



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.

The government has 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 other types of compensation that may be available can be found in the following publications:

Your property and our road proposals
Your property and discretionary purchase
Your property and compulsory purchase
Your property and Part I compensation
Your property and land surveys

For more information

@ info@highwaysengland.co.uk

☎ 0300 123 5000

www www.highwaysengland.co.uk

Blight explained

Blight is when the value of a property is substantially reduced because of a proposal to carry out public works, such as a new road or improvements to an existing road and the owners are unable to sell it at unaffected market value; this is the amount the property would be worth if the scheme did not exist, not the blighted (reduced) 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.

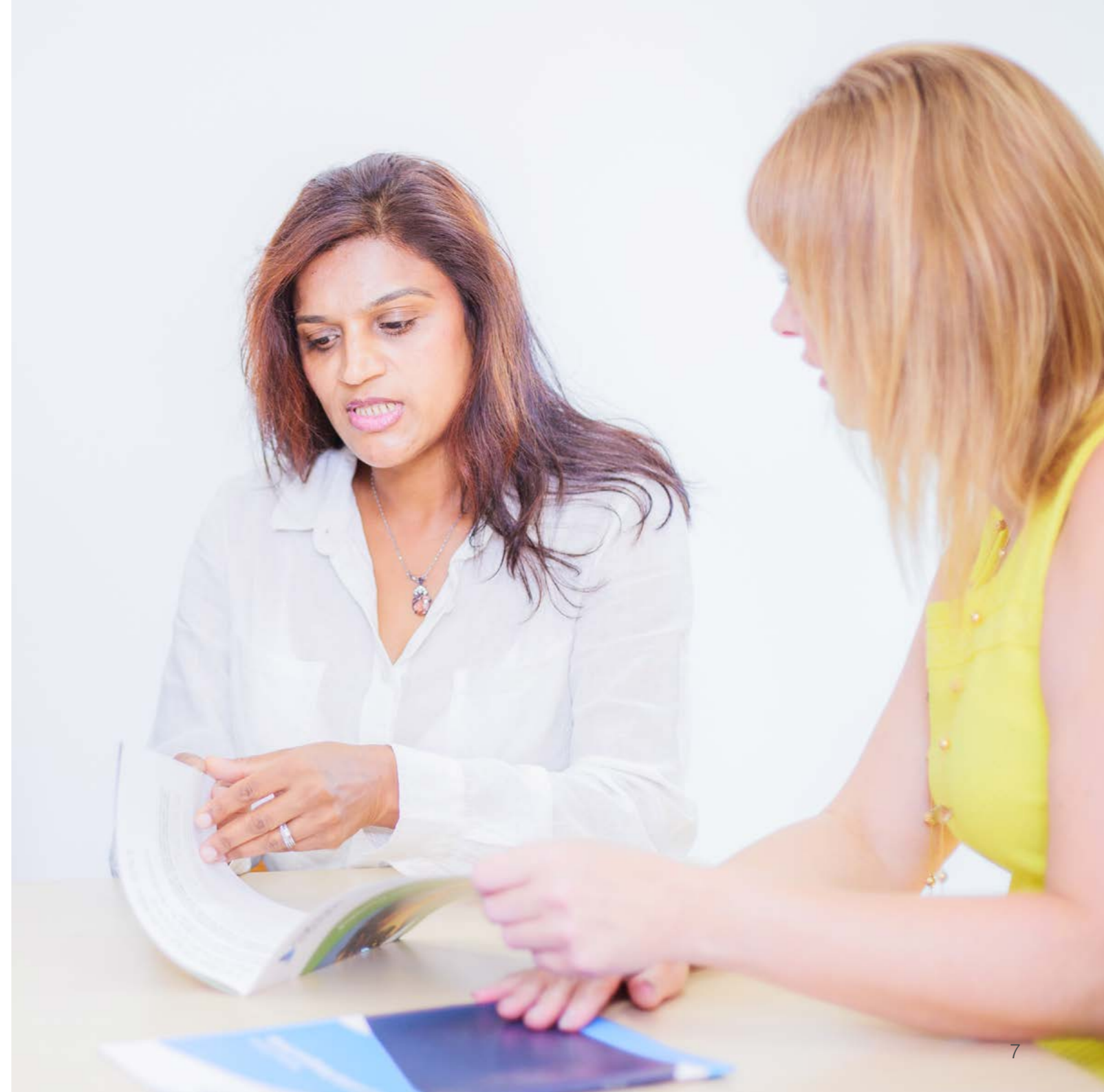
Properties that are on the line of the proposed route and where land is required for the scheme can be directly affected by blight; this is known as statutory blight. Blight can also affect properties that are not directly on the line of the route and where no land is required for the scheme; these properties are known as off-line. Although we are not obliged to buy off-line properties, Parliament has recognised that in certain circumstances home owners might have an urgent need to move but cannot sell their property except at a significantly reduced price 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 Highways England issuing a notification of development to the local authority, with a plan showing the land it expects will be required for the new or improved road. This is the first time we can say with any 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 notification of development has been issued.

