



Homes
England

The Housing and Regeneration Agency

Date: 7 August 2023

Our Ref: RFI4422

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4422

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 planning application made by David Wilson Homes to Redditch Borough Council, reference 21/01830/FUL, for the construction of 214 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....

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 in the 1990 Transfer 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.

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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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 Contingent Assets and Liabilities 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 Homes England has not been approached by David Wilson Homes nor Redditch Borough Council in relation to the release or variation of any restrictive covenants imposed on the Site by a transfer of land. As Homes England has not received any requests from David Wilson Homes or Redditch Borough Council, we cannot comment on any actions we may or may not take to enforce any such restrictive covenants.

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.

Information Governance Team
Homes England
Windsor House
6th Floor
42-50 Victoria Street
London
SW1H 0TL

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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

