

DIOCESE OF LEICESTER

IN THE MATTER of Welby, St Bartholomew

CHANCELLOR BLACKETT-ORD

The Feast of the Epiphany

January 6<sup>th</sup> 2017

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**JUDGMENT**

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1. This petition seeks faculty permission for the mounting of a Heritage Lottery Fund plaque on an inside wall of the porch on St Bartholomew's Church, Welby, which is a building listed Grade II\*.
2. The petition is not opposed, and with the petitioners' consent I have directed under rule 14 Faculty Jurisdiction Rules 2015 that the matter may be dealt with on paper.
3. St Bartholomew's is a small church which may once have been a chapel of ease for St Mary's Melton Mowbray. It is medieval in origin but extensively restored in 1860-2. It has recently been improved by substantial works of repair and upgrading, with assistance from the Heritage Lottery Fund, "HLF".

4. I granted faculty permission in January 2014 for investigatory works necessary to comply with a grant offer from HLF, and in November 2014 for the consequential repairs and the installation of facilities. I think that on neither of these faculty applications was thought given to the likelihood that HLF might require a plaque with its own logo to be attached to the church on a permanent basis, even if one was displayed temporarily during the works. I blame no-one for this oversight, but it has led to our present difficulties, and I suggest that in future any faculty applicants who seek permission for work which is to be supported by HLF grants, are warned to give thought to the question of any HLF plaque..
5. Although depopulation has left the medieval village of Welby almost deserted, services are held on the first and third Sundays of the month and substantial attendance is found at major festivals.
6. The church has a pleasing simplicity. The porch could hardly be more plain. Within it there is a rough-tiled floor, stained wood overhead joists and bare stained doors at the outside entrance and the inside entrance from it to the church. The walls have a plain cream-coloured wash with the stone door-surrounds left bare. There is no decoration.
7. The Statement of Need describes the plaque as “perspex...measuring 25 cm x 45 cm” and the question “Why do you need it?” is answered:

“The church is being completely refurbished and a small extension has been added to house an electric composting toilet. This has all been made possible by the grant awarded by the Heritage Lottery Fund. By accepting the grant we made a commitment to acknowledge their support publicly”.

8. I have seen photographs of the proposed plaque and the place where it is intended to be fixed by four screws to the outer wall of the church, on the bare wall beside the interior doorway within the porch. It is mostly on the cream-wash wall but partly on the bare stone door-surround. I accept that the plaque shown is accurately described as 25cms x 45 cms, or nearly half a metre wide. The question of size is important as I shall explain. The plaque is what is called by HLF “compact” rather than “landscape” in shape, meaning it is nearer a square than a long rectangle.
9. The plaque is of transparent perspex on which is written (in cheerful blue) “heritage lottery fund LOTTERY FUNDED”. On the left side is the HLF logo or motif, a combination of a smiling face and a hand with fingers crossed. I believe that the crossed fingers are indeed a remote Christian reference, indicating prayer, and suggesting that punters might pray to be lottery winners. But I do not expect that the Christian reference will be noted by many. The real purpose of the motif is presumably to encourage those who buy lottery tickets to hope that they might thereby become rich, which is not a particularly Christian purpose.
10. Perhaps deliberately, the plaque is intended to be fixed in the most prominent position imaginable. Anyone going to open the inner door of the church will find it only a few inches from their face.
11. Aesthetically, there is a violent contrast between the jaunty motif and colours on the Perspex plaque, and the sober interior decoration of the church and its porch.

12. The DAC Notification recommends the works but subject to certain provisos of which this is the one relevant for present purposes:

“That the PCC investigates whether smaller signs are available that would be aesthetically less intrusive on a Listed Building”.

This proviso seems to me to indicate that the DAC is not wholly enthusiastic about the proposal.

13. I therefore turn to the questions suggested by the Court of Arches to be applicable where alterations are proposed to a listed church, in Re Duffield, St Alkmunds (2013) Fam 146:

- (a) 1. *Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?*
- (b) 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.*
- (c) 3. *If the answer to question (1) is “yes”, how serious would the harm be?*
- (d) 4. *How clear and convincing is the justification for carrying out the proposals?*
- (e) 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 at p.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? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2\*, where serious harm should only exceptionally be allowed.*

14. I consider that the suggested fixing of the proposed plaque in the place suggested would cause serious harm to the building within the meaning of questions 1-3 in *Duffield*.

15. I turn therefore to (4) and (5) and the justifications for carrying out the proposal. These are in effect two:

(a) It expresses thanks to a donor. There can be nothing objectionable about such a plaque, provided that the plaque is aesthetically satisfactory. On the subject of items being introduced to churches I refer to the comment of the editors of *Newsom Faculty Jurisdiction of the Church of England* (2<sup>nd</sup> Ed) (1993) p.146

“Objects of all sorts...raise quite different considerations. Petitions for their introduction are to be considered on the practical and aesthetic merits of the object concerned in the ordinary way...”.

It is possible, at a stretch, to call the plaque in our case practical; but questions arise on its aesthetic merits.

