



Your property
and blight

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Highways England

At Highways England, we maintain, operate and improve England's motorways and major A-roads, the roads we all use between major cities and which are vital to our economy.

In 2014, the government tasked us with delivering their road investment strategy. This is a programme of investment which aims to improve journeys, tackle congestion, support the economy and maintain safety.

Introduction

This guide aims to inform you about blight caused by major new road proposals or improvements. It has been produced to help you to understand whether your property may be affected and the options available.

More information about the process we follow to deliver our larger road schemes and the other types of compensation that may be available to property owners are outlined in the following publications

Your property and our road proposals
Your property and discretionary purchase
Your property and compulsory purchase
Your property and Part 1 Compensation

For more information

@ info@highwaysengland.co.uk

☎ 0300 123 5000

www www.highways.gov.uk

Blight explained

Blight is when the value of a property is reduced because of large scale, or major, public works and the owners are unable to sell it at market value.

Under the Town and Country Planning Act 1990 (as amended), we have legislative powers to buy blighted land and property. We purchase blighted properties at their unaffected market value; this is the amount the property would be worth if the scheme did not exist, not the blighted (lower) value.

Properties that are on the line of the proposed route and where land is required for the scheme can be directly affected by blight; this is known as statutory blight

Blight can also affect properties that are not directly on the line of the route and where no land is required for the scheme; these properties are known as off-line. Although we are not obliged to buy off-line properties, Parliament has recognised that in these circumstances home owners might have an urgent need to move but cannot sell their property except at a significant loss as a result of the scheme.

To find out more about the rare circumstances where we may consider buying off-line properties please see our guide [Your property and discretionary purchase](#).

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When a blight notice can be submitted

Statutory blight is normally triggered following the announcement of the preferred route, which is the first time we can say with certainty which properties will be affected by the scheme. Property owners on the line of the route can then ask us to buy their property. We cannot accept blight notices before the preferred route announcement.

We cannot accept blight notices before the preferred route announcement.

Applicant eligibility

Blight notices can be served by both freeholders and leaseholders, providing the lease has at least three years remaining. To be eligible you must have an interest in the land as one of the following:

- A residential owner-occupier of a private dwelling.
- An owner-occupier of business premises with a rateable net annual value not currently exceeding £34,800 per year.
- An owner-occupier of an agricultural unit or part of an agricultural unit.
- A personal representative of a deceased person who, at the date of his/her death, would have been able to serve a blight notice (see notes on page 17).
- A mortgage lender who has the right to sell the property and who can give immediate possession (see notes on page 16).

Applications can be made for homes, business premises or agricultural units provided you have occupied the property for at least six months. If you move out of a property without serving a blight notice, you can still serve one within 12 months providing the property has been unoccupied since you moved.

Important: we can only consider blight notices for the whole of your freehold or leasehold interest in a property, even if only part of the property is in the line of the route.



Applications can be made for homes, business premises or agricultural units provided you have occupied the property for at least six months.

Reasonable efforts to sell the property

Properties are considered blighted by a road scheme when, as a result of the scheme, the owners are unable to sell at market value. Therefore to be eligible to serve a blight notice you must be able to show that you have made reasonable efforts to sell the property at a realistic price and that you have been unable to do so. You should enclose marketing evidence with your blight notice, such as copies of advertisements and any offers received. However, in some cases an estate agent may provide confirmation that your property is unsaleable at a reasonable price and that marketing would be inappropriate.

If you serve a blight notice after development consent has been granted or a compulsory purchase order has been confirmed but before you receive notice that we intend to enter your property, you do not need to show that you have made reasonable efforts to sell your property. However, you will still need to show us that your property is blighted.

Requesting and submitting a blight notice

Your completed blight notice must be submitted to the Highways England office dealing with the specific scheme. Our office addresses are listed on our website.

Properties are considered blighted by a road scheme when, as a result of the scheme, the owners are unable to sell at market value.





Within two months of receiving your blight notice we will decide whether or not to accept it.

How we process a blight notice

We will confirm receipt of your blight notice.

We will check that you have a qualifying interest in the property. If you do not, we will return your notice.

If your interest in the property qualifies for blight we will:

- Assess whether any or all of your property will be required for the road scheme.
- Ask our valuer to confirm whether you have made reasonable efforts to sell your property at a realistic price.

Where only part of your property is required for the road scheme we will assess the following:

- In the case of a house, building or factory, whether the part required can be taken without detrimentally affecting the house, building or factory.
- In the case of a park or garden belonging to a house, whether the part required can be taken without seriously affecting the amenity or convenience of the house.
- In the case of an agricultural unit, whether the unaffected area can still be farmed either by itself or with other land you own or land you lease, with at least three years remaining on the lease at the time you submitted the blight notice.

Within two months of receiving your blight notice we will decide whether or not to accept it. If we accept the notice we will offer to purchase your property.

If we do not accept the blight notice we will serve you with a counter-notice. Under the Town and Country Planning Act 1990 (as amended) we can issue a counter-notice on the following grounds:

- No part of the home, business premises or agricultural unit is required for the scheme.
- We do not propose to purchase any part of the home, business premises or agricultural unit.
- We only require part of the house, business or agricultural unit and propose purchasing only that.

In cases where we are not sure how much of your property we need for the scheme, and providing all legislative requirements have been met, we would normally accept the blight notice and would offer to buy the whole property.

If we do not serve a counter notice within two months of receiving your blight notice, the blight notice automatically becomes accepted and we have to offer to buy your property.

