

Neutral Citation Number: [2019] ECC Bla 4

In the Consistory Court of the Diocese of Blackburn

Re: a bell within Church Kirk, St James (closed)

On the application of Elaine Hargreaves on behalf of the Blackburn Diocesan Board of Finance

Faculty No 77 of 2019 (2019-034194)

JUDGMENT

- 1) This is an application by Elaine Hargreaves on behalf of the Blackburn Diocesan Board of Finance to permit the transfer to Lancashire Museum Services of a bell from this closed church. The future of the building is being dealt with as such by the DBF under the relevant provisions.
- 2) When the application was first subject to the Public Notice procedure under the Faculty Jurisdiction Rules 2015, no objection or other representation was forthcoming, and I therefore granted the application. Thereafter a letter dated 10th July 2019 was received by the Registry from Mr Graham Jones, the MP for Haslingden and Hyndburn, the thrust of which was that the bell should be retained in the church essentially because a local group (Church Kirk Regeneration Trust) was in the process of completing an assessment of the site, after which they intended to develop proposals for the use of the church building. In the meantime they did not want any of the historical features to be disposed of, and the bell was part and parcel of the history of the building and should be retained with it.
- 3) No formal orders were made on receiving this out of time objection, but the implementation of the faculty was essentially put on hold for further consideration. The Registry gave Mr Jones the opportunity to become a formal objector, but nothing has been heard from him in response. That is not surprising. An MP is a very busy person, and at the time of writing, in early October 2019, all MP's are working under great pressure at a time of particular stress in the life of the nation. It seems to me that there is probably very little that could be added to the content of what he says. The position is therefore, that no formal response having been received, I am required under the Rules, to take the objection into account when reaching my decision. It appears Mr Jones has involved himself in ongoing efforts to restore the building to the community over a considerable period, and certainly since April 2016, and recently met with Richard Hooper of CKRT, and Norman Bilsborough who has responsibilities for closed churches within the diocese.
- 4) Church Kirk is in the Hyndburn area of the diocese. St James's was closed in November 2015, almost 4 years ago. An on-line news item attributes this to an ageing population, falling attendance and the deteriorating condition of the building. A church has in fact existed on the site since 642AD, so it has a very long history. The present tower is late-medieval and the nave dates from 1804-05. The tower had a parapet added in 1844 and a chancel in 1895-96. The church has suffered a number of setbacks over the years: an explosion at a nearby ammunition factory meant that many of the stained glass windows in the south nave had to be replaced in 1918, and in 1983, a fire damaged the tower. It is a substantial building. The nave consists of five bays and the chancel has three bays; there are galleries on three sides carried on cast-iron columns. There was a ring of 8 bells cast in 1865-67, but I do not know what has happened to them following the closure; the bell I am concerned with is far older. The church building is plainly a large and significant structure, but is in poor condition.
- 5) One of the DAC's advisers, Mr Peter Rivet, has provided a brief history of the relevant bell, some of it at least being garnered from a volume entitled *The Church Bells of Lancashire* by F Cheetham.
- 6) I need to stress at the outset, that the bell is cracked, it is standing on the floor at present, and is incapable of use.
- 7) It is 29 inches in diameter and dates from 1537, though the Roman number is designated as MCCCCXXXVII, which is unusual - a D normally being used for 500. It is inscribed with wording which translates as 'Maria am I, by Peter van den Ghein cast in the year 1537'. This bell-maker was based in Louvain/Leuven in what is now Belgium. Bells from this area are rare in England. It was first hung in Whalley, but was transferred to Church Kirk in 1856 and was hung in the tower along with another bell and presumably was rung. It was subsequently returned to Whalley in 1876 for some reason. Apparently a ring of 8 bells was installed, made by Barwell of Birmingham 'the predecessors of the

present ones'. I do not really understand this. I cannot believe there have been two rings of 8 bells installed in a very short period in St James's.

