

**SHIFNAL: ST. ANDREW**

**JUDGMENT**

- 1) St. Andrew's, Shifnal has a Grade I listing. Significant elements of the medieval church building remain but the church's current appearance derives from the restoration by George Gilbert Scott in 1876 – 79. As is apparent from the fact of the Grade I listing this is a church building of considerable significance and of outstanding beauty.
- 2) The Vicar and churchwardens petition with the unanimous support of the Parochial Church Council seeking a faculty for the installation of a new audio-visual system in the church. The proposal is that there should be two monitor screens mounted on mobile trollies; two monitors screens mounted on poles; and three monitor screens mounted on the walls. The screens on trollies are intended to be visible to those in the nave. Those mounted on poles will provide vision in the chancel for the choir. The screens mounted on the walls are to provide vision for those in the south aisle (to be positioned adjacent to the south transept archway); the north aisle (to be positioned above the north transept archway); and in the north transept (to be positioned on the wall of the north transept). It is the proposed fixed screens which have proved to be most controversial although there is also concern about those to be mounted on poles.
- 3) The Petitioners propose a number of measures to reduce the impact which the screens will have on the appearance of the church. The screens on trollies (serving the nave) will be placed behind the organ when not in use. The screens in the chancel serving the choir and mounted on poles will be positioned out of the line of sight when looking from the nave to the high altar and can be covered in fabric when not in use (it is thought that this will minimise their visual impact). The Petitioners explain that the fixed screens will be removable without causing damage to the fabric of the church. In addition those screens can be set to display the stonework of the church. It is to be noted that the Petitioners have

sought to address concerns which were raised in respect of earlier draft proposals. In particular the number of fixed screens proposed has been reduced.

**The Need to be met and the Benefit to be achieved by the proposed Works.**

- 4) The population of Shifnal is growing. A large part of that growth is made up of younger married couples and their young children. The Vicar and the Parochial Church Council of St. Andrew's have undertaken work to engage families, children, and young people in the life of the church. That work has resulted in an increase in the number of worshippers and in a marked reduction in the average age of the worshipping congregation. The Petitioners explain that the mission to that younger and growing population has involved a number of different activities. It has also involved what is described as "*a contemporary approach to worship which has been visual.*" The Petitioners believe that there is a need for "*a worship experience where [those leading the worship] can project images, words, and video*". In order for that to be achieved there needs to be an audio-visual system capable of projecting such material to points where it is visible by all in the church.
  
- 5) The configuration of the church combined with the current audio-visual system does not enable such projection of images, words, and video to all in the church. The current system is in need of replacement. It dates from the 1970's with some updating having taken place in the 1980's and 1990's. The current arrangement is for screens to be moved into position when needed and then moved away. That is inevitably a cumbersome process. However, even when that is done the problem remains that on occasions when the church is full is that there are numbers of the congregation who cannot see what is happening during worship. The Petitioners say that this is a particular problem on occasions such as the Easter, Christmas, and Remembrance services and at Harvest Festival. It is also a problem at large funerals and a school services. The purpose of the proposed monitor screens is to enable everyone in the church to be able to see those leading worship and to see such images and words as are projected on to the screens.

### **The Responses to Consultation.**

- 6) There was no response to the public notice but the consultation with Historic England and the Victorian Society has produced the responses detailed below. It will be seen that both those bodies are opposed to aspects of the proposals. Neither of them wishes to become a party opponent but each has asked that I take account of their opposition and I have done so. I have also been assisted by advice from the Diocesan Advisory Committee and by submissions made by the Archdeacon of Salop.
- 7) Both Historic England and the Victorian Society accept the need for an improved audio-visual system but they take issue with at least some of the proposed screens.
- 8) Historic England opposed the fixed screens proposed for the north and south aisles, the north transept, and those on poles proposed for the chancel. It says that the visual impact of these screens both individually and cumulatively is unacceptable. This is because of the harmful impact which they would have on the appearance of this particularly fine church interior. Historic England suggests that the proposed fixed screens could be replaced by an increased number of screens mounted on trollies (as are proposed for the nave). If that step were to be taken Historic England would have no objection to the proposals.
- 9) The Victorian Society acknowledges that the proposals have been scaled back from those originally put forward by the Parochial Church Council. The Society welcomes this scaling back. The Society does not object to the proposed positioning of a screen above the archway to the north transept saying that that is a “*very gloomy*” location and that a screen mounted there would be “*fairly inconspicuous when not in use.*” However, the Society does believe that the screens proposed for the south aisle and the north transept “*would be obtrusive even when not in use*”. It suggests that to the extent that further screens are needed they could be placed on trollies in the same way as is proposed for the screens servicing the nave.
- 10) The Diocesan Advisory Committee certified that the proposed works would affect the character of the church as a building of special architectural or historic

