

**IN THE CONSISTORY COURT OF THE DIOCESE OF DURHAM
IN THE MATTER OF STRANTON ALL SAINTS**

JUDGMENT

Background

1. The church of Stranton All Saints, Hartlepool, is essentially medieval, with some fragments of 12th century work surviving in the Chancel. The south arcade and several window surrounds (some re-sited in later walls) date from the 14th century, whilst the tower, side chapel arcade and other window surrounds are 15th century work. Much of the exterior is 19th century restoration, as is the north arcade. The organ chamber was added in 1889. Recent internal alterations include enclosure of the Fulthorpe Chapel in 1977, construction of the gallery in the tower with clergy vestry beneath in 1991, and conversion of the vestry into a beverage station and accessible lavatory in the lower stage of the tower in 2020. The church is listed grade II*.
2. The Parochial Church Council has presented a petition for the restoration and retuning of the church's eight bells. The 4th bell was cast by Samuel Smith of York in 1664, and the 6th bell is believed to have been cast in or before 1599 by an unknown founder (its exact age is not known). The other six bells, namely the treble, 2nd, 3rd, 5th, 7th and tenor bells were cast by Mears and Stainbank in 1907.
3. Very little maintenance has been carried out on the bells since 1907, and past industrial pollution and the effects of the weather coupled with the church's position on the coast of the North Sea have all taken their toll on the condition of the bells and their fittings. The bells have become increasingly difficult to ring. In October 2020 the PCC invited two major bellfounder companies to survey the bells. The surveyors came to similar conclusions:
 - The bells are caked in grime from industry, salt and sand. All the bells were tuned before modern methods were employed, and they are all out of tune, some by more than a tone.
 - The clappers and their bushes were replaced in 1973, and have considerable wear, and the clappers are too heavy for the bells. The bearings date from 1951 and should be replaced with modern sealed bearings.
 - The elm headstocks are of obsolete 19th century manufacture and show signs of splitting and twisting.
 - The bell wheels have shrouds around the sides to hold the bell ropes onto the wheel, but the pins holding the shrouds in place are heavily rusted and some

shrouding has fallen off. The bell wheels are too large, adding to the difficulty when ringing the bells, and some bell wheels are loose in their joints.

- The wooden bell fittings all show significant wear and the brackets and pins holding them in place are all badly rusted.
 - The bell frame is of rolled steel and iron; there is much surface rusting but with de-rusting and proper painting, it would last many more years.
 - Both surveyors concluded that unless major work is carried out soon, the bells would become increasingly difficult to ring and, in a few years, would become unringable.
4. The PCC proposes to ensure that the bells are fit for purpose for the next 150 years. To achieve this, the bells would need to be removed from the tower via the west window of the tower (it is not possible to take them out any other way) and taken to the workshop of John Taylor & Co. in Loughborough, where a significant amount of work would be done on them, including sandblasting to clean them, new headstocks and new wheels fitted, and retuning. The bell frame would be de-rusted and painted. On completion of the work and reinstallation, the bells and frame would then need no more than minor maintenance for the next 150 years. The proposed scheme would be a major project, estimated to cost £75,000.

PCC's Statement of Needs

5. The Statement of Needs describes the church as a large active town church, now part of a three parish group ministry. There is a large and enthusiastic team of bellringers in Hartlepool who ring at Stranton All Saints and two other churches every Sunday, for weddings, special church and civic services, and also for significant local and national events. Hartlepool Borough Council recognises the bells at Stranton All Saints as being of cultural significance within the town. The church attracts visiting bellringers from around the United Kingdom, and from overseas, on ringing tours and to ring peals or simply to join the local team for Sunday service ringing. Historically, the bells at the church have been used to teach new recruits, and the ringing band has five members qualified to teach bell handling. Members range from 10 years old to over 80. The bells are used for practices every Wednesday.
6. The PCC sees the continued sound of bells as integral to the church's outreach and ministry. It is known that a number of the congregation joined after hearing the bells ringing for Sunday worship. The Statement of Needs describes the great value of having bells ringing out over the surrounding area on Sundays and for weddings and other services and events. The PCC contends that the bells will become much easier to ring and, after retuning, will sound much better while still having the character of the Stranton bells. There has been a local fundraising campaign; it has the support of the congregation, and many individuals have contributed to the cost of the proposed works.

