailed and supportive advice and guidance for empty property owners.</p>	<p>Develop advice / information package for owners</p> <p>Work with Educate and Engage teams to assist landlords to reuse empty properties through CBL.</p>	<p>Investigate and prepare draft quality information package</p> <p>Printing and distribution</p> <p>Lease scheme</p>



<p>Using enforcement powers effectively for maximum impact.</p> <p>Ensuring that resources are used for their greatest impact.</p>	<p>Triaging cases effectively and utilising powers and enforcement resources to target the most troublesome empty properties that have the least likelihood of resolving without enforcement action being taken.</p> <p>Council tax elevated charged are levied against empty properties that have been empty for two years or longer.</p>	<p>The removal of long-term empty properties back into use where long case histories and well documented impact has been established.</p>
<p>Targeting the big issues.</p> <p>Progression of long standing empty property cases.</p>	<p>Utilising funding and enforcement powers to offer empty property owners opportunities as well as ensuring compliance through enforcement powers.</p>	<p>Successful homes brought back into use through advice, negotiation, loans and where needed enforcement action pursued utilising Housing Act enforcement powers and civil penalties where appropriate.</p>
	<p>Attendance and active engagement in Regional Empty Property Officers Forum</p>	<p>Sharing best practice</p>
<p>Staying relevant and at the forefront.</p> <p>Ensuring Sandwell is involved regionally with other authorities to learn and collaborate on new ways to bring empty homes back into use.</p>	<p>Attendance and active engagement in Regional Empty Property Officers Forum</p>	<p>Sharing best practice and collaboration at a regional level.</p>



<p>Feedback and communication on empty property work.</p> <p>Greater awareness of council achievements.</p>	<p>Maintain, update and continually improve Empty Property database.</p> <p>Ensuring timely and relevant press releases and media/website posts.</p>	<p>Accurate reports for performance monitoring and continuous improvement.</p>
	<p>Quarterly and biannual performance reports</p>	<p>Better reporting of empty property work and achievements made.</p>



3 Empty Property Enforcement Powers

Ensuring that empty properties are tackled effectively in Sandwell



How we use our powers

Empty property power	When we may use this power	Risks associated with this power	Opportunity associated with this power	Outcome
<p>Elevated Council Tax Charges</p> <p>Removal of financial advantages of leaving homes empty.</p>	<p>Empty properties that are empty for longer than two years.</p> <p>Elevation of council tax is considered on a case by case basis by the council tax team and may be changed by the valuation office.</p>	<p>Some empty property owners are not traceable and so debts build on properties anyway. Other owners are happy to pay the elevated charges.</p>	<p>This is an effective tool that encourages owners to bring properties back into use and where properties remain empty, the cost of managing them through public services can be financially compensated by elevated charges.</p>	<p>Less properties are left empty and where they are, there is a compensation for the extra costs involved in managing their impact.</p>
<p>Notification and negotiation</p>	<p>This is the first step in any empty property case. The council will engage with the owner to discuss options, notify them of the impact that</p>	<p>The property owner might be non-responsive, or may better manage the property, but not bring the property back into use.</p>	<p>Negotiating with the owner allows the opportunity to get a problem solved at low resource cost and without a greater cost to the owner.</p>	<p>Some properties will be better managed, some may become occupied sooner. Not all owners will be responsive and so cases will be triaged for</p>



