



Homes
England

Date: 17/03/2020

Our Ref: RFI2922

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

By Email Only

Windsor House
Homes England – 6th Floor
50 Victoria Street
London
SW1H 0TL

Dear [REDACTED]

RE: Request for Information – RFI2922

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

i am making a F O I request on the above i own land adjacent to the association title num wyk 670631 english partnership sold the land to ABCAA in 2003 the land contains covenants ,conditions with an exemption in favour of d campey wood yard ,i have a key for the main gate to access through the associations land wyk748738 to my land shown on my title plan wyk 670631 i have owned my land from 2000 but used the access and my land since 1975 as a tenant of british coal . when the association were relocated on to the land i was asked to become a member by the trustees g hayward and w mustcroft that allowed me to have access to the services (electric and water) . my request is as a member legal agreements and conditions apply to the association land please supply copies of all legal and money transactions with english partnership , members have never seen them the land as never operated as an association since 2010 all the trustees are dead with the exception of d campey who is using is allotments (five) for a coal yard and wood business this can be seen on google earth .Carters solicitors pontefract west yorkshire acted and act for the association

Response

We are able to inform you that we do hold information that falls within the scope of your request and also advise that some information has been destroyed in line with our retention policy.
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)—

OFFICIAL



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(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. We can advise that information relating to this site is available at Land Registry under Title Number WYK613453, Address: Allerton Bywater Colliery, Park Lane, Allerton Bywater, WF10 2AT. We would advise that any details relating to covenants or restrictions on the land may be contained within transfer documents for the site.

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 Governance Team
Homes England – 6th Floor
Windsor House
50 Victoria Street
London
SW1H 0TL

Or by email to infogov@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,

The Information Governance Team
For Homes England