



Homes
England

The Housing and Regeneration Agency

Date: 5 July 2023

Our Ref: RFI4363

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4363

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:

Ref: [REDACTED]
Homes England Ref (letter): HILO/W/23/1887

I would like to request a copy of the covenants in linked to the title deeds in question referred to in your letter.

See part C 1 Charges register of the title deeds which reference a conveyance dated 6.2.1979
See part C 2 1 Charges register of the title deeds which reference a conveyance dated 26.3.1981
See part C 3 1 Charges register of the title deeds which reference a conveyance dated 10.4.1986

Response

We can confirm that we do hold the requested information. We will address the points of your request in turn below.

See part C 2 1 Charges register of the title deeds which reference a conveyance dated 26.3.1981
See part C 3 1 Charges register of the title deeds which reference a conveyance dated 10.4.1986

6th Floor
Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

0300 1234 500
@HomesEngland
www.gov.uk/homes-england





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Homes England holds this information. 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>

Section 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. We can advise that this information can be found by searching the address on the Land Registry website below:

https://landregistry-deeds.co.uk/?msclkid=88f2170d2b5e18290b1973a876521f66&utm_source=bing&utm_medium=cpc&utm_campaign=CPA%20Campaign&utm_term=%2Bland%20%2Bregistry&utm_content=CPA%20HM%20LR

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See part C 1 Charges register of the title deeds which reference a conveyance dated 6.2.1979

Homes England holds this information. Please find the attached Annex A for the Conveyance, and please note that we are withholding some information under Section 40(2) of the FOIA.

Section 40 – Personal information

We have redacted/are withholding information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

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

Information Governance Team
Homes England
Windsor House
6th Floor

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Windsor House
42 - 50 Victoria Street, Westminster
London, SW1H 0TL

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Homes England

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42-50 Victoria Street
London
SW1H 0TL
United Kingdom

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



unto the Purchaser in fee simple

2. FOR the benefit and protection of the adjoining or neighbouring land and premises of the Corporation or any part or parts thereof and so as to bind so far as may be the land hereby conveyed into whosoever hands the same may come but so that neither the Purchaser nor those deriving title under s.40(2) shall be liable for a breach of this covenant occurring on or in respect of the property hereby conveyed or any part or parts thereof after s.40(2) or they shall have parted with all interest therein the Purchaser hereby covenants with the Corporation