We cannot accept blight notices before the notification of development is issued.

Applicant eligibility (qualifying interests)

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 £36,000 per year.
- An owner-occupier of an agricultural unit or part of an agricultural unit.
- A mortgage lender who has the right to sell the property and who can give immediate possession (see notes on page 16).
- 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).

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 on 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 endeavours to sell the property

Properties are considered blighted by a road scheme when, as a result of them being on the line of the scheme, the owners are unable to sell except at a substantially reduced price (ie when compared to unaffected market value). Therefore to be eligible to serve a blight notice you must be able to show that you have made reasonable endeavours to sell the property at a realistic unaffected 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 decline to market your property because, in its opinion, it is unsaleable except at a substantially reduced price because of the scheme. A letter from an estate agent declining instructions to market the property may be accepted by us as evidence that you have made reasonable endeavours to sell the property.

If you serve a blight notice after a development consent order has been made or a compulsory purchase order has been confirmed, but before you receive notice that we are exercising our compulsory acquisition powers in the made or confirmed order, you do not need to show that you have made reasonable endeavours to sell your property. However, you will still need to show us that your property is blighted.

Requesting and submitting a blight notice

Request a blight notice

@ info@highwaysengland.co.uk

☎ 0300 123 5000

Your completed blight notice and supporting information should be submitted to the Highways England office dealing with the specific scheme. We will confirm receipt of your blight notice.

You can find contact details for our schemes on our website:

www.highwaysengland.co.uk

Properties are considered blighted by a road scheme when, as a result of them being on the line 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 check that you have a qualifying interest in the property (see page 8).

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

- Assess whether any or all of your property will be required permanently for the road scheme.
- Ask our valuer to confirm whether you have made reasonable endeavours to sell your property at a realistic unaffected price (see page 10).

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 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 s151(4) Town and Country Planning Act 1990 (as amended) we can issue a counter-notice on a number of grounds including:

- No part of the house, business premises or agricultural unit is required for the scheme.
- We do not propose to purchase any part of the house, business premises or agricultural unit.
- We only require part of the house, business premises 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 the aforementioned requirements have been met, we would normally accept the blight notice and would offer to purchase 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 purchase 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 one month 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 one month from the date we serve the counter-notice to do this. The Tribunal's address is

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

The Tribunal will decide whether our objection is correct and if it was not, may require us to offer to purchase the whole of your property.

Compensation

Where we accept your blight notice to offer to purchase your property or serve a counter-notice offering to purchase only part of it, we will ask our contracted independent professional valuers to begin compensation negotiations with you.

You will be entitled to the full unaffected market value of your property. If the blight notice relates to a residential property you may 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 will 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 during that time, we take possession of it to carry out the road scheme (in which case your blight notice will remain valid indefinitely).

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.

Referring compensation disputes to the Upper Tribunal

We would like to reach a compensation agreement with you and will work with you throughout the process. Where we cannot agree compensation, you can refer your claim to the Lands Chamber of the Upper Tribunal.