Code of Practice

7. The proposed work is without controversy, except in relation to the tuning of bell no. 6, the oldest bell. Tuning can only be achieved by shaving off some of the bell's metal. Because it is believed to predate 1600 it appears in the Church Buildings Council's list of bells which should be preserved because of their historical importance. The CBC's Conservation and Repair of Bells and Bellframes Code of Practice recommends that for historic bells the presumption should be to leave them as found. The Code of Practice gives the following specific guidance on tuning:

“A set of bells should sound musical, balanced, and in tune. Bells are fixed pitch musical instruments and do not go out of tune to any great extent. Where bells are not in tune, or where they are poor tonally, careful and limited adjustments to the notes and principal harmonic tones can usually be effected. Tuning involves the removal of metal from a bell; thus tuning, or further tuning, produces a small but irreversible change in both appearance and sound. In the case of bells worthy of preservation, there is a presumption against tuning. Tuning usually involves adjustments to all the bells within a set. Where the set consists of only three or fewer bells, tuning is rarely worthwhile. The case for or against tuning therefore involves balancing the desirability of leaving as found on the one hand, against the potential benefits on the other. The aim should be to conserve listed bells and other bells deemed worthy of preservation ... in as near their original state as possible. In such cases, tuning should be undertaken only when essential, even if the bells have been tuned in the past.”

Recommendation from John Taylor and Co.

8. In a letter to the PCC, dated 12th July, John Taylor and Co., the bellfounders who will be carrying out the work, made the following recommendation:

“It is very much a rare occasion when we recommend the tuning of listed bells, but in this case, we consider it to be very worthwhile. The older 4th and 6th bells are not in their original condition, having had their canons and cast-in crownstaples removed, and both have been quarter-turned and lathe tuned at the last restoration.

We strongly recommend that consideration is given to carefully and sensitively retuning the bells in a scientific and controlled manner whilst they are out of the tower.

The nominals should be placed on a better aligned scale, and this could be achieved by lightly machining inside the soundbow areas of the bells.....

The listed 6th bell would have its nominal lowered by -6 cents, and the hum by -13 cents, resulting in a very small amount of machining.”

Consultation and advice

9. When forming a view as to the appropriate course to take, the PCC consulted the diocesan bell advisor, Mr Howard Smith. He in turn approached Mr W. A. Hibbert, a renowned expert in the musical acoustics of bells and in particular their strike pitch or strike note; he has analysed the tuning of over 8,400 bells. In his report dated 6 July 2021 Mr Hibbert suggested there were two options for the retuning of the bells. Option 1 would be to retune all the bells except no. 6 bell. This would leave no. 6 in its present condition with no improvement in its sound, but due to the way in which its tuning figures related to the other bells in the ring, it would nonetheless be possible to achieve a significant improvement in the musical qualities of the whole peal. Option 2 would be to tune all eight bells – this would, in his view, give the best overall improvement to the sound of the bells rung as a peal.
10. Mr Hibbert explained in his report that bell no. 6 is unfortunately one of the less tuneful bells in the tower, and that because of the nature of its deficiencies even with modern tuning methods the errors cannot be fully remedied. He also pointed out that the bell was not in its original state. Its canons (the mounting loops on the head of the bell) were removed in 1907 when it was rehung, and the bell was drilled for mounting on its new headstock, and retuned in 1907. His opinion, therefore, is that further tuning should be allowed to the bell, notwithstanding its listed status and the guidance in the Code of Practice that it should be left alone and not retuned.
11. Having received Mr Hibbert's report, Mr Smith, the diocesan bell advisor, in an email of the 20th July to the Durham Diocesan Advisory Committee noted the current Church Buildings Council Code of Practice and the presumption against tuning and advised:

“Ordinarily I would not recommend tuning for a bell of this age as it is bound to cause controversy, however, this ring of eight bells is abysmally out of tune and the individual tonal qualities of the 6th are also misaligned to each other....So in this case I really believe that for the following five reasons there is a very good case for setting aside the current CBC code of practice and allowing the bell to be tuned.

Firstly the 6th is not a virgin casting from the C16. In 1907 when Mears and Stainbank augmented the bells to an eight this bell was tuned – badly. Therefore it is no longer an untouched bell from that period and in my understanding should be allowed to be tuned properly if only by a small amount.

Secondly the crown of the bell was drilled to accept a modern clapper installation in 1907.

Thirdly the cast in staple bolts were partially removed in 1907.

Fourthly it was rehung on a new headstock of a totally different design from what it originally had.

Fifthly the canons by which it was originally hung were knocked off. The current [CBC Code of Practice] only allow for the second and third items, as above, to now be allowed. The point I am making is that everything that is no longer currently allowed has already happened to this bell.

