

**Neutral Citation Number: [2023] ECC SEI 3**

**IN THE CONSISTORY COURT OF THE DIOCESE OF  
ST EDMUNDSBURY AND IPSWICH**

**In re Pettistree, St Peter and St Paul**

**JUDGMENT**

1. To say that the events that lead to this Judgment are unfortunate is an understatement. The Church of St Peter and St Paul, Pettistree dates from the 14<sup>th</sup>/15<sup>th</sup> Centuries and is a pretty grade II\* listed building. The Petitioners clearly love the building and their bewilderment and frustration at what has happened to it are palpable. They are to be commended for their tenacity and thoughtfulness.
  
2. I set out a brief summary of the history:
  - a. On 12 November 2013, the PCC instructed Stephen Claydon as inspecting architect for certain works at the church, including the painting of the interior walls of the church.
  - b. On 4 January 2014, Mr Claydon sent a specification of necessary work. This specification including line items for “1. Work on Nave interior” and “4. Research by specialist... into wall paintings”. The specification letter included a note to item 4, “The DAC are very likely to require by condition that the walls be checked for historic wall paintings. This is fairly routine but the checks are expensive, because they include paint samples and a report by a specialist. I attach a draft letter to a recognised specialist, which I can issue if the PCC instruct”.

- c. A Faculty was granted on 22 April 2014 authorising the PCC to carry out the works *“in accordance with the designs, plans or other documents accompanying the petition and subject to the conditions set out in the schedule below.”* On the obverse of the Faculty, the Schedule required the work to be carried out in accordance with the specification and schedule produced by Mr Claydon dated December 2013. It also stated that the Faculty was granted *“Subject to the following Proviso of the Diocesan Advisory Committee: That the walls are checked for wall paintings before works starts. [sic]”*.
  - d. In October 2014, work commenced. When the emulsion was removed and patchy areas were revealed, Mr Claydon recommended a product known as Zinsser Grade 1 paint to the PCC to be used to paint the walls.
  - e. On 12 November 2014 the contractors, presciently, queried this choice of material.
  - f. At some point after the stripping of the walls, but before the application of the Zinsser, some evidence of wall paintings was discovered in the form of some stencilling by a window on the north side of the nave. When Stephen Claydon looked at this there was talk of notifying the DAC but Mr Claydon advised that the patch should be left to be looked at, at a future date, so this small area was left unpainted when the painting work was carried out.
  - g. By 20 November 2014, Mr Claydon had instructed the contractors to apply the Zinsser paint.
  - h. In December 2014 the Zinsser paint was applied to the walls of the nave.
  - i. By January 2015, the paint had begun flaking off the walls.
3. It rapidly became clear that the decision to use Zinsser paint was a catastrophic one. Shortly after its application the church effectively became unusable. Zinsser paint is impermeable and applying it to these walls caused the paint to fail. The migration of salts to the impermeable surface has caused them to expand (to become ‘fluffy’ in the words of the expert) and caused the paint to flake off.

4. A Consistory Court was held, and on 29 September 2017 Chancellor Etherington KC ruled that the PCC must: -
  1. Remove Zinsser Grade 1 paint from the fabric of the church AND
  2. Repaint the walls to which the Zinsser Grade 1 paint was applied with the four coats of limewash as specified in the Faculty which passed the Seal on April 24, 2014 OR
  3. Repaint the walls as permitted by any variation to the original Faculty if sought and granted by this Court
5. Following the Consistory Court judgement, the PCC were instructed to obtain an estimated cost for the works required, to serve upon the Court and Stephen Claydon (and his insurers), prior to proceeding with any work on the church. Due to the complexity of the work needed and the many unknowns (e.g., what caused the paint failure; what is the best method to remove the Zinsser paint; is there any chemical damage to plasterwork etc.) the first cost estimate proposed by the PCC included a large variation of potential costs, to allow for these unknowns.
6. It was deemed unacceptable to start any work without a more detailed and specific workplan and estimated cost, therefore the PCC was instructed to develop a more accurate cost estimate for the work. To facilitate this, the Court instructed Mr Claydon (via his insurers) to fund the costs of limited expert wall analysis and technical paint investigations to enable a more detailed and informed specification of works to be prepared.
7. The specialist investigations started in August 2018, during which some traces of wall paintings were found on the north wall under a layer of the Zinsser paint. A request for additional funding to be made available to carry out more extensive investigations for wall painting was rejected. As the PCC was not able to fund further specialist work directly, the previously agreed and budgeted analysis work was completed during December 2019 by Dr Andrea Kirkham and Dr David Carrington (Skillington Workshop Ltd), with the findings and recommendations

documented in their reports. These limited investigations carried out by Dr Kirkham identified some traces of pre-and post-reformation paintwork in some areas of the wall locations inspected.