To refer your case to the Upper Tribunal, you need to submit an application in writing to:

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

When the Upper Tribunal receives an application all parties are encouraged to attend mediation meetings before the Tribunal hearing. A neutral third party oversees mediation meetings and will encourage all involved to reach an agreement on the disputed points. It may not be possible to reach agreement on all the issues but settling some points can save time and reduce costs of the Tribunal hearing. The Tribunal will make the final decision on your claim.

Important: [The Upper Tribunal can award costs to either party so it is important that you seek professional advice before referring your claim.](#)

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 determined compensation, or where it has determined compensation you withdraw the blight notice within six weeks of such a determination.
- We have not taken possession of your property.

Blight notices from mortgage lenders

Mortgage lenders can serve blight notices for property on the line of the scheme following the issuing of a notification of development (see page 8). 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 a development consent order has been made or a compulsory purchase order confirmed.
- Have been unable to sell the property except at a substantially reduced price because of the proposal to carry out the road scheme.

A mortgage lender may not serve a blight notice where another person has served a blight notice that has not been withdrawn; or where that blight notice has been countered, within one month of the counter-notice being served; or if the counter-notice has been referred to the Lands Chamber of the Upper Tribunal, until it has been upheld.

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 for property on the line of the scheme following the issuing of a notification of development (see page 8) provided:

- At the date of his/her death the deceased was entitled to a qualifying interest in the property and could have served a blight notice.
- The personal representative has made reasonable endeavours to sell the property.
- The personal representative has been unable to sell the property except at a substantially reduced price because of the proposal to carry out the road scheme.
- 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 personal representative may not serve a blight notice where another person has served a blight notice that has not been withdrawn; where that blight notice has been countered within two months of the counter-notice being served; or if the counter-notice has been referred to the Lands Chamber of the Upper Tribunal, until it has been upheld. However, where the person who served the blight notice has passed away, a personal representative can become the claimant.

Data protection and you

Highways England will collect and process your data in relation to your property claim. Highways England is permitted to do this in order to: carry out our statutory and public functions; enter into a contract with you; and/or meet any statutory requirements relating to compulsory purchase powers (where relevant).


We will not use your personal information for any purpose other than to process your property claim or to meet our statutory requirements. All information we hold will be maintained accurately and kept as up-to-date as possible. Your data will be processed and retained by Highways England and our appointed contractors until the purpose for which it was collected is complete. In some cases, we may be required to share your information with the Planning Inspectorate. If you appoint an agent 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.

Under the General Data Protection Regulation you have the following rights:

- Right of access to the data (Subject Access Request)
- Right for the rectification of errors
- Right to erasure of personal data – this is not an absolute right under the legislation
- Right to restrict processing or to object to processing
- Right to data portability.

To exercise these rights, please contact our Data Protection Officer using the following contact details:

 DataProtectionAdvice@highwaysengland.co.uk

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




If, at any point, Highways England plans to process the personal data we hold for a purpose other than that for which it was originally collected, we will provide you with information about what that other purpose is and any relevant further information about the rights referred to above, including the right to object to that further processing.

You have the right to lodge a complaint with the supervisory authority, the Information Commissioner's Office.

Complaints procedure

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 the handling of your claim. We are keen to improve the service we offer our customers wherever possible and provide redress where appropriate. However, if we offer to purchase your property and you are unhappy with our offer of compensation this falls outside the remit of our complaints procedure and you can ask the Upper Tribunal (Lands Chamber) to determine your claim.

More information about the complaints procedure can be found at:

-  info@highwaysengland.co.uk
-  0300 123 5000
-  www.highwaysengland.co.uk

Further information

The Ministry of Housing, Communities and Local Government (MHCLG) 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

The booklets are available on the MHCLG website:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

If you'd like more information about how we manage data, or a copy of our privacy notice, please contact

 DataProtectionAdvice@highwaysengland.co.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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