It is possible to tune bells both on the inside and outside. I am aware that any tuning on the outside would alter the visual appearance of the bell further than that already done by the removal of its canons. In this case all the tuning will only be done on the inside of the bell so as not to alter the visual appearance.”

12. In accordance with rule 4.6 of the Faculty Jurisdiction Rules the Durham DAC consulted the Church Buildings Council. In a written response dated 9th November 2021 given under the CBC’s delegated advice policy without visiting the church, the CBC noted that bell no. 6 was cast in the 16th century, that its canons had been removed and some tuning done in 1907, and it drew attention to the passage in Mr Hibbert’s report stating that due to the way in which its tuning figures related to the other bells in the ring, significant improvement in the musical qualities of the whole peal were possible even if bell no. 6 were not tuned. The CBC’s advice continued:

“The CBC has a presumption against tuning listed bells and, given the above statement, does not feel that a sufficient case has been made for tuning the listed bell. The aim should be to conserve listed bells in as near their original state as possible. Therefore, the Council recommends that this bell not be tuned. The Council is content to defer advice regarding tuning the seven unlisted bells to the DAC.”

13. Disappointed by the response from the CBC, the PCC sent a lengthy written submission to the CBC, dated 17 November 2021, asking the CBC to reconsider its recommendation. The PCC pointed out that Hartlepool had a thriving, enthusiastic team of more than 20 bellringers, that it actively recruited, trained and integrated young people from the town to ensure the art of bellringing would continue for generations to come, and that for many years, both local and visiting ringers had criticised the bells for their poor musicality and sound when heard from both inside and outside the church. The PCC agreed that it was important to have safeguards in respect of historic bells, but it drew attention to the previous poor work that had been done to bell no. 6 in the past, and that what was now being proposed was minimal in nature. Any retuning would be done on the inside of the bell directly over the 1907 retuning marks. The PCC accepted there would be good grounds for not retuning it if it were still in its original tuning from the sixteenth century, but this was not the case because of the badly done retuning in 1907.
14. The CBC did not respond to the PCC’s further submissions. I accordingly directed the CBC should send to the court written representations in response to the PCC’s submission dated 17 November 2021. The CBC duly responded on 23rd March 2022. By its answer, it became clear that the CBC’s advice against retuning was based principally on

maintaining the sound of the bell, so that there was an aural link to the past. The advice explained:

“The presumption against tuning listed bells is to conserve listed bells in as near to their original state as possible. It is especially intended to maintain the sound of the bell. As some of the country’s oldest sounding musical instruments they are a rare link back to sounds experienced in our communities over centuries. The bells are part of the aural history of the place, experienced by generations in Stranton. Actions that do not have a material impact on the sound of a listed bell, such as removing cast in crown staples and the addition of new headstocks, are therefore not part of the consideration of its tuning.”

The advice cited Mr Hibbert’s view that significant improvement in the musical qualities of the whole peal would be possible even if bell no. 6 were not tuned, and continued:

“The appeal for permission for tuning from the parish appears to have been made on the basis that the company who would tune the bell [i.e. John Taylor & Co.] deemed it necessary and not the parishioners or bellringers.

Where the Council, in its advice, has relaxed its presumption against tuning a listed bell it is when the sound of the bell is such that it could not be reasonably accommodated without attention. Nothing in the proposals from the parish suggest that this is the situation at Stranton. As such, the Council would continue to advise against the tuning of the listed bell.”

15. The Durham DAC has come to a different conclusion from the CBC in relation to bell no. 6. In its notification of advice dated 23rd December 2021, the DAC did not object to the retuning of bell no. 6. Its reasons for departing from the advice of the CBC were that the bell had already been retuned; the exact date of the bell had not been established (it was possible that it might not pre-date 1600); without retuning, the present significant deficiencies in the bell would remain, to the detriment of the bells when rung as a peal; and the DAC did not wish to support any alternative proposal whereby the historic bell might be removed, replaced by another bell, and made redundant (this last reason took account of an alternative suggestion that no. 6 bell be preserved by simply retiring it, and replacing it with another bell that would fit in better with the sound of the other seven bells – in which case the sound of no. 6 bell would be completely lost). The DAC concluded that the proposed works to the bells, including bell no. 6, would not affect the character of the church as a building of special architectural or historic interest.

The Law

16. The approach to follow in determining this matter is set out in *Re St Alkmund, Duffield [2013] Fam 158*, as developed by the Court of Arches in *re St John the Baptist, Peshurst (2015)*. The matters to consider are:

- i. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- ii. If the answer to question i is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.
- iii. If the answer to question i is “yes”, how serious would the harm be?
- iv. How clear and convincing is the justification for carrying out the proposals?
- v. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering this question, the more serious the harm, the greater the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed.

