

TEN YEARS OF PAIN IN SPAIN

At long last, justice for a British couple whose 'illegal' home was demolished. By *Richard Torne*

Len and Helen Prior have a sign on a kitchen cupboard in their bungalow in Andalusia that says: "Make do and mend." It sums up the couple's pluck and reminds them of what they have endured.

Helen's eyes well up as she recounts the harrowing day 10 years ago – on January 9, 2008 – when a small army of officials and police came to pull down their two-storey villa on the outskirts of Vera, a town in the southeastern province of Almeria.

The lengthy drama that has dogged the couple's life started in 2002, when they were granted a licence by the local council to construct their dream Spanish home. They weren't alone. During the building boom from the late 1990s until the economic crash of 2007, thousands of expats bought off-plan properties or built their own villas, breathing life into decaying villages and boosting local economies.

Yet Spain has notoriously convoluted planning laws, and the myriad local councils – there are 103 in Almeria alone – failed to police the explosion of construction. More than 300,000 homes in Andalusia – including 15,000 in Almeria – were deemed to have been built illegally.

A year after they moved in, the Priors' building licence was revoked by the Andalusian government because the house had been built on "non-urban" land. Unaware that the legal wheels were moving to have their property knocked down (no one at the council had told them), the couple spent two happy years settling into their home, which cost them about €350,000 – €110,000 to buy the plot and the rest for construction costs. They only became aware of the regional administration's intentions in May 2006.

Despite frantic efforts by their lawyer, the government hastily proceeded to carry out the demolition. "The case was in litigation, but they still barged in with their bulldozers," recalls Helen, 74. The couple were given just a few hours to clear out their belongings before the villa was razed to the ground.

The authorities had underestimated the Priors' determination to seek restitution. "If we had honestly believed we had done something wrong, we would have saved the little money we had left and gone back to the UK, rather than spend the last of our cash fighting this," Helen says. "But we knew we had done nothing wrong."

British expats, with the couple at the helm, held rallies demanding clarity in the buying process, just as dozens of new cases and threats of demolitions began to stack up in the courts. Following a damning European Parliament report into planning abuses in Spain in 2009, the EU became involved – and for the expat property rights association Auan, the Priors' case was the perfect *cause célèbre* with which to spearhead its "compensation before demolition" campaign.

This culminated in victory in March 2015, when Spain's Senate voted in favour of approving a measure that means the authorities can no longer demolish an "illegal" house if the owners bought in good faith and were unaware that the developer or council was violating planning law.

Gerardo Vazquez, Auan's lawyer and founder, believes the couple's case was a game-changer. "They were the symbol of everything that was wrong with Spain's planning laws," he says. "They were the martyrs."

As for the Priors, the bitter rollercoaster ride is coming to an end. They now live in a prefab bungalow they have built on their plot, and last October the regional high court ruled that Vera council had to give them €220,344 (£195,700) for the loss of their original home and €9,194 in "moral damages". The mayor has until the end of February to pay, otherwise the courts will seize council assets and levy up to €40,000 in interest on late payments.

The compensation falls short of the €560,000 that the couple originally claimed, based on the market value of the villa – and, after lawyer's fees and court costs, they may not have much left. But they're finally ready to move on.