

## Here's a brief summary of the major events

February 2001	<p>Brian and Denise Herrick bought the old South Petherton Fruit Farm. Because it had gone into complete disrepair owing to the previous owners going bankrupt and no longer being run as a commercial concern the name was changed more appropriately to Barcroft Hall as it is positioned at the end of Barcroft Lane. The house was unfinished and the land - and footpaths - were in a terrible state.</p>	Reference
March 2001 to Present	<p>Complete house refurbishment and creation of gardens and wildlife areas.</p> <p>Complete farmland (75 acres) refurbishment and integration with local authority required business plans for agriculture. (Farmhouse had an Agricultural Tie planning condition with a s52 agreement)</p> <p>Complete refurbishment of all footpaths which were previously blocked: Local paraplegic requested that all footpaths should be available to the mobility challenged. Paths completely relaid with all weather drainage, removal of all gates and stiles within the land holding, rearrangement of field to accomodate for livestock as open runs were created for the disabled. Also the creation of permissive paths and diabled friendly gates (to adjoining land in other ownership) for the mobility challenged.</p> <p>Planting of some 2000 trees, creation of wildlife areas on land constantly flooded. Planting 6 kilometres of natural hedging with wild roses against all footpaths.</p> <p>Some £400,000 has been spent on total refurbishment with £40,000 being spent on footpaths alone.</p> <p>Constant footpath and land maintenance, footpath grass cut every week and hedges cut 4 times a year.</p>	Reference
June 2001	<p>A wooden ornamental five bar gate with associated smaller five bar pedestrian gate installed in gap that already existed between fences at farm entrance.</p> <p>Gates was deemed as necessary as the new footpath structure with open ungated and no stiles meant that is livestock escaped from any field they could egress into the village some 500 yards away.</p> <p>Gates were positioned at the only farm entrance for the whole 75 acres, through which had to pass all agricultural machinery, domestic vehicles, agricultural delivery vehicles, and stock transporters.</p>	
February 2002	<p>SDDC called to say they had a complaint about the entrance gates and landowners discussed why they needed them for stock control and amenity protection as many dumped cars were found on site.</p> <p>SDDC (Mr.Lees) said he was being harassed by a member of the public Mr.Johnson.</p>	
March 2002	<p>SDDC intially requested that the gates be removed, then decided that the gates should be reversed so that the pedestrian gate was on the left when viewed from the private land.</p>	
April 2002	<p>Landowner reverses gates as requested by SDDC and verbal authority by SDDC given for gates.</p>	
April 2002 to May 2004	<p>No action from any Authority. Brian joins Parish Council and sits on footpath committee and is asked to be Chairman of The Village Plan.</p>	

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May 2004	<p>Wooden gates replaced by steel gates with brick and hamstone pillars to be in keeping with house and providing extra security in addition to stock control and amenity protection, as serious burglaries had occurred resulting in farm machinery loss from barns.</p> <p>Landowner creates a RSPCA waterfowl release area for distressed birds which are delivered to site on a constant basis</p>
May 2004 to May 2005	No action from any Authority.
October 2004	Kidner returns home from Navy
November 2004 to Present	Kidner starts vitriolic personal campaign against the Herrick's. Starts by writing to the Parish Council followed by scores of letters to SCC, SSDC, Local MP, CPRE, OSS and other bodies.
November 2004	Kidner joined Parish Council Footpath Working Group
March 2005	Parishioners report Kidner for harassment over footpath issues.
April 2005	Parish Council consider harassment of parishioners by Kidner serious enough to de copt him immediately.
May 2005	<p>SCC issue a notice on Herrick's under s143 for the removal of the gates and pillars at the entrance to the farm on footpath Y24/10 giving landowner one months notice to comply.</p> <p>Landowner submits after an extensive survey (whilst being chairman of the Village plan with special responsibility for footpaths) and a comprehensive report to SCC showing 120 obstructions and footpath faults in the parish.</p> <p>Kidner heavily influences SCC with his own discreditation campaign against landowner and SCC begin their own harassment and victimisation campaign against landowner. SCC threatens landowner to 'make an example of you' at an on site meeting.</p> <p>Brian leaves Parish Council and resigns as chairman of Village Plan as placed in an untenable position.</p> <p>Landowner contacts SCC (Mr.Day) and explains that SSDC gave verbal permission for the gates some 3 years earlier and he would resist SCC request.</p>
July 2005	<p>SCC organise WS Atkins to attend site (when landowners away) with police to carry out s143 demand. Contractors arrive and decide that they perhaps do not have the right and go away without doing anything.</p> <p>When SCC reported that contractor did not remove alleged obstruction a member of the public (SCC will not disclose identity of server under FOI, internal sources confirm it was Mr.Kidner) serves 4 s130 Form 1's on SCC for the following on Barcroft Hall farmland:</p> <ol style="list-style-type: none"> <li>1. Overhanging apple tree branch on Footpath Y24/9</li> <li>2. Locked gates and stone pillars on Footpath Y24/10</li> <li>3. Fencing gate pillars and lights in the surface of Footpath Y24/12</li> <li>4. Locked Gate on Footpath Y24/23</li> </ol>

