



Homes
England

Date: 5 September 2022

Our Ref: RFI4021

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

Making homes happen

████████████████████
By Email Only

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

Dear ██████████

RE: Request for Information – RFI4021

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:

28 Grasmere Road, Purley, CR8 1DU

According to HM Land Registry records, pending applications to register leases for properties (flats) within the recent development at the above address include charges in favour of Homes and Communities Agency (now Homes England).

This development was carried out by Crystal Properties UK Ltd ("the Developer") and the flats marketed with 'Help to Buy available'.

Please provide copies of any information held (including correspondence from the Developer or legal representative), about the following in relation to any Eligible Property within this development:

- a) any unsatisfied planning conditions (such as under planning applications 19/02898/DISC or 20/02911/CONR)*
- b) any ongoing litigation (such as Right to Light claim number Fo2CR118)*
- c) any form of 'deed of Indemnity' with eligible purchasers, (to indemnify plot purchasers, mortgagees and future purchasers against any costs incurred in relation to any outstanding obligation, breach, or non-compliance by the Developer).*

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Response

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

In order to conclude that the information is not held, we have searched with the following teams who would have the requested information if held:

- Help to Buy (HTB) Contracts
- HTB Developer Services & Onboarding
- HTB Legal
- Portfolio Management
- Land (Development)
- Litigation
- Investment

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 any query regarding leasehold is checked in the first instance by our HTB contracts team and would have then been referred to our legal team. We can further confirm that the HTB Agents (our data processors) would not hold correspondence from the developer or legal representative unless it was in relation to a specific customer. In addition, we can confirm that there are no ongoing litigation claims between Homes England and the Developer in relation to any eligible property within this development.

Lastly, we do not request for planning information as the Developer has signed an agreement that their dwelling(s) are eligible to be sold under the HTB Scheme. Therefore, if any of the aforementioned issues, specifically regarding 'deed of indemnity', would have arisen, this information would not usually be held by Homes England as they are in relation to a third party.

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

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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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