interest. Nonetheless the Committee recommended the works. The Committee noted that the church was a “*very difficult building in which to introduce audio-visual technology.*” It went on to record its assessment that the Parochial Church Council had together with its contractors “*worked hard ... to achieve the best balance between satisfying the requirements of the congregation and respecting the historic fabric of the building.*” The Committee’s recommendation of approval was that of the majority of the Committee. The report to me records that all the Committee were content with the proposal for the screens for the nave mounted on movable trollies. However, the two members of the Committee nominated by Historic England and the Amenity Societies remained opposed to the proposed positioning of screens on the walls and to the screens to be mounted on poles in the chancel. There was support for this stance in relation to the proposed south aisle screen from one architect member of the Committee.

- 11) In addition I have been assisted by representations made by Ven Paul Thomas, the Archdeacon of Salop. Archdeacon Thomas acknowledges that the church is “*outstandingly beautiful*” but also reports the progress which has been made in enabling people of all ages to become involved in the life of the church. He agrees that a modern audio-visual system is necessary if that progress is to continue. In addition Archdeacon Thomas reports his assessment that the Petitioners have taken care to balance protection of the beauty of the church building with the need for modern technology and for those worshipping in the church to be able to see projected material and the actions of those leading worship.

### **The Petitioners’ Response.**

- 12) On behalf of the Petitioners Prebendary Thorpe has responded to the opposition of Historic England and the Victorian Society. Prebendary Thorpe explains that that the Petitioners have moved considerably from their original intentions by making a number of revisions to their original proposals. That assessment is confirmed by the Diocesan Advisory Committee’s comments and has been acknowledged by the Victorian Society. It is the Petitioners’ belief that the current proposals represent “*a careful and sensible compromise that both respects the heritage of the Grade I listed building but also allows this church to minister and*

*to serve in this generation.*” The Petitioners believe that an arrangement involving all (or all but one) of the screens being mounted on trollies and moved into position when needed would be too cumbersome to operate. I take this to be a reference to the prospect that there would be repeated movements of trollies from concealment into position and to the fact of further trollies being positioned in the church taking up space therein.

- 13) In addition Prebendary Thorpe expresses the Petitioners’ perception that the stance now being taken by Historic England and by the Victorian Society is a hardening of the position of those bodies. He says that it was his understanding that on a site visit the representatives of those bodies had accepted the need for the fixed screens to which objection is now being taken.

**The Test to be applied.**

- 14) I have already said that St. Andrew’s is a listed church and that the proposed works will lead to an alteration in its appearance. Therefore, the approach laid down in *Duffield: St Alkmund* [2013] 2 WLR 854 as modified in *Re Penshurst: St John the Baptist* (2015) 17 Ecc L J 393 is to be followed namely:

- a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
- d) How clear and convincing is the justification for carrying out the proposals?
- e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?

- 15) In considering the last question I have to bear in mind that the more serious the harm the greater the level of benefit needed before proposals can be permitted. I

also have to bear in mind that serious harm to a church listed as Grade I or Grade II\* should only be permitted in exceptional cases.

