

**Neutral Citation Number: [2019] ECC Der 3**

**In the Consistory Court of the Diocese of Derby**

**In the Matter of Barrow-on-Trent, St Wilfrid, and**

**In the matter of a Petition dated 3rd July 2019, presented by Rev. Tony Luke, team rector, Anne Heathcote, Churchwarden, and Kathy Slater, PCC Treasurer**

### **JUDGMENT**

1). St Wilfrid is a substantial Grade I building, dating from C13th, and greatly restored in the C19th. It stands within the Barrow-on-Trent Conservation Area. In February 2019, a faculty was granted for a major re-ordering of the interior of this ancient church, and some minor changes to the exterior. The judgment, which is reported at [2019] ECC Der 1, described various aspects of the building, the Team of which it is part, and other relevant factors. Anyone requiring more details of the building and its history, should consult that document. I do not intend to repeat that basic information in this judgment. The cost of the proposed work was put at around £850,000, a figure well beyond the resources of the small local community. In my judgment, the best hope of keeping the building open and functioning as a place of worship, was to permit the proposed changes to the interior that would enable it to be of greater use to the wider community where it was situated, and for other ‘secular’ purposes. No certainty as to the outcome of this ambitious project could be established, but I was satisfied that the alternative was a gradual decline over a short number of years, leading to almost inevitable closure.

2). Some few months later, Mrs Heathcote contacted me through the Registry, to say the parish had been successful in obtaining a substantial grant from HLF towards the cost of the work. Everything seemed set fair for the church, its congregation, and community to embark on their voyage of faith and hope.

3). The church stands in a relatively isolated position. It had a lead roof which has a shallow pitch, and is not easily visible from ground level. In April 2019, thieves stole large areas of the Code 7 lead from above the chancel. Inevitably, apart from the loss of this valuable material, considerable damage was done, and the potential for more damage through periods of adverse weather arose. The initial protection put in place after the theft has a limited life-span and it has failed in places and some leaking has occurred. Initially the parish wished to use a synthetic (plastic-based) product bonded to plywood, as a substitute roof covering, a course that was strongly discouraged by the DAC, and by Historic England in a long letter dated 9th May 2019. The Georgian Group has seen HE’s correspondence (certainly this first letter), and raise no objection in their email of 13th May. SPAB did not in fact respond within the consultation process, although I have seen an email from the DAC Secretary, Nigel Sherratt, dated 22nd May, sent to one of the DAC’s architects, saying SPAB had telephoned him (Mr Sherratt) to say ‘they will be writing objecting strongly to the use’ (of the particular named compound material). That comes as no surprise.

4) I do not intend to name the particular substitute project that was initially considered nor set out the numerous reasons why the DAC and amenity bodies advised that (in their view) it was unsuitable as a permanent roof covering instead of lead, because the parish took the view that they were pushing at a firmly closed door, and altered their proposals accordingly. To set out the objections would be to face issues that do not now arise. The parish do not have the resources at the moment to fund any alternative metal roof-covering, which is the strongly preferred option of the amenity ‘experts’, and they have petitioned to be allowed to use (roofing) felt for a relatively short period which will give them an opportunity to raise funds to provide an acceptable long-term solution. (I have no evidence as such as to the state of their finances, but back in February I accepted Mrs Heathcote’s assertions to the effect outgoings were steadily outpacing the church’s income, and they were relying on such reserves as they had. I am sure that any remaining monies will be required to prop up their finances until the main project is put in place, and new streams of income from new uses of the building, can arise.)

5). On 10th June 2019, the DAC recommended this way ahead, subject to the obtaining of estimates for the cost of the felt. (The petition puts the figure at £14000, but the quotation from Midland Roofing Services appears to be nearer £6500, plus VAT.) I have no doubt this short-term solution was based on what the DAC

saw as the realities of this emergency situation that had been thrust upon the parish, and that this was not seen as being in any way a suitable long term solution for an important building such as this. Consultation with HE, the local planning authority, and SPAB, was recommended. Of course, as this meant the parish were wanting to change the roof material on a Grade I structure within a Conservation Area, the parish needed to seek approvals from the local authority, decisions that were for them to make, and do not fall within the jurisdiction of the Consistory Court.

6) In the result, South Derbyshire District Council granted the proposed development for a limited period, expiring 5 years from the date of their decision which appears to be 2nd May 2019. On or before 2nd May 2024, a further planning application is to be made by the church authorities. The work was to be in accordance with the quotation from Midland Roofing Services dated 21st June, subject to a small amendment relating to the edge trims, a change recommended by the church's architect, James Boon.

7) Historic England wrote again to Mrs Heathcote on 1st July, indicating their general acceptance of this time-limited solution, although indicating their possible approval of a further 5 year period, if fund-raising were not totally successful in the initial period. They also gave some further helpful advice. HLF, who are funding the main re-ordering, have been informed of the problems with the roof, and are content that steps are being taken to address them which will not impact on the internal works or depend on the HLF monies. No objections have been raised on exhibition of the Public Notices, or notice being placed on the diocesan web-site.

8). **Decision.** It seems to me that the most important thing at the moment is to put in place effective steps to prevent continuing ingress of water, which has to a degree occurred. Although there are differences of view as to how these problems can best be addressed on a permanent basis, the proposed solution for which the parish has local authority approval, is a satisfactory solution in the short-term and the best that can be afforded. It seems to me it has to be approved, although my hope long-term is that the parish will adopt a metallic alternative solution to replacing the stolen lead.

My permission extends until 2nd May 2024 only. They will doubtless want to start the work as soon as possible, and there seems no point requiring them to do it in a particular period, save that the 'system' will otherwise be put in difficulties. Three months should enable it to be done. In addition I order, as a condition of the faculty, that no later than 2nd December 2023, the petitioners inform the Registrar in writing of a) the state of their finances in relation to the roof, and b) give an indication of their proposals for a long-term solution. They need to be in a position to deal with a planning application and petition shortly thereafter.

9) I have seen correspondence from the church's insurers (not EIG) suggesting terne-coated stainless steel, is 'theft attractive', a view strongly disputed by HE and the DAC. I can only say that over many years, I have seen this material recommended on many occasions as a substitute for lead, because it has similar longevity and is NOT attractive to metal thieves. I think that in due course, when the Court has to consider a replacement for the felt, the petitioners should expect that the view of HE, based on incomparable experience, will be adopted. The concerns expressed by the insurers for the health and safety of thieves who seek to remove roof coverings from the church are a good deal more sympathetic than mine might be! HE have also given advice about potential noise from TCSS as a roof-covering. While I appreciate that the church has real concerns about this, I advise the parish to seek their architect's advice on this. As HE point out, much depends on proper underlay for the metal covering. It is not for me to make any decision now about the long-term solution, but the parish need to know the 'mainstream' views on these topics.

John W Bullimore  
Chancellor  
26th August 2019