

**IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD**

**EDGMOND: ST PETER**

**JUDGMENT**

1. The Church of St Peter, Edgmond, is a Grade 1 listed building: the highest grade of listing and, I note, only 2.5% of all listed buildings in England warrant such a prestigious designation. It had four pinnacles at the corners of its tower until 27<sup>th</sup> November 2021 when the one to the south-east corner was blown down in storm Arwen. The three others were inspected and their condition also was a matter of concern. They were removed in March 2022 under an Interim Faculty dated 1<sup>st</sup> March 2022, amended 14<sup>th</sup> March 2022. At removal deep fissures were identified and repairs were previously found to have carried out using scaffolding poles filled with grout as dowels. Overall, though, the condition of the pinnacles varied, with some significantly deteriorated and fragmented.
2. A petition for a confirmatory faculty was made and granted on 1<sup>st</sup> November 2023 with a condition that the pinnacles be restored to the tower within 3 years. An explanation was provided for this provision, but was omitted from the notification of the faculty in error and the condition was (unsurprisingly in the circumstances) challenged by the Parochial Church Council (“PCC”). Upon reviewing that objection, the Court decided to stay the condition under Rule 18.1(2)(g) of the Faculty Jurisdiction Rules 2015 (as amended, the “Rules”) pending consideration of submissions from all interested parties. Directions were issued to the PCC and Historic England on 22<sup>nd</sup> December 2023. Further directions were issued on 12<sup>th</sup> February 2024 to receive submissions from the local planning authority and the Church Buildings Council, under Rules 4.5(4) and 4.6(1)(a) respectively. Reasons were given for these directions. The PCC was afforded an opportunity to respond to submissions made by others, for which the timetable was extended to accommodate Easter 2024.
3. Under the various directions, I have had substantive submissions from the PCC, Historic England (although not enlarged upon from those originally made), the Church Buildings Council (“CBC”) and Telford and Wrekin Council as planning authority. I also have the benefit of the original advice from the Diocesan Advisory Committee (“DAC”), which remains current. I have reconsidered all the previously available material and all the submissions more recently made. I have visited St

Peter's Church. The directions invited any request for a hearing and indicated that, absent such request, this matter would be determined on paper. No such request was made and I consider no hearing is necessary.

#### LISTED BUILDING STATUS

4. The official list entry for the exterior of the Church of St Peter reads as follows:

“C14 and C15 church with some re-used C13 material sandstone ashlar. Nave and perpendicular north and south aisles have parapets and south aisle embattled with crocketed pinnacles, grotesque gargoyles and 3-light perpendicular windows. Slight ogee arched south doorway and perpendicular south porch with battlements. C14 decorated chancel with steeply pitched roof and 3-light east window with reticulated tracery. Broad perpendicular west tower in 3 stages with diagonal buttresses, 2-light perpendicular bell openings, quatrefoil frieze beneath the embattled parapet and crocketed pinnacles at the corners; 4-light west window with reticulated tracery. C18 painted sundial on the porch...”

It is a well-maintained, impressive church.

#### PAROCHIAL CHURCH COUNCIL

5. The PCC made detailed submissions, supported by expert and lay witness evidence. A useful summary, identifying supporting witness evidence, drew various strands of the PCC's arguments together against restoration of the pinnacles to the tower.
6. Their starting point for submissions is contextual: the building having evolved over time and being part of the life of the community permits consideration of current issues like climate change (which may have contributed to the original fall of a pinnacle), cost of living crises and lack of resources for the church. The pinnacles were placed on the tower and the south aisle as decorative features at an unknown time, but do not contribute to the function of the Church. The lifespan of restored pinnacles is thought to be about 50 years (as set out below), which makes capital expenditure now and maintenance expenditure in future difficult to justify. Fund raising is a key issue for the PCC: the outlay would impinge on the missional work of the church and seeking grant applications would themselves be a drain on human resources. Fund raising has proved a difficult and time-consuming process within the benefice and the village (as fund raisers and a parish councillor attest), and there has been no issue in the community at the removal of the pinnacles when notice of the petition was given.
7. In respect of financial issues, reliance is placed on comments made by the Conservation Accredited Engineer, James Thompson from GCA Limited, in a report dated 20<sup>th</sup> September 2022:

“Given the access, materials and skilled work required, the reintroduction of pinnacles is likely to be expensive, and consideration should be made as to instructing the works depending on the cost\benefit compared to other present and future maintenance tasks relating to the Church building and estate as a whole.”