8. A revised specification of works was then prepared by Ruth Blackman, incorporating the recommendations from these reports. This was put out for tender, and costs were obtained from appropriate contractors.
9. The experts report are summarized by the petitioners who identify the two possible solutions:

*Option A: Removal of Zinsser paint, monitoring and conservation of existing plasterwork & limewash.*

*This option is detailed in the Specification prepared by Ruth Blackman dated October 2020. The Zinsser paint will be removed from the nave walls using a combination of three removal methods. In areas of low risk of underlying pre-and post-reformation paintwork a contractor will use a suitable paint stripper. In medium risk areas an accredited plaster conservator will use a suitable paint stripping technique to carefully remove the Zinsser paint. In areas of high risk of underlying traces of wall paintings, an accredited wall painting conservator will be employed to remove the paint carefully and methodically using scalpels.*

*Due to the unknown degree of chemical contamination to the existing plaster, following the removal of the Zinsser paint there will be a monitoring period of three to five years during which the nave walls will be regularly tested and inspected. Once there is sufficient confidence in the chemical stability of the walls, a suitable number of coats of limewash will be applied (or alternative coating if advised by paint trials and agreed with the DAC).*

*Throughout this period of three to five years scaffolding will remain in place in the nave to enable regular monitoring of the walls and the timely removal of any salts emerging out of the plaster. To comply with contractor insurance requirements, and to allow for continued use of the chancel for church services, a 'plywood tunnel' will be constructed through the nave to provide safe access to the chancel and bell tower.*

*During this period use of the church will be limited to the chancel only.*

*Following a formal tender exercise carried out in Q1 2021, based on estimated contractor costs from G F Atthowe Builders Ltd and Architect's costs from Ruth Blackman of Birdsall, Swash & Blackman Ltd, the estimated cost to complete this work was £174,693.58 (inc. VAT). A 'today' cost will need to add a suitable increase to reflect cost inflation since Q1 2021.*

*If any traces of wall paintings are uncovered following removal of the Zinsser paint, there will be a need for further wall painting analysis and potentially conservation work to be carried out prior to the application of any new wall coating. As this is currently an unknown, any such detailed work is not included in the current Specification or the associated cost estimate.*

*If there becomes a need for wall painting analysis and/or conservation, the PCC is not in a financial position to be able to fund such work. If such a situation arises the restoration work will need be suspended until suitable financial support is identified, which may significantly further extend the overall period of works.*

*Option B: Re-render and limewash.*

*This option is a variation from the Specification prepared by Ruth Blackman dated October 2020.*

*This alternative approach to meeting the intent of the nave Restoration Order proposes to remove all the existing Zinsser coated and potentially contaminated plaster from the nave walls. New render will then be applied to all the nave walls followed by a suitable number of coats of limewash to the fresh wall surface.*

*This approach will avoid the need to monitor the existing plaster for contamination over several years and the testing of suitable wall coverings before repainting. This would minimise the period of work in the nave and the overall disruption to church use.*

*To pursue this approach a new Specification and tender exercise will need to be completed to formalise a cost estimate and timescale for the work. By removing the existing render there is also a risk of uncovering unknown wall defects that will require additional repair before re-rendering, with associated additional costs.*

*Following an informal discussion in Q1 2021 an indicative cost was suggested by G F Atthowe Builders Ltd, which together with Architect fees and costs would indicate a total cost to complete this work of £112,270.51 (inc. VAT). A 'today' cost will need to add a suitable increase to reflect cost inflation since Q1 2012.*

10. The petitioners, who have been models of patience during this extraordinary period set out their thoughts very clearly:

#### *Discussion of Options*

*The PCC is directed to comply with the Restoration Order issued following the Consistory Court held on 29<sup>th</sup> September 2017. The PCC has a responsibility for the care and maintenance of the church building, but also most importantly the mission and ministry of the church in the parish.*

*The PCC recognises the need to address the restoration of the nave walls in a responsible and timely manner but is acutely aware that closure of the nave for up to five years will have a significant detrimental impact on the life of the church. Limiting church use to the chancel, accessed via a 'plywood tunnel' through the nave, will restrict the number of people that are able to attend services, which could be reduced again if there are future needs for social distancing. This will also have a particular impact on those in the congregation who maintain some sensitivity to more crowded or enclosed spaces, who may decide that they are no longer comfortable in attending in-person services. The church will also be effectively rendered unusable for weddings, funerals, and festival services.*