Your options if we serve a counter notice

If we serve a counter notice to purchase only part of the property and you accept it, your blight notice only becomes valid for the part we intend to acquire.

You have two months from when we serve a counter notice to accept our proposal to acquire only part of your property. If you do not act within this time, the blight notice lapses and is no longer valid.

Alternatively: If you disagree with our decision to serve a counter notice, either rejecting your blight notice or offering to purchase only part of your property, you can challenge this in the Lands Chamber of the Upper Tribunal. The Tribunal is the court of law appointed to deal with these types of disputes. You have two months from the date we serve the counter notice to do this. The Tribunal's address is

Upper Tribunal (Lands Chamber)
5th Floor, Rolls Building,
7 Rolls Buildings Fetter Lane, London EC4A 1NL

If the Tribunal does not believe that our objection is correct then your blight notice is valid and applies to the whole of your property.

Compensation

Where we accept your blight notice either in full or in part we will ask our contracted independent professional valuers to begin compensation negotiations with you.

If the blight notice relates to a residential property you would be entitled to a home loss payment. If we are purchasing a non-residential property under blight, you may be entitled to basic and occupier's loss payments.

We would also pay your surveyor's and solicitor's costs for preparing and submitting the successful blight notice. However, we will not pay the costs involved in marketing the property beforehand.

We may pay disturbance costs caused by our purchase, such as removal costs and alterations of fixtures and furnishings.

After we accept your blight notice you have three years to complete the sale of your property to us unless we have already taken possession of it to carry out the road scheme.



It is important to note that neither we, nor the local housing authority, have any duty to re-house you if we acquire your home under blight.

Withdrawal of your blight notice

You can withdraw your blight notice provided:

- The purchase has not been completed.
- The Upper Tribunal (Lands Chamber) has not assessed compensation.
- We have not taken possession of your property.

Blight notices from mortgage lenders

Mortgage lenders can serve blight notices. To do so they must be able to satisfy the following statutory conditions:

- Be entitled (for example: by virtue of a court order) to sell the property.
- Be able to give vacant possession.
- Have made reasonable endeavours to sell the property, except where powers of compulsory purchase have become effective in relation to the land.
- Have been unable to sell the property except at a price substantially lower than might reasonably be expected had it not been affected by the proposed scheme.
- The property must be blighted land as defined in the Town and Country Planning Act 1990. For our road schemes that would usually be after the preferred route for the road scheme had been announced.

A mortgage lender may not serve a blight notice where a person entitled under the 1990 Act, or a personal representative, has already served a notice and the notice is still being reviewed.

Blight notices from personal representatives of a deceased person

The personal representative of a deceased person (including executors and administrators) may serve a blight notice provided:

- At the date of his/her death the deceased was entitled to an interest in the property.
- The property is blighted. For our road schemes this would usually be after the preferred route has been announced.
- The interest in the property was one that would have been a qualifying interest.
- The personal representative had made reasonable attempts to sell the property.
- The personal representative had been unable to sell the property except at a price substantially lower than might reasonably be expected had it not been affected by the road proposals.
- One or more individuals (but not a corporate body) are beneficially entitled to the freehold or leasehold (with more than three years left to run) interest in the property.
- A blight notice served by a mortgage lender is not outstanding

Where the person who served the blight notice has passed away, a personal representative can become the claimant. If appropriate, a counter notice can still be served or the case referred to the Upper Tribunal (Lands Chamber).



Our commitment to be open and fair

We are open, honest and fair and publish all relevant information unless it is exempt from publication under the Data Protection Act.

We will not use your personal information for any purpose other than to process your claim for compensation. All information we hold will be maintained accurately and kept as up-to-date as possible. It will only be accessible to those in Highways England with a need to see and process it. It will be destroyed when that purpose is complete.

However if you appoint a surveyor to negotiate your claim, we will take that as agreement to share your information, other than your bank or building society details, with them, unless you instruct us not to do so.

You may request a copy of the personal records we hold about you in connection with your claim. Requests must be made in writing to the address below and we will respond to your request within 40 days.

**Data Protection Officer
Highways England
Piccadilly Gate
Store Street
Manchester
M1 2WD**

Following a request for information, we will write to let you know whether we hold the information requested and, if we do, send that information to you. We are not required to send information where one or more of the exemptions apply. For example, another person's personal details would be protected under the Data Protection Act and therefore we would not pass this information on.

To find out more please look at the freedom of information section of our website:

 www.highways.gov.uk

Complaints procedures

Our aim is to provide the best possible service at all times but there may be circumstances in which you wish to make a complaint about our handling of the claim. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate.

More information about the complaints procedure can be found at:

 info@highwaysengland.co.uk.

 0300 123 5000

 www.highways.gov.uk

Further information

The Department for Communities and Local Government (DCLG) publishes the following series of technical booklets that you may find useful:

Booklet 1: Compulsory purchase procedure

Booklet 2: Compensation to business owners and occupiers

Booklet 3: Compensation to agricultural owners and occupiers

Booklet 4: Compensation to residential owners and occupiers

Booklet 5: Mitigation works

 info@highwaysengland.co.uk.

 0300 123 5000

 www.highways.gov.uk

If you need help accessing this or any other Highways England information, please call **0300 123 5000** and we will help you.

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This document is also available on our website at www.gov.uk/highways.

If you have any enquiries about this publication email info@highwaysengland.co.uk or call **0300 123 5000***. Please quote the Highways England publications code **PR170/16**.

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