

# Gateway ruling leaves the law wide open to ridicule



## READERS WRITE

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I WAS disappointed to read in last week's *Western Gazette* that a top judge has ruled that multi-millionaire Brian Herrick must pull down the iron gateway to his Somerset estate.

What a lot of fuss about nothing and what a lot of unnecessary expense to burden the good taxpaying public with. Did this eminent gentleman take the time to actually check-out the offending structure or did he simply make his ruling based on the law, which as we all know is there to stop us slipping into anarchy, but we also know, of course, that it can be a bit of an ass sometimes.

Am I being a little disrespectful here? Damn right I am. I know the walk very well indeed and I wrote a piece in this paper a while ago stating exactly that.

Let's face it, judges aren't infallible. We read in the national papers almost daily of one or another of them handing out the strangest of sentences, mostly in favour of the wrongdoer, it has to be said. So I'm not afraid to stand up and say that thanks to the naivety of Somerset County Council, who I believe allowed themselves to be drawn into a private feud, we all must suffer.

I suspect former Royal Navy Rear Admiral Peter Kidner is happy now and congratulating himself on a victory well won, a victory for the little man against the rich landowner. He might even be deluding himself that it is a victory for all rambles countrywide against farmers who might want to restrict the rights of people to walk the ancient tracks and pathways that cross their land.

If so then he's badly mistaken. All he's done is to make farmers more wary of rambles and what's more, they might be less amenable in the future. Perhaps they might decide not to clear the paths when they become overgrown with nettles or brambles and the overworked council have not the manpower or the will to do so.

This story has been treated by many as a David versus Goliath struggle, the poor Rambler protecting his right to roam. What rubbish. To me it smells of old money versus new money if anything and it makes me wonder just which

side would have come out on top had the estate in question belonged to a lord of the realm or such like.

You might ask yourself why I am standing up for a multi-millionaire who has the resources to more than look out for himself. To tell you the truth, this is not about money, it's not even about the law, and Mr Herrick is probably in the wrong, as the law has found in this instance.

No, this is about good old commonsense. Do you remember that? We all used to share in its wisdom once, when teachers actually had the power to discipline our children without fear of prosecution and parents didn't make excuses or bail us out if we broke the law, they sided with it instead.

Sorry, I'm drifting again; back to the main point of this tirade. Like many of the local rambles, I have walked this beautiful route on numerous occasions, passing through the gates that the judge describes as having a negative psychological impact on some rambles more times than I care to remember, and my mind remains unscarred. (Although on reading this you might not now agree with that analysis)

However, no matter what you think of this long-running saga, I hope you agree that its cost to both parties, at some £200,000 to £300,000, is far too high a price to pay. How much of that is payable by you and me I don't know but surely an argument over a gate isn't worth a penny piece let alone that kind of money?

The problem I have with all this is that no matter how long I study the rights and wrongs of the case, I can't see the so-called problem. As one reader wrote in to say, at over four metres wide the path is more than adequate, and the fact that its width has not changed one iota - it's the same now as it was before the gate - makes all this even more ludicrous.

And to finish I would like to commend another *Western Gazette* reader who remarked how outrageous it is that our council wants a footpath almost as wide as a dual carriageway in the middle of the countryside.

Like I said earlier, sometimes the law really is an ass, or is it the ones who interpret it who are the asses?