*The wall investigations carried out by Dr Kirkham identified some traces of pre-and post-reformation paintwork in some areas of the wall locations inspected, as detailed in Dr Kirkham's report dated January 2020. Dr Kirkham states 'Many of the fragments are small and difficult to interpret at this stage. However, it is clear that, as in many other parish churches, the interior has been regularly repainted and repaired as part of routine maintenance and beautification.' Dr Kirkham highlights the difficulty of paint removal with such a complicated mix of prior wall coverings and plaster technologies, with the lime hair plaster extremely vulnerable to physical damage. The ongoing damage being caused by salts emerging from the plaster is also noted. Although fragments of pre-and post-reformation decorative schemes have been found, it is very difficult to accurately identify or date anything and it is impossible to know their extent or historical importance without further extensive investigations.*

*The PCC does not have the financial resources to fund any significant wall painting investigations and conservation work. If there becomes a need to fund such work, the PCC will need to reprioritise limited PCC funds from other expenditure, the main one being Parish Share, and/or seek external grant monies. If such a situation arises the restoration work will need be suspended until a suitable financial solution*

*is identified, which would further extend the overall period of works beyond the worst-case five-year estimate.*

*Aware of all these issues and concerns, the PCC is of the view that the short-term and the long-term benefits of re-rendering the nave walls with new plaster outweigh the risk of damage to any potential wall paintings of historic value and any future problems with the structure of the existing plasterwork.*

*As detailed in the Court Judgement and Restoration Order, the costs to remove the Zinsser paint and repaint with limewash will be borne by Mr Claydon. From the cost estimates received, Option B is of significantly lower cost than Option A (sic), as well as being less disruptive in the time taken to complete the works. We would fully expect this to be a more acceptable approach to Mr Claydon and his insurers. Note: Due to the extended time taken to reach this stage, the PCC has paid Architect fees to ensure that Birdsall, Swash & Blackman Ltd can continue to support this project, as an interim step to recovering these associated costs from Mr Claydon as part of the overall cost of works. The PCC will be seeking additional reimbursement of £7,151.08 (inc VAT) for these sunk costs when the work to comply with the Restoration Order is agreed.*

11. I directed that the amenity bodies be consulted bearing in mind the gravity of the proposed application in terms of the potential destruction of the wall paintings,

12. The Church Buildings Council noted:

The Council strongly objects to the proposal to remove the render in this church. The plaster and paint retain evidence of centuries of worship and care in this building, and it would not be acceptable, in archaeological, art-historical or conservation terms, to remove it. However, the Council fully understands that the parish feels it has no other recourse, as so many years have passed without resolution. The Council agrees that 'Option A' would

strongly impact the parish's worship, events and activities over too long a period of time

13. They go on to suggest a third option, namely:

Although the Council acknowledges that the Restoration Order was strictly for the removal of the Zinsser paint and the redecoration with limewash, it suggests the possibility of preparing and re-covering the walls with limewash, leaving the Zinsser paint in place. Although this would also be a variation to the Restoration Order, it offers the parish a more expedient and cost-efficient option, whilst retaining the layer structure of the ancient plaster and paint.

14. In response the petitioners wrote;

*The response from CBC rejects both Options A & B. The main recommendation is to leave the remaining Zinsser paint in place, with the aim to stabilise and paint over it with limewash. CBC states that the Zinsser paint 'cannot be removed without an unacceptable level of damage to the paint layer(s) underneath' and that it would 'do more harm than good to attempt to remove it'. These recommendations lead us to logically conclude that any undiscovered underlying wall paintings, if indeed any exist, must now by definition be permanently lost as they can never be effectively and safely recovered.*

*The Consistory Court judgment instructs the PCC to remove the Zinsser paint, and yet this response rejects that instruction, so where would that leave the PCC legally?*

*To cover over the Zinsser paint would just create more problems in the future. Painting limewash over the top will still leave in place a non-breathable paint layer that may (and most likely will) at any time in the future flake off, leaving the church*

*in a similar situation as today. However, in that situation there will be no further recourse to financial support from Mr Claydon and his insurers to rectify the situation, and all the costs will fall to the PCC.*

15. Historic England stated:

We cannot support Option A because of the potential for significant damage to be caused to retained historic fabric which will result from the removal of the Zinsser paint coating no matter how carefully it is approached.