	<p>the property is having and work with them to better manage the property and hopefully bring the property back into use.</p>	<p>The council will need to balance the resources it has against the urgency of each case. Properties that are unmanaged and causing the greatest impact will be prioritised.</p> <p>Sometimes a genuine reason can prevent a property becoming occupied that can stall a case for a long time. It is sometimes difficult to be able to explain the situation effectively to third-parties due to GDPR.</p>		<p>more formal action where owners do not cooperate.</p>
Grants and loans	<p>Where the council identifies an empty property owner who seems to be willing to bring a property back into use but has genuine financial issues in doing so may be able to utilise grants and loans provided by the council to assist with bringing the property back into use.</p> <p>Owners would repay the loans from rent or sale of the property.</p>	<p>The owner may utilise the loan and not succeed in making the property fully habitable.</p> <p>Contractors may not complete the work within the required budget.</p>	<p>The money can be recycled to other owners when repaid, creating a cycle of positive intervention that is sustainable and effective.</p>	<p>Owners of empty properties enabled to get works completed to enable letting or selling a property with the money returning to the council to recycle for other owners.</p>
Enforcement against untidy land and buildings	<p>Where domestic empty properties are left to deteriorate with untidy land and buildings, the</p>	<p>The owner may be difficult to trace or may tidy the land and building but leave the property empty.</p>	<p>Many empty property complaints are caused by the appearance of empty homes. The use of this power gives</p>	<p>Better managed empty homes.</p>



	council will take action against owners using planning enforcement powers shared between the Planning Enforcement Team and the Empty Property Team to serve notice and prosecute.		communities a short-term win in seeing an empty building cleaned up, allowing the council to work long-term on getting it brought back into use.	
<p>Compulsory purchase orders (CPOs)</p> <p>The council purchases the property with or without the consent of the owner in order to bring the property back into use.</p>	Where there is no traceable or cooperative owner and no other viable option to bring the property back into use.	The process is very long and expensive. It can drain general resources and prevent other empty property work.	The property will be brought into council ownership guaranteeing it being brought back into use.	Property will most likely to sold to a developer with a caveat on how and when the property will be renovated and occupied.
<p>Empty Dwelling Management Orders (EDMOs)</p> <p>The council takes control of the empty property for 7 years, renovating and letting it, then returning to the owner after the order period ends.</p>	Where there is known ASB and significant works are required to bring the property back into use where the owner is unable or unwilling to.	The council will not ever own the property and may lose money on the cost of renovation as the lease period is restricted to 7 years. Any profit must be passed back to the owner. There is no guarantee the owner will keep the property occupied after the lease ends. Tenants would need to vacate after the 7 years if the owner wishes.	The property is under council control for 7 years giving a resource for homeless cases. The property will be in a lettable state when it returns to the owner, increasing the chances they will choose to let or sell it.	The property will be renovated to a liveable standard. The council should regain most of the costs from the rent. The property is then in a liveable condition for the owner to sell or let when the order period ends.
<p>Housing Act 2004 HHSRS enforcement.</p>	If the owner of an empty property is known and there	The owner may carry out the works and still not reoccupy the property or sell it.	Ensuring that the property is in a fit and habitable state, this vastly increases	The empty property will be in a condition that it can be



<p>The council can make the owner of an empty property carry out renovation work to make a property safe to live in within a certain time period. The council can serve penalty notices if the owner fails to carry out the work.</p>	<p>are a number of works that need to be completed to bring the property back into use.</p> <p>This will be considered to be used where considered appropriate and where available resources allow.</p>		<p>the likelihood that the owner will then better manage the property as they have invested time and money into making it safe.</p>	<p>immediately let or sold. This vastly increases the chances that the owner will bring the property back into use.</p>
<p>Enforced sales procedures</p> <p>This power enables the enforced sale of a property to recoup debt charges.</p>	<p>Where there are debts on the property by way of charges from the council (such as council tax debt).</p> <p>This will be considered to be used where considered appropriate and where available resources allow.</p>	<p>The debts are rarely large enough to be able to justify to a court or judge that an order is the correct avenue to bring an empty property back into use.</p> <p>The property would be sold at auction with the council never owning it so would not be able to control who bought it or what they then chose to do with it, or not do with it.</p>	<p>The sale of the property is likely to spur renovation and occupation by the new owner.</p>	<p>Usually the sale of a property would mean a developer or new occupier who would bring the property back into use and better manage it. It is rare that someone buys a home and does nothing with it.</p>
<p>Dangerous structures</p> <p>A power to manage structures that have become dangerous.</p>	<p>Where an empty property has become structurally dangerous, a repair or demolish notice can be served and acted upon.</p> <p>This will be considered to be used where considered appropriate and</p>	<p>The powers are limited to making the building safe and may mean removing parts that make the building less likely to be occupied again.</p>	<p>If the building is removed, the land can become more valuable for a developer and removes the issues related to the current empty dwelling.</p>	<p>Either a cleared strip of land or a partly demolished structure. If the latter has happened, a CPO may be considered.</p>



