



Date: 28 May 2025

Our Ref: RFI5089

Tel: 0300 1234 500

Email: infogov@homesengland.gov.uk

By Email Only

Dear [REDACTED]

RE: Request for Information – RFI5089

Thank you for your recent email, which was processed under the Environmental Information Regulations 2004 (EIR).

You requested the following information:

Please provide data on the number of housing developers that have been granted planning permission but have not commenced construction within the last ten years (from 2015 to the present). Specifically, I am seeking:

- 1. The number of housing developments that have received planning permission but remain undeveloped.**
- 2. A breakdown by year, indicating how many developments fall into this category annually.**
- 3. Any analysis or internal reports Homes England holds on the issue of land banking by developers.**
- 4. Any correspondence between Homes England and developers regarding delays in commencing construction after planning permission has been granted.**

We wrote to you for clarification in relation to your request and you advised of the following:

Please can I get information for the whole of England.

Response

We can confirm that we do hold some of the requested information. However, to comply with your request would present a disproportionate burden on our resources. We therefore rely on regulation 12(4)(b), exception where the request is manifestly unreasonable.

The full text of the legislation can be found on the following link and we have quoted regulation 12(4)(b) below for ease.

<https://www.legislation.gov.uk/uksi/2004/3391/regulation/12>

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

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Regulation 12(4)(b) – Manifestly Unreasonable

Regulation 12(4)(b) of the EIR provides an exception to the duty to disclose environmental information where the request is manifestly unreasonable. The information requested engages this exception because the information in relation to correspondence held between Homes England and developers regarding delays is not recorded centrally. It would involve sifting through every piece of correspondence in relation to every housing development across the whole of England for the last 10 years which we consider would cause a disproportionate burden on Homes England's resources.

We have considered whether it would be appropriate to rely on regulation 7(1) of the EIR, which would permit Homes England to extend the time limit for compliance to a maximum of 40 working days in order to facilitate compliance with the request. However, we still consider that the complexity and volume of information requested means that it is impracticable to comply with the request within 40 working days.

Public Interest Test

Regulation 12(4)(b) is subject to the Public Interest Test. Once the exception has been engaged it is then necessary to consider the balance of the public interest in maintaining the exception or disclosing the information.

Under regulation 12(2) Homes England must apply a presumption in favour of disclosure, in both engaging the exception and carrying out the public interest test. In relation to engaging the exception, this means that there must be clear evidence that disclosure would have the adverse effect listed in regulation 12(4)(b).

Public interest in favour of disclosure:

- Homes England acknowledges that there is a presumption in favour of disclosure regarding environmental information as well as a public interest in promoting transparency in how we undertake our work and allocate public money; and
- Homes England acknowledges that the disclosure of environmental information increases public trust in how we undertake our responsibilities as a public authority;

Public interest in maintaining the exception

- Responding to the request would place a disproportionate burden on Homes England in terms of time, resources, and cost. This is particularly relevant to the question relating to correspondence, as the information is not recorded centrally, a significant volume of staff would be required to search and retrieve information which may fall within scope. This would divert significant resources away from other essential functions and services, ultimately impacting Homes England's ability to fulfil its core responsibilities effectively;

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- The extensive effort required to process the request would negatively affect the Homes England's ability to deliver timely and efficient services to the public. This could lead to delays in other important areas of work, reducing the overall quality of service provided to the public;
- Homes England has limited resources, and it is in the public interest to ensure that these resources are allocated efficiently. Processing a manifestly unreasonable request could result in the misallocation of resources, preventing the authority from addressing other pressing issues that may have a higher priority or greater public benefit;
- Responding to the request could encourage similar requests in the future, further straining Homes England capacity. It is in the public interest to discourage the submission of unreasonable or vexatious requests to ensure that Homes England can operate efficiently and focus on legitimate inquiries; and
- There is a strong public interest in ensuring that Homes England can govern effectively and make informed decisions. Processing a manifestly unreasonable request could undermine Homes England's to function efficiently and effectively, ultimately detracting from good governance.

Having considered the argument for and against disclosure of the information, we have concluded that at this time, the balance of the public interest continues to favour non-disclosure.

Advice and Assistance

Regulation 9(1) provides that an authority must provide advice and assistance to applicants. In accordance with this we can advise that if the request did not ask for information in relation to the whole of England and rather a specific site/sites or limited geographical area, the other aspects of the request could likely be provided in a way that did not present a significant burden to our resources. You should be aware that in relation to question 1 and 2 in your request, Homes England would also need to analyse any milestone data for all sites in order to determine which have achieved planning and whether a start on site has commenced which is not something we ordinarily record data on and would therefore only be held in correspondence or miscellaneous project files.

We suggest that you refine your request by also limiting the timeframe for the information requested as a 10 years is a large timeframe to search.

Please note that due to the broad scope of your request we cannot confirm that any further request would not also be considered manifestly unreasonable pursuant to regulation 12(4)(b) EIR.

For further assistance the Information Commissioner's Office have some useful information online that you might find helpful:

<https://ico.org.uk/for-the-public/official-information/how-to-write-an-effective-request-for-information/>

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Right to make Representations

If you are not happy with the way in which your request has been handled, you may request a reconsideration of our response (Internal Review). You can make this representation by writing to Homes England via the details below, quoting the reference number at the top of this letter.

Email: infogov@homesengland.gov.uk

The Information Governance Team
Homes England
2nd Floor
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Your request for reconsideration must be made in writing, explain why you wish to appeal, and be received within 40 working days of the date of this response (Reg 11(2)). Failure to meet this criteria may lead to your request being refused.

Upon receipt, your request for reconsideration 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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