8. Parish reserves in CCLA managed shares are stated to be around £136,000 and there is a monthly deficit of about £1,000. £36,000 is held at the bank, of which £11,000 is held in a restricted fund representing the unspent amount of the insurance payment for the restoration of the fallen pinnacle (£33,000). Restoration for that pinnacle was quoted at £19,000 (inclusive of VAT), but other works would be required and the restoration of all the pinnacles would be very considerably more. The church itself has a roll of 87 members, with a usual Sunday attendance of 25. Much work would fall to the Rector, and there is currently a vacancy for a minister also. There are other demands on resources to be taken into account: looking to achieve “net zero” on heating and a wall repair at £5,285 plus VAT.
9. The PCC propose an alternative, with the pinnacles displayed at ground level adjacent to the south porch. This would site the fallen pinnacle in the place where it fell, together with the best parts of the other pinnacles to replicate how they were on the tower. A display board could be put in place outlining the reasons for removal of the pinnacles.
10. I note that Mr Thomson did not commit to a view on restoration (quite properly as it is not his decision), but he made observations:
  - “In favour:
    - a. The corner merlons below the pinnacle bases appeared to be in adequate condition notwithstanding the repairs required as noted above.
    - b. With good quality sandstone, appropriate stainless steel fixings and appropriate well tested resin repair products, an adequate reinstatement could be made with a design life of perhaps 50 years subject to discussion with a suitable qualified mason.
  - “Against:
    - c. The existing pinnacles are heavily weathered and fragmented and although some pieces of the stone may be salvageable it is expected that they will generally require reconstruction.
    - d. The pinnacles if reinstalled would remain exposed to weather and being constructed in a material (sandstone) which is known to degrade under normal environmental conditions, will limit their life without regular repair.

e. It is expected that the structural adequacy of the pinnacles would reduce over time to the point that significant repair and replacement will inevitably be required in the future.

f. The pinnacles, if reinstated, would not comprise the original fabric and their value would be related solely to their appearance and their impact of their appearance on the Church as a whole. There would be no return of the loss of heritage value through the lost material.

g. Reinstating the fragmented pinnacles, but in the Church Grounds, may be a better way of retaining their value than constructing new pinnacles. This would leave the option open at any time in the future to reinstate them or replace them with new.

h. The repairs are likely to cost a significant sum, particularly at the present time, noting the general unavailability of suitably qualified and experienced crafts people and general material and labour costs in the present economic environment.”

11. I note, and am grateful for, the considerable body of witness evidence provided by the PCC which materially goes to the fund raising issues and demands on time and energy that restoring the pinnacles would require. There is also commentary on the impact of the church personally upon witnesses and some supposition on historical matters. The latter is not expert evidence and should be disregarded, but I have considered the former.

HISTORIC ENGLAND AND DAC

12. Historic England and DAC supported restoration of the pinnacles.

13. Historic England have maintained a clear stance that the pinnacles should be restored. In a letter of 17<sup>th</sup> May 2022 it is stated:

“the church is obviously of considerable historic interest and importance. In his book the Buildings of Shropshire Pevsner suggests that although largely rebuilt in the 14<sup>th</sup> and 15<sup>th</sup> centuries, the church was in existence on this site as far back as the 12<sup>th</sup> century. The broad perpendicular west tower, which is the focus of this application, is crowned by an embattled parapet with dramatic crocketed pinnacles at the four corners, and probably dates to the later 15<sup>th</sup> century. Whilst some restoration took place in 1877- 1878 by GE Street, St Peter's retains much of its original fabric.”

14. The letter continues:

“In the secular system when a feature that contributes to the significance of a heritage asset is removed, a condition is usually attached to the listed building consent requiring it be reinstated within a specified time period. This can vary but is often relatively short (1-3 years), and rarely any longer than 5 years. This

maximum range might be considered appropriate where community or friends groups need extended time to assemble their resources and undertake fundraising. In this instance it is unclear whether the works to the pinnacles are covered by the parish's insurance.”