(b) There was evidently a provision in the lottery grant that the PCC should “acknowledge” the support of the HLF publicly, and it is suggested that it was a condition of the HLF grant that the plaque should be attached to the church. Plainly, if the petitioners have bound themselves (under threat of

being made to repay their grant) that they must affix this particular plaque to the church, then they are under a difficulty. But as I shall explain, the matter is a little more complicated than that. And sadly the mere fact that the petitioners have agreed without faculty permission to do something which requires faculty permission, does not mean that faculty permission must be granted if other factors militate against such permission.

16. The relevant grant conditions are set out in the HLR guidelines, "*How to acknowledge your grant.*" The edition of February 2014 is the relevant and current one. It is necessary for me to quote parts of this by reference to its page numbers. Its provisions are of course addressed to the grant applicants, and I assume that these individuals are the same as the present petitioners:

*"22. Visitors from the HLF... will expect to see acknowledgement of our funding in place.... If you receive a grant from us, you must acknowledge our funding. You should do this by using the acknowledgement logo...*

*4. Acknowledging your grant publicly means that the signs showing our logo must be visible in public areas, both during your project and after its completion. Be creative! We want you to use our logo imaginatively and in the best ways suitable for your project...*

*6. ...We would like you to display plaques showing our logo at every main customer entrance and exit.... We provide two kinds of **free-of-charge Perspex plaques – landscape and compact.***

*You could design your own plaques, waymarkers, keystones and other signs using wood, stone, metal, glass or any other materials.*

*Where you want your signage to be part of a building – for example a carving of the acknowledgement logo into a wall or an etching of it on a glass door – it is more cost-effective to plan this early. Your architect could help...*

*8. Its your responsibility to obtain the legal approval or permission you need to display permanent signage. This can include planning permission, listed-building consent and faculty consent.*

*16. Where it's not possible to use our logo, make sure high-impact visual acknowledgement is still in place. You can use the wording **Supported by the National Lottery through the Heritage Lottery Fund** or where space is limited, **Supported by the Heritage Lottery Fund**.*

*18. The size at which the logo is used must be proportionate to the size of the materials you are producing to make sure it's clear and easy to read. For example:*

*A5... 12mm in height (compact)...*

*A4... 18mm in height (compact)...*

*A3... 28mm in height (compact)...*

*19. Both versions of the logo must only be reproduced in black, white or the HLF blue..."*

*17. Two matters on these guidelines should be mentioned.*

- a. At the back of the guidelines is a form for ordering “free-of-charge” HLF acknowledgement materials; the only “compact” plaque offered is 25 x 45cms with the blue logo on Perspex, and is the one that has been obtained in our case, but
- b. its dimensions bear no resemblance to those mentioned at page 18 of the guidelines that I quote above, which I believe to be out by a factor of ten, ie “mms” there are a mistake for “cms.”

18. What is important from the guidelines (which is why I quote from them so fully) is they certainly do not make mandatory the particular plaque which we are concerned with here. In various ways the guidelines mention alternative size, colour and wording. What is absolutely mandatory is something to announce the HLF grant, and the HLF logo signage seems is the preferred option but not absolutely compulsory.

19. That being so, there seems to me to be no absolute requirement, and consequently little “justification” within the meaning of *Duffield*, for the installation a plaque as large and tasteless as the one proposed, on any permanent basis.

20. Nor do I believe that it should be allowed to become an attachment to the church on a temporary basis. I am influenced by the useful suggestion of Chancellor Dr Mynors in *Changing Churches* (2006) p.85:

“Works of art, pictures, posters, decorative flags and banners may usually be displayed without a faculty “on a temporary basis”. This allows for the display of children’s artwork and seasonable banners. However, it is usually wise to insist they are in fact removed reasonably promptly, so that they do not come to be seen as semi-permanent features in the church, whose later removal (or non-removal) may cause unhelpful controversy”.

21. Anyway, here the plaque is intended to be permanent.

22. I therefore reject the application in its present form.

23. I could dismiss petition. But I am interested by the suggestion from the DAC that a smaller plaque might be more suitable. Indeed the smaller the plaque, the more acceptable it will be. And I want to help the petitioners out of the unfortunate position in which they find themselves. I am therefore prepared to accede if the petitioners, before 4.00 pm on Friday 10<sup>th</sup> February 2017, apply for an adjournment to amend the petition to seek permission for either

- a. A plaque in HLF “compact” form but in black-and-white only (no blue) and no larger than 12cms (sic) in height, or
- b. A plaque in different form agreed with HLF, but no larger than the one that I have just mentioned.

24. If the petitioners do not apply for the adjournment within the time mentioned then the petition is dismissed.

Mark Blackett-Ord  
Chancellor  
Feast of the Epiphany,  
6<sup>th</sup> January 2017.

**Directions**

Petition dismissed unless petitioners before 4.00 pm on Friday 10<sup>th</sup> February 2017 apply to the Registrar for an adjournment of the petition to amend it to seek permission for the adoption of either of the alternatives mentioned in the judgement of the Chancellor, in which eventuality the petition is to be restored to the Chancellor for further directions. If no such application is made then the petition is dismissed without further order.

Mark Blackett-Ord  
Chancellor  
The Feast of the Epiphany.



IN THE CONSISTORY COURT

[2017] ECC LEI 1

DIOCESE OF LEICESTER

IN THE MATTER of Welby, St Bartholomew

CHANCELLOR BLACKETT-ORD

The Feast of the Epiphany

6<sup>th</sup> January 2017

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**JUDGMENT**

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Leicester Diocesan Registrar