We do support a proposal in principle to re-limewash which will ensure that the ability of the walls to transfer moisture such as it is, will not be impeded.

We cannot support Option B as it also concerns the proposed removal of the Zinsser paint coating, due to the additional potential for damage that would accrue by removing salt affected plaster and replastering.

We therefore propose for consideration the following strategy which requires some essential preparation work to ensure that the structure and fabric is in a condition such that the application of any new limewash will be durable.

1. The parish architect completes a review of existing condition and capacity of above and below ground surface water disposal arrangements and related issues including the two buttresses cracking, and that a scheme for the necessary remedial works is considered and implemented.

2. Further analysis of the building's environment to determine the point at which the building fabric and building environment is in a condition such that re-lime washing can be undertaken with minimal risk of disruption by salts. The statement of need refers to advice received from Dr David Watt

of Hutton + Rostron, specialists in building environment analysis but we have not seen this advice. It would be helpful to forward this to us. Our central conservation team would be happy to advise further on an appropriate brief and also the outputs required.

3. To be followed by a large scale consolidation and redecoration trial using limewash is completed. We consider that this could be done over 2 to 3 days by the wall paintings Conservator using a tower scaffold. This would also be of significant benefit to the architect when specifying and scheduling out the works.

4. To be followed by a scheme of conservation and re-lime washing

16. The petitioners responded thus:

*Consultation response from Historic England*

*The response from HE rejects both Options A & B. Similar to CBC, the recommendation is to paint over the remaining Zinsser paint with limewash. The HE response raises the same issues as that from CBC. Again, it would imply that if any undiscovered wall paintings exist, they can now no longer be successfully uncovered. Again, this approach would be storing up bigger problems for the future, when all the costs would be the responsibility of the PCC. And again, it goes against the legal judgement.*

*The HE response also highlights the need for repairs to prevent water ingress and prevent dampness within the building, which can contribute to the paint flaking process. Following the Quinquennial Inspection carried out in 2022, the PCC is now working with our church architect to put in place a range of repairs to address the most urgent areas of concern, such as gutters and drainage. However, it is impractical to propose that it will be possible or affordable to maintain over the course of time a level of watertightness and damp control considered necessary*

*to prevent further deterioration to the non-breathable Zinsser paint layer. If the Zinsser paint is not fully removed and replaced with a coating of breathable limewash, the current problems will not be solved and indeed will just create bigger problems in the future.*

17. SPAB replied with their analysis of the problems:

*The Committee noted that the parish are seeking faculty permission to remove all the existing Zinsser coated and potentially contaminated plaster from the nave walls and apply new render to all the nave walls, followed by a number of coats of limewash to the new wall surface. This unusual step is the latest development in a complex and long running case which we will not describe in detail as it is familiar to all concerned. Suffice to say that the outcome of the extensive investigations and expert reports that have been completed is a recommendation for a lengthy 'belt and braces' approach to repair driven in part by the possibility that wall paintings are present and in part by a natural caution in the face of a number of unknowns. The job of removing the failed paint would be prolonged and costly as the recommendation is that some of the work would be carried out by specialist conservators and that a five-year decontamination process of the plaster by way of poultices takes place. During this period, the nave would have a scaffolding birdcage, with a plywood 'tunnel' providing access to the chancel, which does not have its own entrance.*

*The parish is unwilling to pursue this recommendation, which it feels could render the church virtually unusable over a prolonged period of time, and has therefore applied to replace the existing plaster altogether. The Committee had enormous sympathy with the parish, which has had to face a prolonged period of uncertainty with no clear end in view. However, before embarking on the radical path of*

*complete removal of the existing plasterwork, it encouraged further exploration of other options that might allow for both the retention of the plasterwork and a greater degree of use of the church during the repair process. The Committee felt that the parish should seek further information on a number of aspects of the proposals, as follows:*

*-the extent of medieval wall paintings: it has been suggested that all the surfaces would need to be stripped in order to ascertain this but it should be possible to gain more information in this respect by investigating localised areas across the church. We would suggest that the parish investigate the cost of doing so as, if there are in fact very few areas of wall painting, then it might be possible to employ a simplified method of repair. We understand that the parish is reluctant to spend its limited funds on a problem for which it is entirely blameless, but it may be that this proves a more cost effective option in the long run if the church can be brought back into use sooner.*