	where available resources allow.			
<p>Power of Entry</p> <p>Power to enter empty properties</p>	<p>Where needed, the council can gain entry to empty properties for examination or to make the property safe.</p> <p>This will be considered to be used where considered appropriate and where available resources allow.</p>	<p>Such action can upset owners and break down relationships. The council should always seek to work with an empty property owner first.</p>	<p>Examination of the building allows the council to value the property and assess its condition to ensure they make the right decision in how they will work to bring the property back into use.</p>	<p>The council will be in a better position to make an assessment on how best to address the issues and barriers preventing the occupation of the empty property.</p>
<p>Unsecured properties</p> <p>Securing compromised ground floor openings.</p>	<p>Where an empty property is open to the highway, so that a person could walk into the building from the street without having to climb over gates or fencing, or open a door or window, the council can require the building is secured and take action if the owner fails to do so. It may also be used to fix a dangerous element such as a flood or leak etc.</p> <p>This will be considered to be used where considered appropriate and</p>	<p>The power is more of a management tool than a power to bring empty properties back into use.</p>	<p>The power assists in reducing crime and anti-social behaviour and encourages the owner to take more responsibility of their building.</p>	<p>The empty property will be secured against unauthorised access and/or prevented from being dangerous to the public.</p>



	where available resources allow.			
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The legislative detail



3.1 Compulsory purchase orders (CPOs)

3.11 Under the Housing 1985 Section 17, where there appears to be no chance of a domestic property being brought back into use, a local authority can take action to make compulsory purchase orders (CPOs) on empty properties.

3.12 Before a CPO can be made, the council will first attempt to trace owner/s and work with them to encourage the property to be brought back into use.

3.13 The council will need to show that our reasons for making a CPO justify interfering with the human rights of anyone with an interest in the property.

3.2 Empty Dwelling Management Orders (EDMOs)

3.21 An Empty Dwelling Management Order (EDMO) allows councils to take over management of an empty property and use it for housing tenants.

3.22 Councils can make EDMOs on a domestic building where it has been empty for at least six months. There are two types of EDMOs; an interim order and a final order. An interim order lasts for 12 months; however, a final order can be between 7 and 21 years.

3.3 Housing Act 2004 HHSRS enforcement

3.31 The Housing Act 2004 Part 1 gives councils the power and responsibility to ensure domestic properties in their borough are safe and suitable to live in. These powers apply to occupied and empty properties. Councils can use these powers to enforce works to make properties habitable and safe to live in. Failure to comply with notices under this legislation can result in the council carrying out works and placing a charge on the property, prosecuting the property owner/s, or serving a civil penalty on the owner/s.



3.4 Enforced sales procedures

3.41 Where councils have made a charge against a property, they have the same legal rights as a mortgage lender under the Law and Property Act 1925 to reclaim that debt charge.

3.42 Charges include council tax debt and works in default.

3.5 Dangerous structures

3.51 Under the Building Act 1984, sections 77 and 78, the council can order property owners to make their property safe or allow the council to take emergency action to make it safe.

3.6 Power of Entry

3.61 The Housing Act 2004 allows councils to seek a warrant (S240) to access a property in order to assess the condition of the building and carry out any necessary action to ensure that the property is safe for occupation under the same act.

3.62 The council will always give at least 24 hours' notice to require access to a property (more if it is not an urgent matter).