Analysis

17. In relation to bell no. 6 retuning will lead to the removal of some metal. It will look no different, because the metal will be taken from the inside of the bell from the area where metal has already been shaved off in 1907. But that is not the issue here. The issue concerns the sound of the bell, and whether and how its sound will be affected. It is self-evident that if it is retuned it will sound different – if it did not, then it would be a pointless exercise.
18. Bell no. 6 is of special historic interest – it is reputed to be sixteenth century, and because it pre-dates 1600 it appears in the CBC’s list of historic bells. Its provenance and exact age is not known; it has been suggested that if the bell were accurately dated it might transpire that the bell is more recent than 1600, rather than older than 1600 – that would dilute its special historic interest. For the purposes of this petition, however, based on the current available evidence, I assume that the bell is indeed sixteenth century, and so predates the significant date of 1600.
19. Historic bells form a rare and important link with the past. They are an aural record of sounds experienced by local communities hundreds of years ago. Once the sound of a historic bell is interfered with, that link with the past is severed and cannot be restored. That is why the CBC’s Conservation and Repair of Bells and Bellframes Code of Practice provides that there is a presumption against tuning listed bells, so that they should be preserved in as near to their original state as possible, and tuning should be undertaken only when essential, even if the bells have been tuned in the past.

20. It follows that any interference with the bell by retuning would result in harm to the bell, as a bell of special historic interest, and consequently it would be likely to affect the character of the church as a building of special architectural or historic interest.
21. How serious would the harm be to this sixteenth century bell, and Stranton All Saints as a grade II* medieval church? I am satisfied that the harm would be slight. This is a bell which has already been tuned. It has already had metal shaved from it in 1907. The sound it makes today is not the sound that was heard in 1600 – that sound has already been lost and cannot be restored. Retuning the bell again in 2022 will affect the sound of the bell only as it has sounded since 1907. Furthermore, the report of John Taylor and Co, having analysed the degree of retuning needed now, concluded that only a very small amount of machining is required.
22. I remind myself of the Code of Practice which counsels against retuning of historic bells, even if they have already been tuned in the past. However, when tuning has relatively recently taken place (near the turn of the twentieth century, compared with the bell's origins going back to the sixteenth century), the argument against retuning weakens – we hear the bell today as it has sounded since 1907, not its sixteenth century sound. If bell no. 6 is not retuned, a significant improvement can still be achieved for the peal of eight, but it is not the best outcome for this major project. The justification put forward for retuning the bell is so that the optimum sound can be achieved from the whole peal. Bell no. 6 is, according to Mr Smith, the diocesan bell advisor, not only abysmally out of tune but its individual tonal qualities are misaligned. Its deficiencies cannot be completely remedied, but by retuning, its own sound can be improved, as can the sound of the whole peal.
23. Bells proclaim the glory of God. They are a joyful celebration of our Lord's resurrection. They announce to the local community that worship is about to begin, and they summon the faithful. They are joyfully rung for weddings and other special occasions, and they are also rung to mark national events of importance. Hartlepool Borough Council recognises the bells at Stranton All Saints as being of cultural significance within the town. The local bell ringing team in Hartlepool is active and vibrant, despite the difficulties of ringing the peal of eight in its present state, and despite the shortcomings in its tonal qualities which have attracted criticism. Stranton All Saints is an important centre of worship and mission in Hartlepool, and the PCC is satisfied that the bells play a significant role in outreach. Their wish to improve the sound of the peal as much as possible is understandable and fully justified.
24. The conclusion of the CBC in its advice dated 23 March that "*The appeal for permission for tuning from the parish appears to have been made on the basis that the company who would tune the bell deemed it necessary and not the parishioners or bellringers*" is mistaken. There is ample evidence before me that the PCC and the bellringers are

determined to obtain the best sound from the bells, which can only be achieved if bell no. 6 is retuned. Furthermore, parishioners actively support them – nearly half of the cost of the work will be met from private donations.

25. The presumption here against retuning bell no. 6 is rebutted on the evidence before me. Any harm caused by retuning this sixteenth century bell (which does not sound as it did when originally cast, and has not so sounded since 1907) is slight, and is outweighed by the benefits to the church and local community.
26. Accordingly, a faculty will be granted for the full scope of the proposed works, including the retuning of bell no. 6.

Adrian Iles
Chancellor

9th April 2022