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	<p>SCC (Mrs. Hewitt) meets with landowner on site and confirms that the matter should not go to court and that she would explore the possibility that a resolution would be that the gates are kept locked open at all times except for agricultural purposes. Landowners agreed that it was a sensible solution but received no further reply or comment from SCC.</p>
August 2005	<p>SCC serves 4 Form 2's on landowner for alleged obstructions listed above.</p>
August 2005 to December 2005	<p>No action from any Authority</p>
December 2005	<p>SCC issue a summons to the magistrates court on 31st. January 2006 under s137 alleging that the landowner has unlawfully obstructed the free passage on Footpath Y24/10 (Entrance gates)</p>
December 2005 to June 2006	<p>No action by any Authority</p>
June 2006	<p>Landowner attended magistrates court in Yeovil. SCC fail to obtain an order to remove gates and pillars on Footpath Y24/10, magistrates explain that they do not constitute an obstruction but find by virtue of the electronic mechanism not able to be operated by the public, that constituted a problem. They found the landowner guilty of a technical wilful obstruction and immediately gave an absolute discharge and ordered that handles be placed on the gates for the public to be able to operate them manually in addition to the pedestrian gate. They also commended the landowners on their footpath work as there was much to be applauded.</p> <p>SCC were ordered to pay half the costs and the experts costs provided by the landowner.</p>
July 2006	<p>SCC were given the opportunity to appeal but decided against it as advised by their legal counsel.</p>
August 2006	<p>Landowner engages the gate fabricator immediately to put handles on the gates and comply with the magistrates order in the timeframe required at a cost of £2500.</p> <p>SCC confirm to the Parish Council they have discharged their duty with the alleged footpath obstruction on Y24/10 and Parish Council publish their minutes accordingly.</p>
September 2006	<p>SCC organise a secret meeting at the Shuttern Restaurant, Taunton inviting councillors, ROW officers, (Kidner?), and Planning Officers to decide how they would progress with the matter. It was resolved to make no minutes of the meeting for the record.</p> <p>Same day as the meeting Kidner serves another 2 s130 Form 1's on SCC for the same previously alleged obstructions:</p> <ol style="list-style-type: none"> <li>1. Unauthorised gates across Footpath Y24/10 (no pillars this time)</li> <li>2. Footpath diverted along field edge - definitive footpath obstructed by fences for Footpath Y24/12</li> </ol>
October 2006	<p>SCC allege to MP and Councillors that landowner did not comply with the magistrates order.</p> <p>Gate handles were vandalised and landowner reported incident to the police. At the same time landowners car attacked with shovel which was reported.</p>

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	<p>Landowner's gate fabricator confirms that all work was carried as required and tested as functioning properly. Landowner asked third party to record for a month that the gates operated as required.</p> <p>SCC serves landowner with 2 s130 Form 2's for the above alleged obstructions.</p>
October 2006 to January 2007	No action by any Authority
October 2006	Kidner joins Parish Council
January 2007	<p>SCC serve 2 notices on landowner for:</p> <ol style="list-style-type: none"> <li>1. Unauthorised gates across Footpath Y24/10 (no pillars this time)</li> <li>2. Fences erected on the highway on Footpath Y24/12</li> </ol>
January 2007 to present	Landowner asks SCC for information and disclosure of information under the Freedom of Information Act and the Data Protection Act, SCC refuse.
February 2007	<p>SCC (Mr.James) telephones landowner whilst away from home and speaks to housesitters. Explains he is fed up with the situation and they will be coming with contractors the following day to take down gates and install stiles.</p> <p>Landowners notify SCC that they would be in contempt of magistrates court decision if they take down gates and would resist legally. In addition they offer land to SCC so that their disabled path would not be compromised by the removal of a gate and the reinstatement of stiles. SCC agreed to it being a sensible arrangement but did not comply.</p> <p>SCC Contractors arrived to take down gates but went away again. Three stiles were installed at below normal height to replace one disabled gate and stock wire destroyed by SCC allowing livestock to escape.</p>
	Landowner replaces wire that is at a normal stock fence allowable height of 1005cm but SCC obtain an injunction to stop landowner retaining stock.
March 2007	<p>SCC wrote to landowner giving legal authority for gates 'preferably locked open'.</p> <p>Kidner leaves Parish Council after just 5 months</p> <p>Kidner upon hearing that SCC had given authority served notice by suing SCC under s130B to remove obstruction. SCC pre-agreed not to defend the action.</p> <p>Kidner organises that 23 other members of the public complete a s130 Form 1 and serve them on SCC for the same alleged obstruction (gates and pillars on Y24/10)</p>
April 2007	<p>SCC write to landowner explaining they had 23 s130 Form 1's and served only 1 s130 Form 2 to remove gates and pillars on Footpath Y24/10. They confirmed however that they would now desist taking any action as Mr.Kidner was now suing them.</p> <p>Agricultural Tie and s52 agreement lifted from property</p>
April 2007 to October 2007	No action by any Authority
April 2007	<p>Harassment, victimisation and lack of parity of SCC &amp; Kidner become too much and landowners decide to sell property</p> <p>SCC make Kidner the Parish Paths Liaison Officer</p>

