



Homes  
England

Date: 06/02/2020  
Our Ref: RFI2882  
Tel: 0300 1234 500  
Email: [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

Making homes happen

By Email Only

Windsor House  
Homes England – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear [REDACTED],

**RE: Request for Information – RFI2882**

Thank you for your recent email, which was processed under the Freedom of Information Act 2000 (FOIA).  
For clarification, you requested the following information:

*Please see below FOIA request in relation to the proposed development of a garden community at Lenham Heath, Maidstone, Kent*

- 1. Please provide all correspondence including emails, meeting minutes and notes, details of phone calls and any other form of communication had with Maidstone Borough Council and their appointed planning consultants, Barton Wilmore, in relation to new development sites and/or prospective garden communities and potential Housing Infrastructure Bids within Maidstone borough between September 2018 and December 2019]*
- 2. Can you provide any policy or guidance that you provide Local Authorities on the building of new garden communities?*

**Response**

We will address each of your points in turn.

- 1. Please provide all correspondence including emails, meeting minutes and notes, details of phone calls and any other form of communication had with Maidstone Borough Council and their appointed planning consultants, Barton Wilmore, in relation to new development sites and/or prospective garden communities and potential Housing Infrastructure Bids within Maidstone borough between September 2018 and December 2019]***

I am able to confirm that Homes England does not hold the information detailed in your request. This is because there is no legal or business reason for Homes England to do so.

In order to conclude that the information is not held, we have searched with all relevant teams who would have the requested information if held. For clarity, these include our Garden Communities Team, HIF team and Land teams who have all confirmed that they have not had any correspondence with Maidstone Borough Council.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty under section 1(1) is only to provide the recorded information held.

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The full text of section 1 in the legislation can be found here:

<https://www.legislation.gov.uk/ukpga/2000/36/section/1>

**2. *Can you provide any policy or guidance that you provide Local Authorities on the building of new garden communities?***

We are able to inform you that we do hold the information that you have requested. However, we rely on section 21, exemption where information is available to the applicant elsewhere.

The full text of the legislation can be found on the following link and we have quoted section 21 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>

**21 - Information accessible to applicant by other means.**

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1) —

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

**Advice and Assistance**

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. As such, information that Homes England provides can be found on the following link:

<https://www.gov.uk/government/publications/garden-communities> .

We can advise that the Ministry of Housing, Communities and Local Government may hold further information in relation to this part of your request. Their details are as follows:

[mhclgcorrespondence@communities.gov.uk](mailto:mhclgcorrespondence@communities.gov.uk)

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Knowledge & Information Access Team  
Ministry of Housing, Communities and Local Government  
2nd floor NW, Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
United Kingdom

### **Right to Appeal**

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Access Team  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [foi@homesengland.gov.uk](mailto:foi@homesengland.gov.uk)

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link

<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

**Information Access Team**  
For Homes England

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