15. Historic England was invited to enlarge upon its submissions under the recent directions, but indicated by email of Mr Ben Williscroft dated 17<sup>th</sup> January 2024 that it had nothing to add to its objection to the principle of the “permanent loss of such important decorative architectural features”.
16. DAC had offered its advice on 7<sup>th</sup> July 2022 (valid for 2 years) and recommended a condition be placed on the confirmatory faculty that the pinnacles be reinstated within 3 years. It was considered that this was a period sufficient for the fund raising required.

#### CHURCH BUILDING COUNCIL

17. Ms Keri Dearmer, Senior Church Buildings Officer, made submissions by letter dated 25<sup>th</sup> March 2024. Her starting point, after reviewing the listing, is to observe that permanent removal of the pinnacles from the tower constitutes partial demolition of a Grade I listed building, before focusing on maintenance issues. She observes that it is unclear whether the condition of the pinnacles had been noted in the most recent quinquennial review and removal could have been avoided by timely repair (it is apparent that vertical fissures were previously noted, but the potential danger was not recognised). Turning to the future, she notes PCC concerns that the pinnacles, if restored, would represent a future maintenance problem, but as a consideration she suggests that: “To allow the permanent removal of an architectural feature of this importance because it will require future care would set a very dangerous precedent which the Council cannot countenance.” The “importance” referred to is then made clear:

“The principal characteristic of Perpendicular architecture is its emphasis on strong vertical lines, as is suggested by its nomenclature. Perpendicular towers have pinnacles at the corners to emphasise their verticality and to reach up to heaven. Pinnacles are found at every major corner of Perpendicular buildings. They are, quite literally, the point of a Perpendicular building.

Pinnacles are not only ornamental, they can have a structural function. They also prevent stone copings from slipping sideways and can counterpoise the thrust of spires, where they exist. Additionally, they form a pier to steady the elegant parapets. They can also serve to counterbalance the weight of overhanging corbel tables, gargoyles, and other weighty decorative features.”

The letter then enlarges on the Christian symbolism of the pinnacles, relating to the Second Temple in Jerusalem, and their crockets, with pastoral references.

18. The CBC commends care of the church building and rejects any contrast with the church's care for the community:

“the care of the church and work within the community are not two separate responsibilities. A well-maintained building is far more useful to the church and its surrounding community than one in poor repair. Many church communities find that fundraising for repairs to the church can be a positive way to welcome more people into the building and to involve them with the church in different ways.”

19. Change to the church by permitting the permanent removal of the pinnacles from the tower is rejected by the CBC on the basis that it is not a change facilitating the “ongoing life of the church, adapting it to the current and future needs of the church”, or at least not in a balanced way.

#### TELFORD AND WREKIN COUNCIL

20. Ms Barbara Johnson, Built Heritage Specialist, responded on behalf of Telford and Wrekin Council (“TWC”) as local planning authority by email of 28<sup>th</sup> March 2024. She helpfully set out the local planning framework, and referred to the listed status of the building and others in its environs. She takes a rather different view of the antiquity of the pinnacles from references which suggest a 15<sup>th</sup> century origin:

“The pinnacles in question are likely to be a Victorian addition - certainly pre-20<sup>th</sup> century. In any event, they would have been in situ when the church was listed in 1959. As such, they form part of the special architectural and historic character of this Grade I listed building, and contribution the pinnacles make to the church's significance goes beyond that of mere decorative frippery. It is considered that the permanent loss of the pinnacles would cause significant harm to the character of the church, as well as harm to the character and appearance of this portion of the Edgmond Conservation Area and the settings of the aforementioned nearby statutorily listed heritage assets. The harm identified would be contrary to TWC local policies BE1(i, iii, v), BE4(i, ii, vi, viii) and BE5(i, iii), and the NPPF section 16, paragraphs 201, 203, 205, 206 and 208, and would not be supported.

I would expect to see the pinnacles reinstated in accordance with TWC local policy BE4(v), which advises applicants to ‘Reinstate original features and elements to add to the heritage asset's significance where these have previously been lost.’”

## PCC REPLY

21. The PCC responded to the CBC and TWC submissions, as directed.
22. In respect of the CBC, it is observed that, whatever the state of the Second Temple in His lifetime, Jesus will have worshipped in places which were unadorned with pinnacles. More to the immediate issues:

“As for the decoration of the pinnacles, this cannot be appreciated from 17.5 metres below. This would be better appreciated at ground level with an accompanying board to indicate their significance. Leaving the pinnacles at ground level is not a sign of poor repair. On the contrary, more funds are likely to be available for the proper maintenance of the main structure.”

