

January 2025

APPENDIX B



Staffordshire Moorlands District Council

Empty Property & Second Home Premium and Exception Policy

Policy updated January 2025

Revenues and Benefits Team

Introduction

Under section 11B of The Local Government Finance Act 1992 and associated regulations, sets out the mechanism for levying council tax on domestic properties. The regulations give councils some discretion in setting the level of council tax charged in respect of unoccupied properties.

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 allows councils to levy a higher amount of Council Tax for long-term empty dwellings that are unoccupied and unfurnished. This is known as an empty property premium. Since 2013 Staffordshire Moorlands have adopted these powers and charged a premium on empty properties. Please refer to the table in this policy for changes made to the empty and unoccupied premium since 2013.

Section 80 of the Levelling Up and Regeneration Act 2023 also permits Council's to apply a premium on second homes. A second home is a property that is furnished but is no-one's main residence. The act requires that the first decision to impose this class of premium must be taken 12 months before the financial year to which it would apply. The decision was taken by the Council on 21 February 2024 to apply the second home premium with effect from 1 April 2025.

The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024 (the 'regulations') sets out mandatory exceptions to the long-term empty homes premium and the second homes premium. These regulations came into force from 1 November 2024 and take effect from 1 April 2025.

The reason behind the introduction of the premium is to encourage owners and landlords to bring properties back into use to increase the supply of affordable accommodation in the area.

The premium applies to the property and any change of ownership or tenancy will not affect the premium. If, or when a property is purchased or leased, the property had already been empty and substantially unfurnished for 12 months or more, the additional premium for an empty and unoccupied property will apply.

Any periods of occupation of six weeks or less will be disregarded when considering how long a property has been empty. Periods of occupation for six weeks or less will not give rise to a further period of 21 days discount or start a new period of two years before charging the empty homes premium.

Where a taxpayer believes that their property should not be liable for the premium on an empty and unoccupied property or second home, they can make an online application to have the premium removed.

Where the taxpayer is unable to apply online, the Council will suggest alternative methods to apply.

1 Purpose and principles of the policy

- 1.1 The purpose of this policy is set out the charges to be levied in respect of empty unoccupied properties and second homes (furnished properties that are no-one main residence), in relation to the Council's discretionary powers.
- 1.2 This policy also sets out guidelines to be applied when deciding whether an exception to applying the empty property premium or second home premium may be considered. This policy will provide guidance to officers and council taxpayers on the additional premiums and exceptions.

2 History of Long-Term Empty Property Premium

Financial Year	Length of time empty and unfurnished	Premium	Charge
1 April 2013 to 31 March 2019	2 years and over	50%	150%
1 April 2020	Between 2 – 5 years	100%	200%
	Between 5 – 10 years	200%	300%
1 April 2022	Between 2 – 5 years	100%	200%
	Between 5 to 10 years	200%	300%
	Over 10 years or more	300%	400%
1 April 2024	Between 1 to 5 years	100%	200%
	Between 5 to 10 years	200%	300%
	Over 10 years or more	300%	400%

3 Second Home Premium

- 3.1 Staffordshire Moorlands District Council approved proposals for a council tax premium on second homes, under the new flexibilities for councils provided in the Levelling Up and Regeneration Bill, which received Royal Assent on 26 October 2023.
- 3.2 The introduction of the 100% council tax premium on second homes will come into effect on 1 April 2025, making a total council tax charge of 200%. Unlike empty dwellings, there is no requirement for a property to have been used as a second home for a fixed period of time before the premium can apply, so it becomes chargeable from day one that a property is considered a second home (or dwelling periodically occupied).

4 Prescribed Exceptions from 1 April 2025

- 4.1 The following types of property will not attract the empty property or second home premium.

Classes of Dwellings	Application	Definition
E	Long-term empty homes and second homes	Dwelling which is or would be someone's sole or main residence if they were not residing in job-

		related armed forces accommodation
F	Long-term empty homes and second homes	Annexes forming part of, or being treated as part of, the main dwelling
G	Long-term empty homes and second homes	Dwellings being actively marketed for sale (12 months limit)
H	Long-term empty homes and second homes	Dwellings being actively marketed for let (12 months limit)
I	Long-term empty homes and second homes	Unoccupied dwellings which fell within exempt Class F and where probate has recently been granted (12 months from grant of probate/letters of administration)
J	Second homes only	Job-related dwellings
K	Second homes only	Occupied caravan pitches and boat moorings
L	Second homes only	Seasonal homes where year-round, permanent occupation is prohibited, specified for use as holiday accommodation or planning condition preventing occupancy for more than 28 days continuously
M	Long-term empty home only	Empty properties requiring or undergoing major repairs or structural alterations (12 months limit)

4.2 Discretionary exceptions

Where the imposition of the council tax premium would result in severe financial hardship to someone with a serious illness, disability or vulnerability, the Council will consider waiving all or part of the premium.

5 Appeals

If you do not agree with the amount of Council Tax you are liable to pay you can appeal. To do this you must:

- Write to us to tell us what the issue is.
- We will respond with the reasons for our decision. However, if you remain dissatisfied, you may appeal to the Valuation Tribunal within 2 months, or you do not receive a reply from us within 4 months then you can appeal to the Valuation Tribunal.
- Further details on how to appeal to the Valuation Tribunal can be found here <https://www.valuationtribunal.gov.uk/your-appealtype/council-tax/council-tax-liability-2/> or by contacting the Valuation Tribunal Service on 0300 123 2035.