

Neutral Citation: [2021] EC Sodor 1

IN THE CONSISTORY COURT OF THE DIOCESE OF SODOR AND MAN

IN THE MATTER OF THE PARISH OF LONAN AND LAXEY

AND

IN THE MATTER OF OLD ST ADAMNAN'S CHURCH, LONAN ("OLD KIRK LONAN")

JUDGMENT

Introduction

1. This is an application by the Reverend Josephine Dudley, the incumbent of the parish of Lonan and Laxey and the Churchwardens of the parish for a faculty to permit the installation of new interpretive signage in connection with the ancient crosses stored in the building known as the "Cross House" or "Cross Shed" in the grounds of the 14th century church of St Adamnan¹ Lonan, otherwise known as Old Kirk Lonan. The petition was objected to by Stuart Clague MBE, a parishioner and a member of the PCC, who made plain that he objected in his personal capacity. He did not choose to become a party opponent to the petition for the faculty, and accordingly it is technically unopposed, but in reaching my decision on the petition, I have nevertheless had regard to his written objections.

Historical background

2. As mentioned above, the original church of St Adamnan dates from the 14th century, but in 1733 the parishioners petitioned Bishop Wilson for a new church, on the grounds that the original church was inconveniently situated. The new church was built and consecrated a century after the approach to Wilson. Although it is irrelevant for the purposes of this judgment, it should be noted that the new church was closed in 2014, leaving only the Miners' Church in Laxey and Old Kirk Lonan to serve the united benefice of Laxey and Lonan. It was apparently intended, when the new church was built, that the Old Kirk Lonan would be demolished, but this did not take place although the building began to fall into disrepair.² However, in 1895 the Reverend John Quine was appointed as Vicar remaining in the parish until 1940, and began the task of repairing the church. In 1968 the Friends of St Adamnan's was formed to keep Old Kirk Lonan in good repair and

¹ Adamnan was the ninth abbot of Iona (c. 624 to 704), and the biographer of Columba, and a leader of the Celtic Catholic church (see Isle of Man Family History Society vol. 8, no. 4)

² See : <http://www.isle-of-man.com/manxnotebook/parishes/ln/lonan.htm> (accessed 15.12.20)

to maintain it as a working archaeological site and as functioning church³. Even with Quine's improvements to the building, it is still dark and is now used only in the summer months, when a series of special services is held featuring soloists. The building was entered in the Protected Buildings Register by an order made on 21st July 1983 "because of its architectural or historic interest".

3. The Cross House contains a number of Celtic crosses, one of which is believed to be in its original position. The petition relates to ways in which information about those crosses may be imparted to visitors.

The Petition

4. The petition seeks a faculty authorising the installation in the Cross House of 4 signs and 7 labels associated with various crosses in the house. The largest of the signs is a title board bearing the words "Old Lonan Crosses". It is to be accompanied by an A3 general information board inside the house, an A4 size sign with a photograph of the wheel-head cross in the churchyard and eight smaller signs. The total cost of the works is £300, and is to be undertaken by Manx National Heritage (formally the Manx Museum and National Trust: see the Manx Museum and National Trust Act 1959 as amended by the Manx Museum and National Trust (Amendment) Act 2011, but known generally as MNH). MNH is not a Government Department, but a statutory corporation constituted by section 3A of the 1959 Act, and is funded by a variety of public and private sources, including membership income from the Friends of MNH, admission fees from those who visit its properties, and sales of merchandise. MNH has indicated that it is willing to contribute towards the cost of the works. In the current financial climate, even Government Departments do not have limitless funds.

The objection

5. Mr Clague objects not to the works being undertaken, but to the way in which they are funded. In his letter to the Registrar, he raised two points, that the signage was unnecessary and that in any event "the crosses are in the graveyard and are the responsibility of the burial authority, [paid for by rates] and MNH are responsible for the Cross House, rather than the church or the Friends of St Adamnan's". The Wardens, in their capacity as the authority constituted under the Burials Act 1986, are indeed responsible for maintaining the burial ground but the Cross House, although situate within it appears to be quite distinct from it, and so I am satisfied that the cost of signage there should not fall on the ratepayers because this is not expenditure on the ordinary maintenance of the burial ground.

³ See: <https://www.iomguide.com/kirklonan.php> (accessed

6. I note that the PCC approved the faculty application without dissent in January 2020.
7. As this is a faculty application which has met with some level of opposition, I must consider whether the works are justified. The Court of Arches in 2012 in *In re St Alkmund Duffield* reviewed the tests which had formerly applied following its decision in *Re St Luke the Evangelist Maidstone* [1995] Fam 1 adopting the approach of Cameron Ch.⁴ in *In re St Helen's Bishopsgate* in respect of works in relation to listed buildings subject to the faculty jurisdiction in England. The *Bishopsgate* questions were superseded by the following—
 - 1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - 2) If the answer to question 1) 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 (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary's, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.
 - 3) If the answer to question 1) is “yes”, how serious would the harm be?
 - 4) How clear and convincing is the justification for carrying out the proposals?
 - 5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *St Luke, Maidstone at p.8*), 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?
 - 6) In answering question 5), the more serious the harm, the greater will be 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 1 or 2*, where serious harm should only exceptionally be allowed.
8. The reference to particularly categories of listing which apply in England have no relevance in a Manx context. Nevertheless, there are some of the Island's churches which, were they in England, would fall into those categories.
9. Old Kirk Lonan is definitely a church which, were it in England, would be listed and probably be in Grade 2*. However, I am not required to carry out the detailed analysis

⁴ As she then was: later Dean of the Arches.

required by the decision in *Duffield* because I am satisfied that the proposed works do not involve any harm at all to the significance of the listed building.

10. Accordingly, a faculty will pass the seal for the undertaking of the works, which I am satisfied will improve public understanding of these important Crosses and their significance in the history of the Isle of Man.

W. Howard Connell
13 February 2021