

## Flood victims ruled out of time to appeal

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A PENSIONER who built his own flood defences has failed to overturn a decision to strip him of development rights. Peter Johnson, 68, lives in Denamere Lane, Farndon Hay, precariously close to the River Dee.

He labelled the High Court's decision "draconian" after failing in a test case challenge to Chester City Council's ruling removing ordinary permitted development rights from him and 25 other Farndon Hay residents.

Mr Johnson had asked Mr Justice Sullivan for permission to bring a full High Court challenge to the council's 2005 direction, which was imposed to maintain the function of the River Dee floodplain.

But his challenge was dismissed by the judge who ruled that his appeal was too late, denying him and his neighbours the opportunity to develop their properties without first securing planning permission.

Mr Johnson said: "There was no problem at all with the evidence. It was only dealt with on the basis that the judge has ruled me out of time.

"As a property owner of senior years you don't go running to lawyers. You expect the Government to tell you what your recourse is. They've had me locked up for seven years and destroyed my aspirations for retirement."

Mr Johnson moved into Heron Lodge, an idyllic one-and-a-half-storey chalet in three-quarters of an acre of gardens in 2000. He quickly discovered the property flooded six times a year, causing £20,000 of damage, so bought a JCB and, with the help of a civil engineering company and 3,000 tons of soil, raised the height of his house and garden by a metre.

City council spokesman Mike McGivern said: "The courts have repeatedly rejected Mr Johnson's arguments after full and detailed consideration of all of the submissions he has made. The city council hopes Mr Johnson will now comply fully with all of the requirements that the High Court has made of him."

Mr Johnson must comply with the enforcement notice by March 24.

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