



Homes  
England

The Housing and Regeneration Agency

Date: 18 March 2025

Our Ref: RFI5041

Tel: 0300 1234 500

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

By Email Only

Dear [REDACTED]

**RE: Request for Information – RFI5041**

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 is a further request 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 proposed a development on part of an existing golf course (Abbey Park) and adjacent meadows.**

**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 has previously been provided to Homes England as part of an earlier Freedom of Information request.**

**The covenant prevents the land (including the Site) from being used other than as a golf course, leisure centre, hotel and country club.**

**The application was unanimously refused by the Redditch Borough Council Planning Committee on 21st March 2024. Many of the several hundred individual objections raised by local residents made reference to the Covenant.**

**An appeal against this decision was lodged by the developer. A Public Inquiry was subsequently held between 21st – 24th January 2025, under the auspices of HM Planning Inspectorate. The decision of the**

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**Inspector, announced on 13th February 2025, is to grant planning permission for the development, subject to conditions and S106 arrangements.**

**The Restrictive Covenant is acknowledged as not being a Planning matter; however, it does determine the legal usage status of the land.**

**The purpose of this latest 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, please advise what action Homes England is proposing to take to enforce the restrictive covenants now that planning permission has been granted.**

### **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 Asset & Liabilities Team 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 received any request to review, release or

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vary the restrictive covenant imposed in the 1990 Transfer. In relation to enforcement, the covenant would need to be reviewed at the point of any request before any view can be formed.

## **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)

Information Governance Team  
Homes England  
The Lumen  
2<sup>nd</sup> 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/>

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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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