

Neutral Citation Number: [2019] ECC B&W 1

IN THE CONSISTORY COURT

OF THE DIOCESE OF BATH AND WELLS

Re: St Bartholomew's Church, Failand

JUDGMENT

A single contentious issue has arisen in respect of an otherwise wholly uncontroversial and commendable proposal to enhance external access to St Bartholomew's Church, Failand, a Grade II listed Victorian building. The petition of the Rector and one churchwarden seeks authority,

“..to replace the gravel between the south gate of the church and the original paving outside the main entrance porch with natural stone paving in keeping with the exterior limestone construction of the church.”

The petition is unopposed, but in its written advice dated April 26th 2019 the Diocesan Advisory Committee, while recommending the proposed work, added the proviso that, "Forest of Dean or Welsh Pennant stone should be used."

The proviso was doubtless added with a view to its appearing as a condition to the faculty. For their part, the Petitioners wish to use the less expensive Indian sandstone. I have to decide whether or not to impose the condition sought by the DAC.

In order to assist me with this task I invited written responses from the DAC and the Petitioners setting out the grounds for their respective preferences. These responses have been of considerable assistance in my evaluation of the case. The Petitioners rely upon a letter from Mr Malaiperuman, their inspecting architect, dated July 5th 2019. This was followed by advice from Mr Alan Thomas, a member of the DAC, who had visited Chelvey Church where Indian sandstone had previously been laid as paving. He reported on August 6th 2019 that the path at Chelvey read well in the context of the building and churchyard, and that it had weathered satisfactorily without degradation. Finally the DAC provided its response, written by Mr John Beauchamp, on September 1st 2019.

The Petitioners may obviously draw comfort from what Mr Thomas has written. For his part, Mr Malaiperuman has asserted that the Indian sandstone would be a 'near match' to the stone of the church building and has explained,

"The proposed natural Indian paving slabs are hand split to give a riven surface and display dark greys with tones of browns and occasional buff hues.....As with all natural stone paving, each slab has unique patterns, tonal variations and slight differences in colour which give it its charm."

Mr Beauchamp put the contrary position as follows. First, he recorded that,

"DAC guidance, conservation principles and planning policy all support the case of local stone to retain local distinctiveness."

In terms of appearance, Mr Beauchamp wrote,

“The visual appearance of the path is a major consideration....There is an inherent quality of materials used in the construction of the church, and the setting will be enhanced by the careful selection of local stone.”

With the aid of the photographs of Indian sandstone and the area which is proposed to be paved, I have concluded that, while both types of stone would be acceptable, local stone is in principle to be preferred. To my eye, Indian sandstone blends less comfortably with the weathered stone of the church. Adherence to good conservation practice, together with the opportunity to match the quality of the immediately adjacent church building, are however the decisive factors.

Mr Beauchamp also mentioned ethical issues, namely the risk that child or bonded labour had been used in Indian quarrying; that the transportation of overseas stone involved extra energy consumption; and that local industry would suffer if preference were to be given to imports. There is no evidence before me concerning the first of these matters, and I reach no conclusion about it. Moreover, ethical questions of this kind will doubtless receive careful attention from parishes embarking upon construction works, and it is not part of the function of this Court to dictate their approach. I therefore leave the Petitioners to reflect upon Mr Beauchamp's concerns in this area.

The remaining question is one of cost, because a disproportionate difference in the price of Indian sandstone as against local stone might well tip the balance in its favour.

Initially Mr Malaiperuman claimed that local sandstone was 'unaffordable'. The petition recorded an estimated cost of £1,650.00 for the work, but also specified an available balance of funds of £37,000.00. While there will doubtless be other calls upon the £37,000.00, a plea of poverty cannot convincingly be made here. Accordingly the Petitioners were invited to provide further details of the costs involved. The response was illuminating.

The cost of the relevant quantity of Indian sandstone, inclusive of delivery, is £690.00. The equivalent figure for mixed colour Pennant stone, which would if purchased satisfy the proposed condition, is £1,630.00. Finally Pennant stone in battleship grey is more expensive; £1,938.00.

Thus taking mixed colour Pennant stone by way of example, the total cost of the project will rise from £1,650.00 to £2,946.00 inclusive of Value Added Tax. This may be a steep increase, but it remains within the range of affordability.

When reaching my decision I have to consider the interests of the church building in the long term. Whatever material is used, this path will last for many years and will form part of a visual ensemble including the stone gate posts and the porch. Is it worthwhile to incur the extra expense with a view to achieving for the future the objectives of authenticity and coherence

advanced by the DAC? In my judgment the better outcome justifies the expenditure involved.

A faculty will therefore issue subject to the single condition that Forest of Dean or Welsh Pennant stone shall be used.

My decision is not to be viewed as a binding precedent for the use of local stone in all cases. There may well be locations, as at Chelvey, where the introduction of imported stone is justified. Each proposal has to be evaluated on its own merits.

A handwritten signature in black ink that reads "Timothy Briden". The signature is written in a cursive style with a large, decorative flourish at the end.

Timothy Briden

Chancellor

October 1st 2019