*-whether poulticing is really the only solution to the removal of salts or whether there might be other solutions such as brushing. If poulticing must be used then how was the five year time frame arrived at? If this was a cautious, conservative estimate might this time frame be reduced in reality?*

*-whether it is really necessary to leave scaffolding in place for 5 years or whether works for the removal of salts could take place using a lift or tower for the duration of the work (which the reports intimate would take place once a year)?*

*-why exactly the plywood tunnel is required? As mentioned above, presumably any works to remove salts will be for a finite period each year that they are necessary. Would it be possible to simply restrict access during this time rather than erect a permanent protective structure?*

*Are there other environmental concerns such as damp ingress, and if these were to be addressed might this help to reduce the overall time frame for repairs?*

*In summary, the Committee felt that there should be further exploration of other options at this stage of the process.*

18. The Petitioners dealt with these proposals:

*Consultation response from the Society for the Protection of Ancient Buildings*  
*The response from SPAB essentially proposes yet more investigative work on the walls, which we have already exhausted the ability to do with PCC funding. It has also been confirmed that the Consistory Court judgment provides no legal recourse to request such costs to be covered from Mr Claydon and his insurers.*

*The SPAB response also queries some of the details of the approach to the work in Option A, which is based on the specification of works written by our architect. The relevant parts of this specification are already based on the technical recommendations from the expert investigations carried out so far, and in consultation with an appropriate contractor, with due regard to H&S regulations. The SPAB response concludes with the statement 'In summary, the Committee felt that there should be further exploration of other options at this stage of the process'. In response, the PCC would like the DAC to note the timeline of events to date, stretching back to 2014, over which time there has been extensive exploration of options.*

19. The petitioners conclude:

*The responses from SPAB, CBC and HE reject both Options A and B. In one form or another they propose that we leave the impermeable Zinsser paint on the walls and paint over it with limewash. If, optimistically, this was to work it would achieve the decorative outcome we ultimately require. However, it is impractical to propose that it will be possible or affordable to maintain over the course of time a level of watertightness and damp control considered necessary to prevent further deterioration to the non-breathable Zinsser paint layer. If the Zinsser paint is not fully removed and replaced with a coating of breathable limewash, the current problems will not be solved and indeed will just create bigger problems in the future.*

*Summary*

*The responses from SPAB, CBC and HE reject both Options A and B. In one form or another they propose that we leave the impermeable Zinsser paint on the walls and paint over it with limewash. If, optimistically, this was to work it would achieve the decorative outcome we ultimately require.*

*However.*

- It would leave in place a non-breathable paint layer that at any time in the future is likely to flake off, leaving us in a similar situation as today but with no further recourse to financial support to rectify.*
- If the Zinsser paint cannot be removed due to risk of destruction of any underlying layers, then by definition any undiscovered wall paintings, if there are any, are effectively lost for ever anyway.*

- *The Consistory Court judgment and Restoration Order instructs the PCC to remove the Zinsser paint and yet both HE and CBC recommend that we should not do that. What would be the legal position for the PCC?*
- *The Consistory Court judgement clearly instructs that only costs to remove the Zinsser paint and repaint the walls with limewash can be attributed to Mr Claydon and his insurers. SPAB, CBC & HE all propose significant other works which the PCC would need to pay for (with possible support from grant money if obtainable) which in the current financial situation is impossible*

20. The PCC unanimously support 'Option B' outlined above. The DAC supports it.

21. The test is set out in the 'Duffield' judgment namely:

- (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 the question (1) is 'no', the ordinary assumption 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 *Peak v Trower* (1881) 7 PD 21, 26-28, 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* [1995] Fam. 1 at 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?

### The Wall Paintings themselves

22. I had the chance to make a site visit with the DAC Secretary and the Diocesan Registrar and have seen for myself the sorry state of the decoration to the walls of what is otherwise a beautiful and well loved and cared for Church.

23. I set out in detail what the expert report concludes about the wall paintings themselves.

- Medieval Plaster and Paint. There are remains of medieval painting, typically carried on a type of gritty finished lime:sand plaster found in late medieval contexts in many East Anglian Churches. There may be more than one medieval phase. Fragments are found on the north wall between the windows and the tiny traces between the north door and the northwest window are probably medieval. The wall painting next to the northeast window jamb is only partially visible but appears to be good quality and may prove to be medieval(?).
- Post-Reformation Plaster and Paint. There is an important post-Reformation phase exemplified by the good quality post-Reformation text on the eastern splay of the northeast window. There are certainly further fragments of post-Reformation decoration in the nave, possibly the same phase (although more than one post-Reformation phase is also possible). The small fragment in plates 14 & 15 is carried on a lime-rich hair plaster which has to be post-Reformation. It seems that substantial plaster repairs were carried out, certainly between the windows on the north wall and probably elsewhere. This plaster is 'soft' and very

susceptible to physical damage. Quite a lot has already occurred in repeated preparation for redecoration. The Zinsser is often on the damaged surface of the hair plaster and is difficult to remove.

