



Homes
England

Date: 30 March 2021

Our Ref: RFI3389

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 ██████████

RE: Request for Information – RFI3389

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

New permitted development right to allow existing free standing purpose-built residential blocks of 3 storeys or more to extend upwards by two storeys to create new homes'

I would like to submit a FOI request to find out how many applications have been successful and approved under the above legislation since its inception last year. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) New permitted development right to allow existing free standing purpose-built residential blocks of 3 storeys or more to extend upwards by two storeys to create new homes.

I understand from Paul Martin (Planning Development Management | Planning Directorate | Ministry of Housing, Communities and Local Government | 3rd Floor, Fry Building, 2 Marsham Street, London SW1P 4DF) that Ministers are monitoring the 'impact' and keeping it under 'review' – I am keen to understand the data that Ministers are being provided with to undertake the 'review' and 'impact' hence this FOI request.

Response

We are 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.

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.

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

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

Advice and Assistance

We have a duty to provide advice and assistance in accordance with Section 16 of the FOIA. To comply with this duty we are able to advise that the information you are seeking may be held by the Ministry of Housing, Communities and Local Government (MHCLG).

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The published legislation ([Permitted development rights to build new homes on existing buildings \(legislation.gov.uk\)](#)) lists MHCLG as the 'Lead Department or Agency' and therefore we advise that you contact them. MHCLG details are as follows:

mhclgcorrespondence@communities.gov.uk

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. You can request an internal review by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team

Homes England – 6th Floor

Windsor House

50 Victoria Street

London

SW1H 0TL

Your request for review must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response. Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for review will be passed to an independent party not involved in your original request. We aim to issue a response within 20 working days.

You may also complain to the Information Commissioner's Office (ICO) 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

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