



Homes
England

Date: 14 January 2024

Our Ref: RFI4990

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI4990

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:

I am writing to seek clarification on the ownership and sale of land associated with Title Number ****EX706329****, located on the north-east and south-west sides of Nether Mayne, Basildon. Recent claims made in connection with planning application 24/01321/FULL suggest that part of this land has been sold to a third party.

However, the title register for EX706329 indicates that Homes England remains the registered owner, with no recorded sale or transfer. This discrepancy raises concerns about potential inaccuracies in the planning application or misrepresentation of ownership.

To address this matter, I kindly request the following information under the Freedom of Information Act 2000:

1. Confirmation of whether Homes England has sold or transferred any portion of the land associated with Title Number EX706329.
2. If applicable:
 - The date of sale or transfer.
 - The name of the purchaser.
 - The price agreed for the sale.

In addition, I am interested in exploring opportunities to purchase land from Homes England in the Basildon and Langdon Hills areas. Could you please provide:

2nd Floor
The Lumen
St James Boulevard, Newcastle Helix
Newcastle upon Tyne, NE4 5BZ

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





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1. Details of any land currently available for sale or planned to be released in these areas.
2. Guidance on how to register interest or participate in purchasing opportunities.

Response

We can confirm that we do hold the requested information. We will answer your questions in turn below.

1. Confirmation of whether Homes England has sold or transferred any portion of the land associated with Title Number EX706329.

We can confirm Homes England have transferred part of the land contained with the Title Number EX706329. In addition, we can confirm an application to register the transfer is currently underway and sits with the Land Registry.

2. If applicable:

- The date of sale or transfer.
- The name of the purchaser.
- The price agreed for the sale.

We can inform you that we do hold the information that you have requested. However, we rely on section 22, exemption where information is intended for future publication under the FOIA.

The full text of the legislation can be found on the following link and we have quoted section 22 below for ease.

<https://www.legislation.gov.uk/ukpga/2000/36/section/22>

Section 22 - Information intended for future publication

(1) Information is exempt information if:

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

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(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

Section 22 is a qualified exemption. This means that in order to withhold information under this exemption, we must consider the public interest in disclosure.

Public Interest Test – Factors in favour of disclosure

- Homes England is compliant with the government agenda of transparency and recognises the benefit of publishing the information, particularly when it concerns how Homes England undertakes its work.

Public Interest Test – Factors in favour of non-disclosure

- The information will be publicly available at HM Land Registry once the sale registration is complete. It is reasonable that a public authority does not divert resources where the information is readily available to the public. To disclose information via FOIA that is available at Land Registry would increase the likelihood of future requests being made under FOIA for similar publicly available information. This would divert resources away from requests for information that would not otherwise already be in the public domain. This would cause detriment to Homes England's ability to promptly deal with requests under FOIA.

Therefore, after careful consideration we have concluded that at this time, the balance of the public interest favours the non-disclosure.

Advice and Assistance

In compliance with the Section 45 Code of Practice (paragraph 14) and to offer advice and assistance under section 16 of the FOIA we can advise that the information will be available via the following link:

<https://www.gov.uk/get-information-about-property-and-land>

In addition, I am interested in exploring opportunities to purchase land from Homes England in the Basildon and Langdon Hills areas. Could you please provide:

- 1. Details of any land currently available for sale or planned to be released in these areas.**
- 2. Guidance on how to register interest or participate in purchasing opportunities.**

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We can inform you that we do hold the information that you have requested. 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. In order to abide by this duty we can confirm that details about sites which are available for disposal and guidance on how to submit an online query regarding land are available via the following link:

<https://www.gov.uk/guidance/how-homes-england-sells-land-for-housing-led-developments>





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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
The Lumen
2nd Floor
St James Boulevard
Newcastle Helix
Newcastle upon Tyne
NE4 5BZ
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.

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Yours sincerely,

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