- Fragments of Red. There are a number of reds visible. There are fragments of red in the southeast corner of uncertain date and although paint analysis was carried out, there is nothing dateable. It was noted in the paint analysis that the iron oxide red at the east end of the south wall (above the piscina) was different to that on the north wall. The sample above the piscina was taken from an area of hair plaster so is probably post-Reformation. The north wall sample had some similarities to a sample of red taken from the back of the stoop.
- Late Paint Layers. The C19th/C20th green oil paint still covers extensive areas of wall surface despite recent efforts to remove it. A buff coloured soft distemper was on top of the green. The paint analysis also identified four lead-based oil paints by the south doorway that probably predates the green scheme.
- Conservation and Zinsser Removal. There is, therefore, a palimpsest of painted decoration and limewashes, followed by a sequence of oil paints and soft distemper. The problem of paint removal is exacerbated by the plaster technologies. The medieval plaster has a gritty texture which makes clearance of later paint layers, especially oil bound schemes difficult to remove (unless there are limewashes underneath) and the lime hair plaster is extremely vulnerable to physical damage.
- Zinsser. Of great concern is the obvious decline in the condition of the internal decoration since August 2018. There is considerably more flaking paint, primarily the Zinsser. Worse still, is the problem with salts not only on the green between the north door and the window and, more alarmingly, on the wall painting, north wall.

24. The expert report is helpful and scholarly. I am indebted to Dr Kirkham for her analysis. There is, for obvious reasons, a deal of uncertainty about what lies below the Zinsser paint. The clear difficulties which involve making informed conclusions about what is hidden are exacerbated by the fact that many of the wall paintings themselves have been painted on plaster which is fragile, parts of which may, over the centuries, have been replaced or repaired. Some of the paintings themselves may have also been subject to deliberate damage during the reformation. They are all also covered by many layers of different paints. It is impossible to know if any of those layers have protected or damaged any of the paintings. The Zinsser paint which has now been in place for 8 years has also caused further damage.
25. In my Judgment the expert evidence is that there are some wall paintings which may be of good quality, but much of the wall paintings are or may be damaged beyond economic restoration. Many of the wall paintings will be damaged by the removal of the Zinsser paint. In those circumstances the 'Duffield' test is much trickier.
26. If I agree with 'Option A' there is a strong possibility that much of the wall painting, already damaged by the application of the Zinsser paint will be further damaged, however carefully the work is done. It is also not clear how much further damage has been caused by the paint remaining in place.
27. Undoubtedly if I agree with the petition for 'Option B' almost everything of any historical interest will be destroyed.
28. Either proposal will cause some harm to the historic fabric but there are too many uncertainties for me to be able to say whether either will cause harm to the

significance of the church as a building of special architectural or historic interest. 'Historical interest' by definition is not the same as 'special historic interest'.

29. Whilst I am grateful to the amenity bodies for their very thoughtful responses, I fear that the proposed solution of painting over the Zinsser paint (if I can summarise the proposals simply) will only stack up problems for the parish further down the line at a time when they will be expected to pay for the restoration out of parish funds. I reject those proposals in those circumstances.
30. In my Judgment 'Option A' may cause some harm, albeit unquantifiable to some paints which may be of historic interest, but may also be so badly damaged as to be of only very limited interest.
31. In my Judgment 'Option B' as proposed by the petitioners will cause some harm, sadly unquantifiable, to the historic interest of the church, but it is not sufficient for me to reject it.
32. In those circumstances my Judgment is that Option B which is superficially unattractive will not cause harm to the Church as a building of *special* architectural or historical interest (emphasis added).
33. If I am wrong, my view is that the resulting public benefit from approving 'Option B' (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) outweighs the harm that will be caused. The alternatives would mean that the church would be effectively unusable for years in the future.

34. I therefore grant the petition to remove the Zinsser paint from the walls, and also the plaster beneath it and then to apply new render to the walls followed by a suitable number of coats of limewash to the fresh wall surface.

12<sup>th</sup> December 2023

Justin Gau  
Chancellor