- 8) Subsequently but at a date unknown, the bell came back to Church Kirk, but if it was then hung or for what purposely was returned, is not clear. As I say it is not ringable and stands on the floor.
- 9) When St James's closed, an approach was made to Whalley, but they did not want it back, as they had nowhere suitable to display it. Mr Rivet considers its transfer to the Museum Service a good idea.
- 10) It appears therefore that the bell was first at Church Kirk for around 20 years and was then being used. It could well be that it returned there over 100 or 120 years ago after a period back at Whalley, but whether it was a functioning bell (as the parish had a ring of 8 bells at that time), or was simply seen as an interesting artefact, is not clear to me. It is obviously an item of considerable age and of interest, at least to those with an interest in church bells, but it is not capable of being used as it is, and it would be expensive to repair, and of course any repair will to a degree affect its importance as an item of historic interest.
- 11) There is of course considerable guidance available to the Consistory (Diocesan) Court from the Court of Arches (Appeal Court) when dealing with church 'treasures' and considerable caution has to be exercised before a sale or transfer is to be sanctioned.
- 12) However, the first question has to be, is this a church 'treasure'? I do not think every item of historic interest has to be categorised as such, and the circumstances in which disposal is contemplated is a very relevant factor. Here the building has ceased to be used for worship, it has no body exercising the responsibilities formerly exercised by the Parochial Church Council ('PCC'), and it has no 'congregation', who could 'appreciate' its presence. Who can it be a treasure for? If its familiar surroundings have been removed, what is the best thing to do with it?
- 13) Closed churches are vested in the DBF, who have to assume some responsibilities that were previously exercised by the PCC. These will include insurance and protection of the building against intruders and would-be thieves. In other words, the DBF is funding the costs of 'keeping' the church until the building is disposed of. The DBF, and many of the churchgoers in Blackburn diocese, who are providing funds out of which these costs are met, will have very mixed feelings about the fact that scarce funds, which are primarily required for the payment of the clergy in post, and the pensions of those who have retired, as well as other aspects of the work of the 'living' church, are diverted to these ends. I cannot ignore these facts when considering Mrs Hargreaves' application.
- 14) The DBF is required by statute to seek to obtain an alternative use for the building so it is not left simply to deteriorate. They have a positive duty to find such a use and cannot be expected to simply put things on hold pending the formulation of proposals by groups such as CKRT. Sometimes it is possible to turn the former church into an exhibition space, or library or something similar, and sometimes it can be disposed of so it can be turned into a single domestic accommodation or multiple dwellings. In my experience, none of these desirable uses is easily or quickly achieved. Any of these changes of use will be expensive to accomplish. Even restoring the building more simply so it can be a community resource, is likely to require a considerable sum of money at the outset, and ongoing maintenance costs.
- 15) I have viewed a Facebook page featuring Mr Jones speaking with a number of individuals in the vicinity of the church and the Leeds/Liverpool Canal that is situated close by. It is plain there is much enthusiasm to do something effective with the building for the good of the area, but as Mr Jones says, it is a 'huge' undertaking.
- 16) For the obvious reasons I have referred to, the DBF will wish to get rid of the closed church as soon as possible. Having items of value to thieves in the building gives more headaches to the DBF and its staff. Thus, apart from other more positive reasons, the prospect of moving the bell from the church to a museum where it can be viewed by members of the public, is an attractive proposition. There is nothing I am aware of, that requires the DBF to allow time to any group like CKRT to come up with proposals or money to accomplish their desired aims.
- 17) Further, while one applauds efforts to safeguard local heritage assets, it is often a slow-moving affair, and a constant struggle for volunteers, money and ideas. The church closed nearly 4 years ago, and in July 2019, the CKRT was hoping to complete its assessment, before developing proposals (for future use of the building). Until that is done, it cannot be known what long term proposals are feasible or whether the bell could have a permanent home there. Time is marching on.
- 18) Decision: it seems to me unreasonable to delay any decision indefinitely, in the hope something positive emerges. I shall therefore make a decision that allows the bell to be transferred by way of an interim faculty, on loan to Lancashire Museum Services for a period that gives them a degree of permanence so it can be displayed, but allows the matter to be reviewed again when CKRT has moved on with its

planning. I doubt that either the Museum Services or CKRT will be happy with this, the Museum Services because they will feel they do not have the certainty they would like, and CKRT because they will feel the timetable is over tight. Nonetheless the period within which new proposals are to be brought forward cannot go on for ever, and an overall period of 6 years from the church being closed, seems to me quite generous.

- 19) Two points: First, what happens down the line, will not be for me to rule on, as my successor will be in post by then, and any decision will depend on what has happened in the meantime. Second, in order to make my idea work, CKRT has to be made a party to this petition, so they can make an application, if they so decide, at the end of the interim period.

ORDER

Upon considering representations in writing dated 10th July 2019 by Graham Jones MP for Hyndburn, opposing the application for the transfer of the bell the subject of the petition into the permanent possession of Lancashire Museum Services, (as sought), pending the formulation of proposals by Church Kirk Regeneration Trust within a relatively short but unspecified period, for the long term use of the former St James Church as a community resource of some kind, and the retention and display of the bell within it IT IS ORDERED that

- 1) Subject to the provisions below, the bell may and should be transferred to the possession and custody of Lancashire Museum Services for a period expiring on 31st December 2021, ("the interim period") with a view to its public display, as that body sees fit
- 2) Church Kirk Regeneration Trust be and is hereby added by the Court as a party to this Application for a Faculty
- 3) Within 3 months preceding the expiry of the interim period, CKRT do supply (if so minded) to the petitioner, and to Lancashire Museum Services, and to The Diocesan Registrar, Darwen House, Walker Business Park, Blackburn BB1 2QE, proposals in writing for the long term preservation and use of Church Kirk, St James and how the bell is to be housed and displayed within the former church building
- 4) **In default of proposals of that kind being presented as aforesaid, within that time frame, the bell will remain in the custody and possession of Lancashire Museum Services on a permanent basis, and CKRT will cease to have any standing under this Order to make any application in regard to the bell**
- 5) If such proposals are presented, they will be placed before the then Diocesan Chancellor for Directions, and the bell will remain in the custody and possession of Lancashire Museum Services until a Final Order is made by him or her
- 6) There be No Order for costs.

John W. Bullimore
Chancellor
18th October 2019