

Homes & Design



SQUATTERS' RIGHTS - AND WRONGS

As the Housing Minister pledges to shut the door on the "anti-social, undesirable and unfair" practise forever, a fierce debate still rages between property owners and their uninvited house guests

THE SQUATTER

Dan Simon, 32, works for an art house, right

Some friends and I occupied an empty local Housing Association town house in Balham in south London for a while. When we first arrived, the backyard was a zone for fly-tippers, windows had been broken, and it was falling into disrepair. After a few months, we had transformed it, cleared the backyard of junk and sown grass, restored the plumbing and made it into a functional home. That's one of the advantages we present to owners of properties, and to neighbourhood communities. The Housing Association eventually agreed that having us in the house was far better than evicting us. After four years, they sold it to a private buyer and we left.

Squatting is hard work, and enormously stressful, but provides an invaluable platform for creative people to contribute more effectively to society, and empowers vulnerable people who might otherwise face homelessness. Squats are some of the most social, thriving and community-oriented spaces I've ever experienced in London.

I am currently living in a squat in east London, and run The Oubliette, an itinerant autonomous arts group, which showcases new work by squatting long-term empty properties. We have



hosted visual, three-dimensional, performance and music-based works, as well as charity fundraising events.

When we look for places to squat, we're looking for places we can stay for the long term with minimal interference. It's extremely unusual for squatters to target people's homes. Occupying someone's home is illegal, makes no sense, and home owners are protected by law. If you occupy somebody's home instead of an empty house, you are not a squatter, you're a criminal trespasser. You'd have to be extraordinarily stupid to try to move

into a place where there was somebody already living. That's why cases like that are extraordinarily rare.

Finding somewhere is simple. First, you look around and identify a good property that looks empty; then investigate it on websites such as the Land Registry site and the local authority planning site. You look up the company that owns the property - most of the property we inhabit is owned by companies or local housing authorities. Only once we are absolutely certain that the property is not in use do we enter it.

THE HOME OWNER

Connan Gupta, 40, is a hotelier, who had his house in south London occupied while on holiday, below

Last month I came back to my home in Camberwell from a week at my sister's and couldn't get in. At first, I thought I had the wrong keys, but when I saw a sign in the window, I realised that there were squatters in there. I banged on the door for a few minutes, and said: 'This is my home, open the door.' They told me to go away.

I called the police straight away, but was told - incorrectly - that there was nothing they could do, and I should hire a solicitor and go through the civil courts.

'My home was left in a complete mess. I had to change the doors and I was left in shock'

I was completely in shock. I couldn't believe that this was going on, that there was someone in my house with everything of mine inside, and I couldn't get them out.

I went to Brixton police station, where I asked to see someone with regard to the case. I was again told there was nothing they could do. I didn't really want to focus in on what they were doing with my stuff, how many people were there. My main focus at that time was just to

get them out. I was just so shocked they had invaded my home.

I was feeling very distressed - beside myself. There were reports that there were more than 15 people in the house, together with three dogs and two cats. To see people, as I did, going in and out of my home, to see them responding to the local papers and laughing was much worse a violation than burglary. And I couldn't do anything about it.

It wasn't until my local MP, Tessa Jowell, got involved that I found out that there is no such thing as squatters' rights because home owners are protected, and the police finally asked them to leave, then forced entry when they refused.

My place was a complete mess and I had to change the doors and get the locks changed, but basically I was back in my house, very relieved, but still in shock.

Looking back, the whole episode is maddening. I don't know what rights my status as home owner entitle me to. Even my solicitor advised me to go down the civil route. If I'm not aware of the laws, and neither the police nor my solicitor makes them clear to me, then it's very confusing. In the end, I'm very thankful that my local MP with the local Safer Neighbourhood team were able to help me. But every time I go out, I have a sense of paranoia now: are there people watching the house? I haven't been able to work properly since, and I've felt at times like I'm a prisoner in my own house."



