



Homes  
England

Date: 18 May 2022

Our Ref: RFI3849

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

Making homes happen

By Email Only

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

Dear [REDACTED]

**RE: Request for Information – RFI3849**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA).

You requested the following information:

*This request is in connection with a recent planning application made by David Wilson Homes to Redditch Borough Council, reference 21/01830/FUL, for the construction of 216 dwellings on land to the west of Hither Green Lane, Redditch, Worcestershire (the "Site"). The application proposes a development on part of an existing golf course (Abbey Park) and adjacent meadows.*

Restrictive Covenants

*The Site proposed for the development is affected by a restrictive covenant which was imposed on the Abbey Park Golf Club when the land was transferred to it by the Commission for the New Towns on 19 October 1990 (the "1990 Transfer"). A copy of the 1990 Transfer is enclosed, with the relevant restrictive covenant highlighted in yellow. You will note that the covenant prevents the land (including the Site) from being used other than as a golf course, leisure centre, hotel and country club.*

*The Site is also designated as open green space in the adopted Redditch Borough Local Plan and not currently earmarked as a strategic site for housing development.*

Freedom of Information Request

*The purpose of this request is to establish whether Homes England, as the successor to the Commission for the New Towns (and as the current beneficiary of the restrictive covenants) has received a request to release or vary the restrictive covenant(s) imposed in the 1990 Transfer. If so, has any agreement been discussed, negotiated or completed in which Homes England has agreed to vary or release the said restrictive covenant(s) and, if so, on what terms?*

*If such a request for the variation or release of the restrictive covenants has not been received by Homes England, and now that a planning application has been submitted to Redditch Borough Council by David Wilson Homes, please advise what action Homes England is proposing to take to enforce the restrictive covenants.*

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### **Response**

We can confirm that Homes England does not hold the information detailed in your request.

To conclude that the information is not held, we have searched with our CAL and Commercial Disposals team who would have the requested information if held.

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 confirm that we hold no recorded information in relation to a request to release or vary the restrictive covenants(s) imposed in the 1990 Transfer. We can advise that we regularly monitor applications and proposed change of use on land where we believe such a restriction still applies and we are not aware of any application (to vary or release) to date.

### **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](mailto:infogov@homesengland.gov.uk)

The Information Governance Team  
Homes England – 6<sup>th</sup> 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.



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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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