

IN THE CONSISTORY COURT
OF THE DIOCESE OF SODOR AND MAN

RE CHRIST CHURCH, LAXEY

JUDGMENT
handed down on 19th April 2019

Introduction

1. The village of Laxey lies in the east of the Isle of Man and has a strong industrial history. That industry was based in the Victorian period around the lead and zinc mine in the village, the flour mill and the woollen mill. The woollen mill was developed in 1881 by a Victorian silk weaver Egbert Rydings with the support of John Ruskin and his Guild of St George. Dominating the village is the largest water-wheel in the world, the Lady Isabella, which was constructed in order to pump water from the mine, and which is named after Lady Isabella Hope, the wife of the Island's Governor at the time of its construction in 1854¹. As is recorded in a well-known Manx folk song ("The Laxey Wheel Keeps Turning" written by Stuart Slack in the 1950s) the Great Depression caused the closure of the mines. Despite this, the village remains a tourist destination.
2. Christ Church, Laxey is situated adjacent to the junction of the Snaefell Mountain Railway and the Manx Electric Railway, which runs between Douglas and Ramsey. The foundation stone was laid in 1852 by Bishop the Lord Auckland. Built to designs by Ewan Christian and is remembered as the Miners' Church, it opened in 1856²: the land and the money for its construction came from G. W. Dumbell, the proprietor of the Laxey mine and his miners were responsible for its construction³. It is therefore intimately connected with the rise and fall of mining in the village.

The applications

3. The current applications by the Vicar of Laxey and Lonan and the Churchwardens of that parish seek faculties to enable Christ Church to fulfil an additional purpose as well as being the parish church for the village. The Laxey Village Heritage Trust is being established in order to link the various historic sites in the village, including the church, into a historical narrative to enable visitors to understand the importance of Laxey's mining not just locally but in the wider context of Victorian industrialisation. The intention is that Christ Church will serve as a welcome centre for visitors who wish to explore the various heritage trails around the village.
4. The applications to seek the faculties were the subject of public notice as required, but no objections were received.
5. The additional purpose mentioned in paragraph 3 is for the Church to perform the role of a welcome centre for visitors wishing to explore Laxey Village Heritage Trail. Given its location it is well-suited to do this, because many of the visitors to Laxey in the summer will arrive in the village by means of the Manx Electric Railway.

¹ For more detail, see http://www.isle-of-man.com/manxnotebook/history/ind_arch/wheel.htm and the sources quoted there.

² Per Canon John Gelling's History of the Manx Church (1698-1911) published by the Manx Heritage Foundation, 1998.

³ For the beginnings of the church see: <http://www.isle-of-man.com/manxnotebook/parishes/ln/lonan.htm>

The church

6. The church is one of the Isle of Man's Registered Buildings (entry no. 85, registered on 21st January 1986)⁴. The documents associated with the registration give no clue as to the particular reason for registration: the notice under the Registered Buildings (General) Regulations 1982 simply states that the building is entered in the Protected Buildings Register "by reason of its architectural or historic interest".
7. Unlike the position in England, works to a registered building in the Isle of Man which is subject to the faculty jurisdiction require the consent of the Department of Infrastructure in addition to a faculty in order to be carried out. The Registered Buildings Officer indicated to the Applicants that the Department was content with the proposals.

Assessment of the applications

8. Given its registration, I am obliged to address the questions set out in *Re St Alkmund Duffield* [2013] Fam 158. The questions are—
 - (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) PD 21, 26-28, and the review of the law by Bursell Ch, in *In re St Mary's Churchyard, White Waltham (No. 2)* [2010] Fam 146, 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 adversely affect the special character of a listed building (see *In re St Luke the Evangelist Maidstone* [1995] Fam 1, 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 place of mission and worship) outweigh the harm? In answering [this] question, the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

(i) The first application

9. The first application relates to a proposal to install a high-quality digital signage display on the interior of the north wall of the Church. The display is to be dual purpose. It will be used principally for welcoming visitors to the Church and (it is envisaged) to enable them to watch a film in which an actor playing Captain Rowe, the manager of the mine, will explain to them the history of the mine and the village. The display will also be available for use as an aid to worship on appropriate occasions. The installation of the display on a pivoting arm will involve some slight damage to the north wall because it requires the arm to be bolted to the wall. In the original application the Petitioners sought not only the installation of the digital signage display but also the introduction, within the chancel and on either side of the small holy table used in worship of four lecterns which would have introduced four different characters in the story of Laxey.
10. The Diocesan Advisory Committee had recommended the first application in its entirety, but I was struck by the intrusive effect of the lecterns in what is a rather small chancel. Looking at the photographs which accompanied the application, showing the proposed positions and size

⁴ See <https://www.gov.im/categories/planning-and-building-control/registered-buildings-and-conservation-areas/is-my-building-registered/> (accessed 18.04.2019)

of the lecterns, they seemed to me to overpower the space, although it was envisaged that they would be removed for times of worship. I was troubled by the thought that their presence might prevent someone coming into the Church for prayer and reflection, at a time other than a scheduled service, from finding the peace they might expect. I am, however, not required to decide this aspect because the applicants have withdrawn it.

11. The introduction of the digital signage display might also have an impact on the ability of a visitor to worship, but given its location away from the chancel, and the minimal impact upon the fabric of the building, I am content to permit a faculty to issue in respect of it. In respect of the modified application I would answer the Duffield questions as follows:

- a. Question 1: No (and accordingly questions 3 to 5 do not fall to be answered)
- b. Question 2: The balance is clearly heavily in favour of the proposals because they offer an opportunity for a church which is struggling to survive to find a new purpose and to continue to witness to the community of Laxey and to visitors about the importance of the Gospel message.

(ii) The second application

12. The second application seeks permission to install two secure moveable cabinets in the south west corner of the church and two moveable desks at the rear of the church. The cabinets are to be used to store merchandise for supply and sale to visitors. One of the desks is to be used to permit an appropriate organisation to furnish information to visitors and the other to enable Manx craftspeople to sell their merchandise. The installation of these items will also enable the church to act as a welcome centre. There is no risk of damage to the fabric: the items to be installed are all intended to be free-standing. There is good reason for the installation. The answers to the Duffield questions are as for the first application.

Decision

13. Faculties will issue for both applications permitting the works authorised by them to take place within twelve months of their date of issue. The faculty for the first application will not, however, permit the installation of the lecterns in the chancel. The other works are to be carried out in accordance with the proposals approved by the Diocesan Advisory Committee. The Applicants are to be commended for the courageous decision to seek to retain Christ Church as a centre of Christian witness in Laxey by embracing the possibility of community use.

W. Howard Connell
Deputy Vicar General of the Diocese of Sodor and Man
Good Friday 2019