THE CAMPAIGNER

Leslie Morphy, chief executive, Crisis

"People squat because they've got no alternative. There's clearly not a sufficient safety net, and people who are squatting have usually fallen through the gaps. There's often a feeling that squatting is a lifestyle choice, but it is often difficult and certainly dangerous. We've done research which shows that 39 per cent of homeless people have squatted at some point.

It's often a question of whether you'd prefer to have property that's lived in and managed than one that's left empty. And in terms of the fabric of buildings, if a property is being used in a sensible way, that's better than allowing it to go to rack and ruin.

Nobody is going to say those odd cases where someone has come back from holiday and found their house has been squatted are justified. But they are the rarity. There are 700,000 empty homes in England, and the Government has to bring some of those back into use, to provide accommodation."



THE LAWYER

Jason Hunter, partner and head of Contentious Property at Russell-Cooke LLP

"The word 'squatter' is generally used to describe someone who is trespassing on land that belongs to someone else. Trespassing means occupying land without the permission or authority of the owner, so it follows that it is not 'legal', but it is not always a criminal offence. However, when squatters have occupied a house that can be proved to be somebody's home, it can be a criminal offence for them not to leave when asked to do so.

Except in these cases - which are quite rare - squatters have the 'right' not to be evicted by force; attempting to do so would itself constitute a criminal offence. As a first recourse, simply asking the squatter to leave is usually worth trying. If the squatter refuses, the owner must seek a possession order from the court to evict them, though if the squatters leave a property, for example to pop out to the shops, the owner can turn the tables on them and nip in and change the locks themselves."

INTERVIEWS BY NICKY WOOLF

PRIVATE VIEWING KATE WATSON-SMYTH

OLD POSTIE

The Old Post Office, Hoath, Kent

Price: £290,000

Agent: Strutt & Parker

Tel: 01227 451123

They say: Beautifully presented Grade II-listed cottage with three bedrooms, two receptions and private parking in a rural location to the east of Canterbury.

We say: This home goes back a long way. The whole of the lower ground floor is the kitchen with its bread oven and walk-in larder. The floor above is a large sitting room with a bedroom and a bathroom.



COMMON PEOPLE

Bownham Park House, Rodborough Common, Gloucestershire

Price: £1.85m

Agent: Jackson-Stops & Staff

Tel: 01285 653334

They say: A wonderful house close to good schools in grounds of around six acres, it was built to a high standard about 50 years ago and the vendors have continuously updated.

We say: From the affordable to the truly aspirational - seven bedrooms, a library, a snooker room, a study, a large terrace and pool. It's too big, you don't really want it but it's nice to look.



BARN STORMING

Jermyns Barn, Capel St Mary, Ipswich, Suffolk

Price: £650,000

Agent: Jackson-Stops & Staff

Tel: 01473 216218

They say: Thatched 16th-century barn which has been sympathetically converted using traditional crafts-men to create a stunning full-height reception hall, four bedrooms, a large sitting room and galleried landing.

We say: The spaces are great and it's a great conversion, though you might want to lighten up the wood inside. It's six miles from Ipswich and there are good transport links to London.



A CAPTIVATING STOREY

Cuttinglye Road, Crawley Down, West Sussex

Price: £780,000

Agent: The Modern House

Tel: 08456 344068

They say: Cleverly conceived single-storey structure in a hi-tech style of architecture. Some minor updating is required.

We say: There are four bedrooms and it's already a large 2,300 sq ft but there is permission either to extend or demolish and rebuild a house of 9,000 sq ft - which is beyond huge.



FLORIDA OR FINCHLEY?

West Heath Place, Finchley Road, London NW11

Price: From £795,000

Agent: Glentree Estates

Tel: 020 8731 9500

They say: Luxury collection of smart apartments set within landscaped grounds and with every home having either a terrace or a balcony.

We say: There's a rubbish chute - how cool is that? Otherwise it's all very high-spec - it's modelled on a development in Florida.