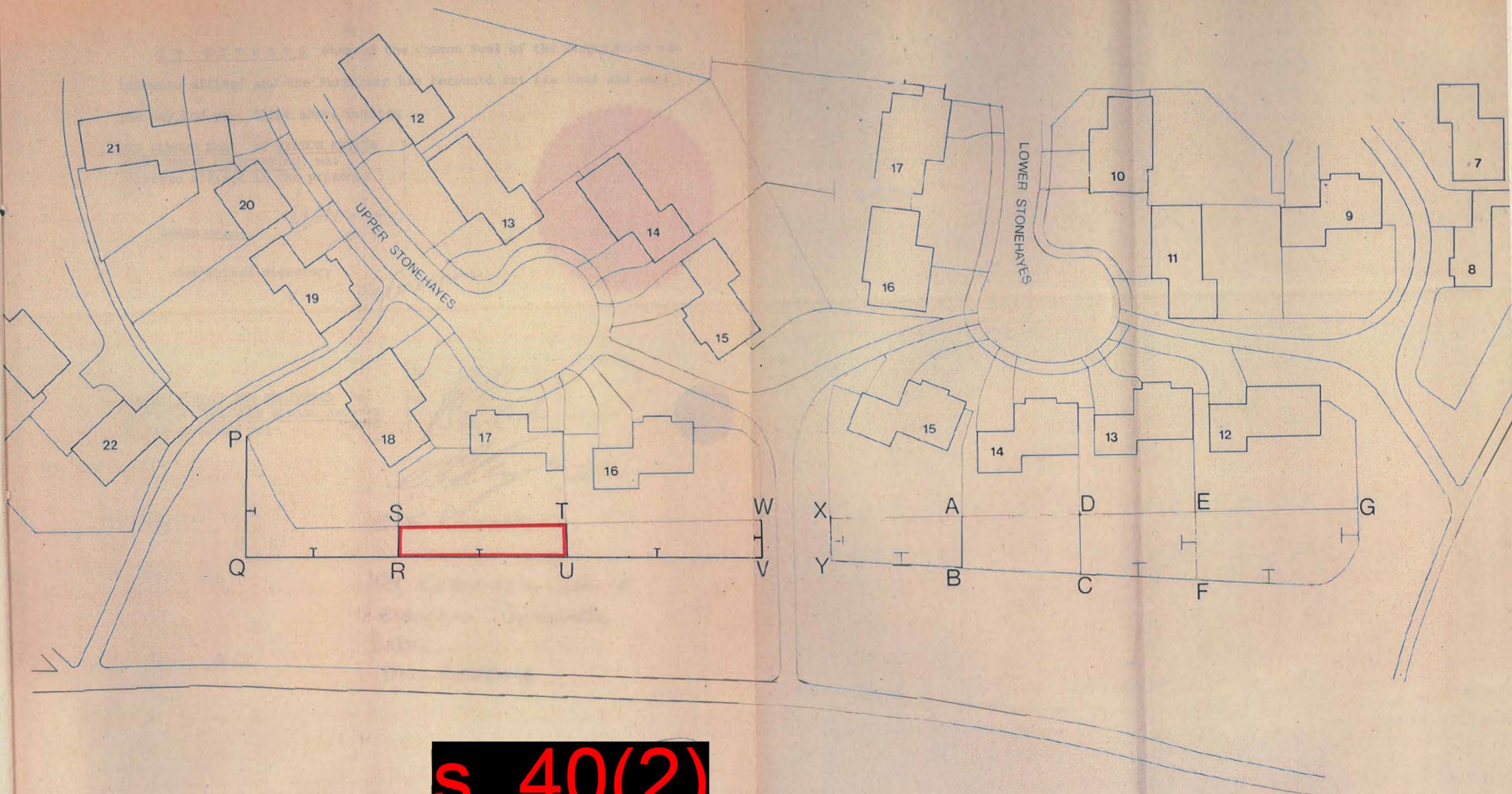
(a) to erect within two months of the date hereof and forever thereafter maintain on the side or sides of the land hereby conveyed marked with a "T" inside the boundary on the said plan a good and sufficient boundary fence to match that already utilised in the vicinity

(b) to use the land hereby conveyed for garden purposes only in conjunction with the Purchaser's property

3. IT IS HEREBY AGREED AND DECLARED that the Purchaser and s.40(2) successors in title shall not by implication prescription or otherwise become entitled to any right of light or air which would restrict or interfere with the free use of the adjoining or neighbouring land of the Corporation for building or other purposes

4. THE Corporation hereby acknowledges the right of the Purchaser to the production and delivery of copies of the said Conveyance and undertakes with the Purchaser for the safe custody thereof

5. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Thirty Five Thousand Pounds



s. 40(2)

No. 17

	MILTON KEYNES DEVELOPMENT CORPORATION	Plan no PHU - 51
	PRIVATE HOUSING UNIT	
Subject Sale of land Stonehaves, Great Linford		

I N W I T N E S S whereof the Common Seal of the Corporation was hereunto affixed and the Purchaser has hereunto set **s. 40(2)** hand and seal the day and year first above written

THE COMMON SEAL of MILTON KEYNES)
DEVELOPMENT CORPORATION was)
hereunto affixed in the presenc)
of:-

BOARD MEMBER

s. 40(2)



Authorised signatory

s. 40(2)

SIGNED SEALED AND DELIVERED by
the said **s. 40(2)**
in the presence of:-

s. 40(2)



Signature

Name

s. 40(2)

Address

159, COTEFIELD DRIVE
LEIGHTON BUZZARDS
BEDS
ENGINEERING.

Occupation

W
-
J
Z
Z
M

Do not date

DATED _____ 1985

MILTON KEYNES DEVELOPMENT CORPORATION

- to -

s. 40(2)

CONVEYANCE
relating to:
Land in the rear of [REDACTED]
Great Linford Milton Keynes
in the County of Buckingham
