



Homes
England

Date: 2 April 2025

Our Ref: RFI5065

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

[REDACTED]
By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5065

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:

Re: Kings Lea Cottam Preston : Lease Title No: [REDACTED]

I write as owner of [REDACTED] to request information under the Freedom of Information Act 2000. Also I am requesting the information as a customer having purchased the property from The Homes and Communities Agency as detailed in the TP1 Transfer Document.

The lease in section 6 states the HCA will issue a completion certificate. Has the said certificate been issued, if so I would like a copy please. The Lease states the development was to be finished by September 23.

The TP1 signed by all parties states: 13.4 COVENANTS BY THE DEVELOPER

“The Developer hereby covenants with the Transferee and his successors in title (including any mortgagee or charge) that the Developer will at its own expense make and construct the roads and footpaths intended to become public roads and footpaths and the principal sections of the estate sewers thereunder and all other sewers to be adopted to the satisfaction of the appropriate Local Authority and will indemnify the Transferee from and against all claims and demands in respect thereof until such time as they shall be adopted as highways and sewers maintainable at the public expense”.

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

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The developer in May 2024 stated works for completion of the roads would commence in 8 weeks – nothing has been done to date. Please advise who under the terms of both the Lease and the TP1 who has the authority to ensure the development is finished in accordance with the terms detailed in the TP 1?

The Lease further states in section: 9 TRANSFER OF COMMON AREAS “9 1 The Developer covenants to join in, at any time at the Landlord's request, a transfer of the whole or any part of the Common Areas to the Management Company so as to surrender the Developer's interest in the land transferred.” The developer has informed me it is their intention to transfer the freehold of the Public Open spaces to themselves. This does not accord with the terms of the Lease, or with the Section 106 of the planning granted. Please can you have this issue investigated, to ensure compliance with the Planning, and the Lease?

The Lease further states: 20 MAINTENANCE UNTIL COMPLETION “20 1 Until completion of the Development, the Developer must keep and maintain the Land and all parts of the Development in a neat and tidy condition so far as may be reasonable and prevent so far as may be reasonably practicable any matters or things which may be unnecessarily unsightly or offensive visually or otherwise”. Please clarify at what point you deem the development to be completed.

Response

We can confirm that we do hold some of the requested information. We will address each of your questions in turn.

The developer in May 2024 stated works for completion of the roads would commence in 8 weeks – nothing has been done to date. Please advise who under the terms of both the Lease and the TP1 who has the authority to ensure the development is finished in accordance with the terms detailed in the TP 1?

We can confirm that the parties to the building lease dated 31 July 2018 have the authority to ensure that the development is finished in accordance with the terms detailed in the TP1.

The building lease is publicly available via the following link: <https://www.gov.uk/get-information-about-property-and-land>. The title number for the site in your request is [REDACTED].

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We do not consider that this is a request for recorded information and therefore a response cannot be provided under the FOIA.

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We can confirm that the development will be deemed completed when the obligations in the Building Lease dated 31st July 2018 have been fulfilled.

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

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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

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