3.7 Statutory nuisance

3.71 Councils can take action under the Environmental Protection Act, 1990, Section 80 as well as the Building Act 1984, Section 76 where disrepair is affecting others enjoyment of their land or causing a health concern. The council can serve notices to ensure that the owners makes their property safe. We can also carry out works in default to make the building safe.

3.8 Unsecured properties

3.81 Under the Local Government (Miscellaneous Provisions) Act 1982, Section 29, where empty properties are left open to access, councils can serve notice to require owners to secure the building within 48 hours. Councils can secure the building and place a charge on the property.

3.9 Clearing untidy land and buildings

3.9.1 Under the Town and Country Planning Act 1990, Section 215, where land is in such a condition that it affects the amenity of the area, the authority has the power to serve notice requiring land and buildings to be cleaned, repaired, maintained so as to be fitting with the area. Councils can carry out work and charge the owner or prosecute the owner for non-compliance.



4 Strategy for Tackling Nuisance Empty Properties

Ensuring a clear and consistent approach to tackling empty properties in Sandwell



4.1 The council will take a positive and proactive approach to dealing with empty properties. All complaints will be dealt with as follows:

1. Investigation and engagement

4.2 Officers will trace owners, gather evidence on the length of time the property has been empty, its condition and its impact on the surrounding area.

2. Triage

4.3 Each case will be triaged according to its severity and available resources to take action. Each case will be assessed against an agreed matrix that will weight towards council housing priorities at that time as well as available resources. An example matrix can be viewed in chapter 7. The matrix will be subject to change depending on perceived needs in the housing sector.

3. Engagement

4.4 Officers will contact owners and engage with them to encourage them to renovate and occupy empty properties.

4.5 Council tax rates on long-term empty properties will be raised each year, up to 400% of the full rate for an occupied dwelling.

3. Update

4.6 Officers will keep complainants updated on progress within the confines of the Date Protection Act 2018.

4. Renovation enforcement

4.7 Where encouragement fails, officers will utilise powers to enforce repairs, with cost recovery from the owners where possible for surveying and serving notices as well as for any works in default.



5. Occupation enforcement

4.8 Where properties are renovated to a standard for occupation, and owners have failed to bring the property back into use, the council will seek to take action to take control of the dwelling in order to bring the property back into use via an Empty Dwelling Management Order, Compulsory Purchase Order, Enforced Sale or other empty property power available to the council.

4.9 As this is a heavily cost burdensome action, cases will be triaged to ensure that the highest priority cases are tackled first with the resources available to the council. This may result in some properties becoming less of a priority where they are being managed but not occupied.



5. Enforcement Policy



Fairness, consistency and transparency

The Regulators Compliance Code

5.1 In compliance with the spirit of the Enforcement Concordat the Regulators Compliance Code and the Environmental Enforcement policy our approach will be fair, equitable and incremental. The primary function of central and local government enforcement work is to protect the public, the environment and various other groups such as consumers. There is a need to carry out enforcement functions in a consistent, practical and equitable manner, which in turn will help to promote a thriving local and national economy.

Engagement before enforcement

5.2 Before progressing from one of the following procedures to another, we will ensure that owners are fully advised and given an opportunity and sufficient time to take measures of their own to bring properties back into use.

Correct and consistent use of resources

5.3 Where enforcement action is used, the council will firstly fully appraise the situation and utilise a transparent scoring system to prioritise cases with the resources available. Higher scoring cases will be prioritised, as well as properties that are more suitable family homes.



6 Grants and low-cost loans

'Off the starting block' loans.

Giving empty property owners a step in the right direction where finance is a barrier to bringing homes back into use.



6.1 The council plans to offer empty property owners loans in certain circumstances where financial difficulties are preventing them from being able to make their empty property safe to live in again.

6.2 The loans will be limited and subject to council discretion on a case-by-case basis against the merits of each individual situation. Loans will be subject to a legally binding agreement to bring the property back into use.

