

## **Big Issue in the North, November 2008**

A couple have won the first round of a battle to save their home from demolition under a council regeneration scheme.

A judge has granted Dave and Elisa Hynes permission to seek a judicial review after Leeds City Council reneged on a promise that their home of 35 years could stay up.

As revealed last month [OCT] by *The Big Issue in the North*, the family was given four options in 2003. They chose to keep their ex-council house in Gipton while regeneration went on around them.

The £1.2bn, 20-year East and South East Leeds (EASEL) project has not been without controversy, with some describing it as a publicly-funded gentrification scheme.

The council, working in partnership with the developer Bellway, has promised “transformational” regeneration through the building of 5,000 new homes, shops and schools.

Many residents – the majority of whom were social tenants – have been moved out of the Gipton area. The Hynes’ is now one of just four properties still standing on Oak Tree Mount, after the council cleared around them in 2005.

Despite the early promises, officials now say their house must also be demolished and claim the family is standing in the way of development. The authority is preparing to serve a Compulsory Purchase Order to force them out.

Last week, the Hynes launched a legal challenge. In papers put before the court, their lawyers told how they had relied on the council's "option four" promise that they could remain in their home while the housing estate around them was knocked down.

On considering arguments from both sides, Justice Cranston gave permission for a full hearing on the matter, but no date was set. He said: "I take the view that there was a legitimate expectation in 2003 and so, it seems to me, that there is a need for a hearing in relation to that aspect."

In the meantime, the council could re-think its decision, or opt to proceed with a CPO – in which case any opposition would be heard at a public inquiry.

The Hynes’ solicitor, Keith Lomax, of Davies Gore Lomax, said: “Permission to proceed has been granted. This means the case will go on to a final hearing for which a full day is expected.”

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A fifth of people in Gipton and a sixth in neighbouring Seacroft are unemployed. Those who work tend to be low earners.

Yet according to council reports, just 25 to 30 per cent of the new housing built under EASEL will be “affordable”. And the new stock will be out of reach to all but a few local residents – even with a 50 per cent shared-equity scheme.