23. In respect of TWC, the date of listing is stated to be irrelevant:

“If 1800 or even 1700 was chosen, the removal of the pinnacles would restore the tower to its earlier appearance without diminishing the church's impact on its surroundings. The church is located within the Edgmond Conservation Area and there have been no calls from Edgmond residents for the pinnacles' reinstatement.”

## DISCUSSION AND EVALUATION

24. I have taken account of all the submissions made and I am grateful for the careful consideration given by all to this difficult issue of the restoration of the pinnacles.
25. I note that whilst this judgment may be conclusive of the Faculty process (subject to any appeal), the PCC would still appear to require planning permission for the permanent removal of the pinnacles from the tower: the pinnacles are substantial and materially affect the exterior of the church and its environs. It is not my place to second-guess the outcome of a planning application, but consultation with the local planning authority has properly been undertaken and its planning policies explained. The objection of TWC to permanent relocation of the pinnacles is a factor to be taken into account.
26. Likewise I must have due regard to Historic England and the CBC, both of which, taking account of the listed status of the building and the express reference to the pinnacles, provide reasoned objections to permanent removal.
27. It is not possible to be sure at what time the pinnacles were first installed on the tower. Pevsner and the listing suggest that they may be original to the reconstruction of the church in 14<sup>th</sup> and 15<sup>th</sup> centuries. This is more likely than not, since, had they been introduced in the Victorian works to the church, then one would have expected pinnacles to both north and south aisles and not merely the southern side. Whether medieval or not, they were sufficiently notable to appear

expressly in the listing. They represent an important visual aspect of this perpendicular church.

28. The central issue for the PCC is not aesthetic in any event. It is about the resources that restoration would require: financial; and, in respect of moderating the financial impact, the time and effort required from clergy and parishioners to raise funds. This cannot be under-estimated as an undertaking: the works may well take all or most of the current capital reserves of the parish. Funds will be hard to obtain by way of grants or from the local community. The apparent unpopularity of the scheme with members of the congregation and indifference from the wider community will not assist.
29. There is a powerful counter-argument, though: if resource issues were allowed to defeat restoration of a Grade 1 listed building, then where would matters end? Listing does not relate to practicality or utility, but to matters like historical and aesthetic value. Listed buildings are typically expensive to maintain by reason of their antiquity and merit.
30. It may be objected that restoration itself will require physical replacement of parts of the pinnacles themselves: the originals will never be entirely restored. Further, the detailing may be lost on observers from ground level. The latter is, however, a very common matter for architectural features of this sort, and the mere display of the best surviving parts at ground level would not reflect the pinnacles stature when *in situ*, nor their context which will be left to historic photographs and the imagination. Modern restoration often includes replacing stonework like for like, as a means of retaining the overall appearance of the original, and I do not consider that this diminishes the cathedrals, stately homes and churches where this is regularly seen to be done.
31. I do not consider that *only* 50 years of restoration would be secured by the works, and then with some maintenance in the meantime, to be factors against undertaking the works. All buildings require works and an overhaul in 50 years' time does not suggest that a project is not worthwhile: roof, heating systems and electrical lighting may have similar time frames for longevity, and the mere fact that the pinnacles are aesthetic does not mean that they require an exceptionally long time frame for works to endure for those works to be justified in the first place.
32. Overall, the question is the balance of restoration of the church to its former, listed state against the demands this will place on parish resources. I do not consider that the latter consideration, significant though it is, can outweigh the historic significance of the appearance of St Peter's Church as listed in this case. Those most responsible for church heritage agree with such an assessment, as does the local planning authority (who would have to be convinced to the contrary, were the



parish to be permitted *not* to restore the pinnacles). This church can never be, and never was, a utilitarian structure: its grandeur and its style were directed to reflect the faith of its patrons. It should be restored accordingly and the Faculty in that respect will be unchanged.

33. I do have regard to the length of time that should be allowed for the purposes of restoration. A long campaign of fund raising is not assured of greater success than a short, focused effort, but how the costs are mitigated are a matter for the parish, and the PCC plainly thinks a significant further period of time is required. I will modify the condition to allow a period of 5 years, rather than the 3 years originally directed. The stay on that condition is, of course, now lifted and the period will run from the date of this judgment.

Dr Anthony Verduyn

Chancellor

12<sup>th</sup> June 2024