

Pensioners' pain in Spain

Britons who face losing their homes feel the legal system has failed them, reports Stephen Burgen The Times. November 2, 2007

NEWS that the Spanish Government is threatening to clear nearly 500 miles of coastline of illegal developments has upset thousands of expatriate Britons who own beachside homes there.



Under the €5 billion (£3.5 million) proposal, the Government would demolish homes, chalets, hotels and swimming pools along a 776 km (480 mile) stretch of coastline. The areas involved are those most popular with Britons, including the entire Mediterranean coast from Barcelona in the north to Marbella in the south, the Canary Islands and the Balearic Islands, including Majorca.

It appears that the Spanish Government intends to negotiate with home-owners and regional authorities over the sale of properties deemed illegal, rather than to expropriate them.

However, it is not just coastal home-owners who are suffering. Many Britons who bought homes inland face a similar fate. Bob Preston is one of about 12,000 expatriates who have discovered that their new homes were built illegally on agricultural land. The blight affects at least 4,000 properties in the Almanzora valley in Almería, southeast Spain. "I sold up to enjoy a quiet retirement here but the Spanish have stuffed me and thousands like me. We could lose our life savings and our homes, because most of us don't legally own anything," Preston says.

A commission of the European Parliament, led by the MEP Michael Cashman, visited the area in April in response to 15,000 petitions concerning alleged abuses of land laws in Almería and Valencia. Its report, which was sent to the Spanish Government, condemned the practices. But the commission cannot force a member state to mend its ways. "However, we can act if human rights, as set down in the European Convention are not being respected, as may be the case in respect of land grabs and the legal purchase of illegal builds," Cashman says.

Preston, president of the pressure group Abusos Urbanísticos Almanzora No (AUAN), says that people started looking inland for property as houses on the coast became too expensive. Almanzora was in decline, and the newcomers were a golden opportunity that the local authority couldn't pass up, so it allowed developers to build on farm land, saying that planning consent could be obtained retrospectively.

Solicitors told buyers that everything was fine, although it has emerged that some of the lawyers were also acting for the developers – a clear conflict of interest. Worse still, some of the properties were purchased using an extremely unusual form of contract under which the purchaser is also the promoter, in effect making them responsible for their fate. "British people believe that if you use a lawyer everything will be done legally," Cashman says. "They don't expect the legal system to fail them, but it has."

Preston says: "In my case I don't actually own either my land or my house – the developer does. But he can't pass the ownership to me because the house is illegal. On the other hand, he does have my money. Service providers say, quite correctly, that it is illegal for them to supply illegal homes, and so one by one we pensioners, some of us in our late seventies, are forced to rely on expensive generators and water supplied by tanker."

Whatever the local authority would like to do, its hands are tied by the Junta de Andalucía, the regional government, which will not countenance retrospective planning permission in this case, perhaps because it

could lead to an avalanche of similar demands from thousands of owners of illegal houses on the Costa del Sol.

There is, perhaps, light at the end of the tunnel. AUAN has managed to form good relations with a number of local mayors and is working to develop more. Regular meetings are to be scheduled to keep the lines of communication open. Although there is as yet no clear solution, the regional governments of Andalucía and Almería are working on a plan to help to resolve the situation. What this will achieve, and when, is uncertain.

However, it is in no one's interests to demolish the houses. As Spain is a country where expediency rules, a solution will eventually be found – although it won't happen in a hurry.

FACT FILE

There are 100,000 illegal homes in Spain, including an estimated 30,000 in Marbella, according to official figures. Demolition orders have been imposed on two developments in Marbella – Banana Beach (334 homes) and Casablanca Beach (60 homes) – but neither order has been executed. House prices in Spain rose by 5.7 per cent this year, by 10.8 per cent last year and by 13.4 per cent in 2005. Abusos Urbanísticos Almanzora No: www.almanzora-au.org.

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