6.3 Successful applicants will be offered the chance to enter into an agreement with the council to accept a short-term loan with conditions that enables them to get their empty property back into use within an agreed time.

6.4 Loans aimed at empty owners who perhaps inherited a poorly maintained property and do not have the means to manage a second home will be able to enter an agreement with the council to carry out works and sell or let their property at the end. Often buyers cannot get a mortgage on damaged properties, restricting who the owner can sell to.

6.5 Loans will be paid back in agreed segments once the property is occupied. The owner will be required to carry out works within an agreed timeframe.



6.6 The loans are designed to be an ‘off the starting block’ assistance to certain owners who lack the financial strength to carry out key works to get a property occupied.

6.7 The loans will be specifically aimed at properties that are in a reasonable condition, but need works to tip them back into a lettable or sellable condition to ensure that they are occupied in the near future.

6.8 Where loans are not properly used or a property remains empty after works are completed, the council may consider legal action or the use of empty property enforcement powers to ensure that the property becomes occupied. Loans will be placed as a charge against the property and as such properties may be at risk if repayments are not made due to a breach of the agreement.

6.9 Development of the application process of the loans will be carried out by the Empty Property officer in year 1 of the Empty Property Strategy in conjunction with the wider directorate in establishing a joined-up strategy for the delivery of loans for the purposes of improving housing in Sandwell. Loans should be available by year 2 of the strategy.

6.10 The Regulatory Reform (Housing Assistance) Order 2002 provides local housing authorities with a general permissive power to assist property owners with improving housing conditions. The local housing authority can only exercise these powers if it has adopted a Private Sector Housing Assistance Policy. The Empty Property officer and Operations Manager will work with other services to ensure a robust Private Sector Housing Assistance Policy is put into place to allow loans to be developed and issues as part of this five-year strategy with a view to offer loans by Q4 of the first financial year of the strategy.

6.11 The appointment of an Empty Property Officer by March 2023 will enable the development and implementation of the loans.



7 Triage Matrix

Example Empty Homes Priority Matrix

This Matrix is an example of the type of considerations officers might use to prioritise cases depending on what current priorities and resources the council has at that time.

Categories may change depending on circumstances and priorities, for example, severity of disrepair might be a priority where CPO money is available, however timescale to bring back into use might be the priority in a different area where housing need is higher.

The matrix also allows for affordability calculations when considering formal action that requires financial investment, such as a CPO or EDMO.

Address	
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Environmental Factors – circle score				
Location of Property				
	Unobtrusive	Visible	Highly Visible	Gateway Location
	2	4	6	10
Period of Inactivity	6+ Months	18+ Months	5+ Years	10+ Years
	2	4	6	10
Vulnerability of Property	Secure & Maintained	Secure & Non-Maintained	Insecure	Serious Anti-Social Behaviour
	2	4	6	10
Condition of Property	Clean & Tidy	Attracting Rubbish	Minor Disrepair	Vandalism
	2	4	6	10
Housing Need	Low	Moderate	High	Severe
	2	4	6	10



Score for Property

Housing Affordability Factors – circle score

House Type	Detached	Bungalow	Terraced	Semi-Detached
	2	4	6	10
Number of Bedrooms	4+	1	2	3
	2	4	6	10
Estimated Market Value of Property	£300,000 +	£250,00 - £299,999	Under £150,000	£150,000 - £250,000
	2	4	6	10
Estimated Refurbishment Cost	Under £12,000	£12,000 - £34,999	£35,000 - £49,999	£50,000 +
	2	4	6	10

Score for affordability

Total Score for Property



[1] <https://www.gov.uk/government/statistics/council-taxbase-2021-in-england>

[2] <https://www.gov.uk/government/news/government-boosts-councils-powers-to-help-bring-empty-homes-back-into-use>

[3] Image at '1.3 The Local Picture' [geograph.org.uk/photo/6815212](https://www.geograph.org.uk/photo/6815212)