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	<p>Landowner offered to change gates to 5 bar gate as before but SCC and Kidner refused</p>
October 2007	<p>Magistrates court hearing Kidner v SCC. As SCC did not defend their position SCC were ordered to demolish all gates and pillars 3 metres either side of the centre line of the main gates. SCC ordered to pay their and Kidners costs.</p> <p>Landowner locks the main gates permanently open and installs his own fingerpost to direct walkers through gates as SCC refuse to install their own.</p>
November 2007	<p>Landowner lodges an appeal in the Crown Court and requirements are unsustainable.</p> <p>SCC return South Petherton Footpath review two and a half years after submission and do not attend to the obstructions listed.</p> <p>SCC inform landowner they are commissioning a survey company (Lewis Brown) to survey all the footpaths on the landowners land at their cost (SCC) at around £7500 and to issue landowner with a copy of the survey any any issues</p>
January 2008	<p>Landowner trys to comply and asked SCC (Mr.James) to come on site and discuss as order meant that pedestrian gate would have to be cut down the middle vertically. SCC refused meeting.</p> <p>SCC threaten landowner with commital proceedings to prison if a stile they requested to be installed to replace an open access path for the disabled was not lowered by 3cm and a stump on wood 2cm high by a hole in the wall they required was not removed.</p> <p>SCC informs landowner that they will be erecting a fingerpost at the entrance to the farm indicating the route of Y24/10 but does not proceed.</p> <p>Kidner notifies SCC henow thinks that keeping the gates locked back is a 'sensible solution' and will only carry on suing SCC if SCC agree to financially indemnify him against the landowners legal fees should the landowner win the appeal.</p> <p>SCC County solicitor (M.Abbott) replies that 'this an unusual request given that the County Council are on the receiving end of proceedings instituted by your client' (Kidner).</p> <p>Confirmation received that Kidner has received a £10,000 donation from the Open Spaces Society, £5000 from the Ramblers Organisation central funds and £500 from the Ramblers Association local group.</p>
February 2008	<p>SCC (N.Hirst) agrees to Kidners demands for indemnity and says 'I emphasise here that this correspondence is kept confidential and that it is privileged'. SCC would not be able to prosecute the landowner without Kidner as they had already done so and failed.</p>
February 2008 to December 2008	<p>No action by any Authority</p>
June 2008	<p>Landowner holds an Awareness Day and NGS Garden Opening to raise money with rural access for the mobility challenged and climate change exhibition.</p>
July 2008	<p>SCC agree to meet prospective purchaser and agent of Barcroft Hall and issue a settlement document that allows the pillars to stay and SCC would create a 'stopping up' order</p>

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December 2008	Crown Court Appeal: SCC found to be 'Unfocussed, Illogical and inconsistent. Appeal altered previous order so that only gates and centre pillar had to be removed.
January 2009 to present	Many walking groups and individuals by press insertions and direct correspondence with SCC ask if Kidner is being indemnified by SCC for the High Court appeal, SCC refuse to answer to any demands.
December 2008 to March 2009	No action by any Authority
March 2009	<p>Landowner and SCC appeal to the High Court for:</p> <p>Landowners are appealing because it was found in the last judgment that the gate pillars did not restrict the 'useable width' of the footpath that previously existed and was used by the public. In addition SCC had granted lawful authority for the gates at the time Mr.Kidner prosecuted them.</p> <p>SCC are appealing to have the complete structure removed despite the last judgment specifically making a point that this should not be pursued. They are also appealing against the order to install a fingerpost to show the public the way.</p> <p>Both are appealing against the costs order.</p>
June 2009	Landowner launches 'Vegetation Education' allocating land within the village to be converted to allotments so that the older more experienced gardeners can train youths.
July 2009	<p>Landowner holds a Pensioners Picnic and Garden Open Day to raise funds for the local Scout Group new headquarters with the South Petherton Walking Group</p> <p>Landowner requests settlement meeting with SCC, but SCC refuse.</p>
September 2009	SCC install a fingerpost almost two years after notified plan to do so to mark the route Y24/10 at the farm entrance.

Consider

All legal costs currently standing at around £500,000 are costs in the cause and can be awarded against any party in totality in future appeals.

SCC has a statutory right to remove obstructions without the need for court cases.

SCC can issue a 'stopping up' order to reduce the width of the footpath to 4.2 metres