### **Assessment.**

- 16) I begin by considering the extent of the harm which the proposed works would constitute to the special character of this church. I undertake that consideration conscious that St. Andrew's has a Grade I listing and so is to be regarded as being a building of particularly rare importance. I have considered the list entry description of this church together with the description set out in Pevsner's Shropshire. Both of these make it clear that the internal appearance of the church is an important element of its special significance.
- 17) The presence of fixed screens on the walls and of screens mounted on poles will have a real impact on the church's appearance and on its special character. Those viewing the church and in particular those looking at the walls will see not simply stonework but instead stonework on which a number of modern screens have been placed. That will have a real impact and there will be a degree of harm which clearly goes beyond the trivial. The visual impact which the screens mounted on poles will have is likely to be less. Those screens will be positioned so as to be out of the line of sight when one is looking from the nave towards the high altar but they will be visible to those in the chancel.
- 18) In considering how great the degree of that harm actually is I have taken account of the following matters. The first is that the structure of the walls and of the chancel will be unaltered. There will be additions but the addition of the screens will leave the underlying structure intact. Moreover, the fundamental nature of this church and its overall appearance will remain. The church will continue to be a medieval church into which additions have been introduced at various times and which underwent a Victorian restoration. Those looking at the walls will see medieval walls albeit walls onto which a number of modern monitor screens have been placed. The screens will be visible and will doubtless stand out and attract attention. However, in assessing the impact of the screens I note that the walls do not remain in their original condition. The photographs show a number of memorials which have been added to the walls at various times including a war memorial with standards on either side of it. The new screens will attract the eye

to a greater extent than those memorials but they will not by any means be the first addition to the walls. The setting of the screens to display the stonework will reduce their impact to some extent but they will nonetheless be a real intrusion. Finally, I take account of the assessment made by the Diocesan Advisory Committee. There was a difference of opinion in that Committee but it was the view of the majority that the proposals were acceptable. The tenor of the report of the Committee's consideration of the matter suggests an impact which will be real but which will not be major.

- 19) I have to assess the degree of harm in the light of the foregoing factors. This is to a large extent a matter of judgment where I have to take account of the material put before me and to balance competing views. I am conscious that those competing views are of those with considerable expertise in these matters and with expertise inevitably greater than my own. Taking due account of that expertise and those competing views I have concluded that the effect of the matters I have just set out is that there will be harm to the special significance of the church and that the harm will be material. It will, however, be modest in the sense of being more than trivial but less than substantial. In particular there is no material which causes me to conclude that the harm will be serious (save in the sense that any harm to the special significance of a Grade I building must be regarded with gravity).
- 20) That harm is to be balanced against the benefit potentially to be achieved by the proposed works. I am satisfied that there is a real and substantial benefit to be obtained by those works. The Petitioners have given a detailed explanation of why it is that the works are needed. The assessment of this matter by the Archdeacon of Salop and his support for the proposals are of particular note. It is apparent to me that worship which works for the Twenty-First Century in this building and for the community of Shifnal requires equipment which enables the congregation as a whole to see words and images. A situation in which some of those sitting in the church are unable to see such words and images would be one in which part of the congregation would be excluded from full participation in the worship taking place. That would clearly be a seriously unsatisfactory state of affairs. If the work of continuing to grow the congregation and to provide a form of

worship which meets the needs of the people of Shifnal is to continue then there needs to be equipment enabling all those in the church (regardless of location) to see projected words and images.

21) I have to balance that real and substantial benefit against the harm to be caused by the proposed works. That is not just a matter of saying that the benefit is real and substantial and that the harm though real is modest. I have to take account of the particular importance of this building and of the special care which is needed before any harm, even modest harm, is to be permitted. In undertaking that balancing exercise the following factors come into play.

- a) The importance of the benefit to be achieved by the proposed works. As I have already indicated I accept that the proposed works are of importance if the progress which has been made at St. Andrew's is to continue. That progress has involved an increase in the numbers worshipping in the church and the development of a style of worship which has been found to meet the needs of the local community. I accept that this work will be impaired if the audio-visual equipment is not improved to meet the current and anticipated future needs of the congregation and of the local community. It follows that the benefit to be achieved is considerable and that there will be real hindrance to the life and mission of the church if a modern audio-visual system cannot be installed.
- b) Account has to be taken of the degree of harm to the church's special character. That harm is real and material but modest.
- c) I take account of the fact that the proposed changes are reversible. I adopt the approach recommended in *Duffield: St Alkmund* at paragraphs 92 and 93 of treating this as a factor to be considered in the context of the balancing of benefit and harm. The proposed works are wholly reversible in that the fixed screens will be capable of being removed without any continuing impact (or at most a minimal impact) on the structure of the building. This is of significance given both the lifetime of this church and the nature of the works. It is possible (if not likely) that in the course of time there will be further developments in audio-visual technology with the effect that words and images will be made

visible to every member of the congregation without the need for fixed screens. Inevitably there is a degree of speculation in this and I must avoid both over-optimism and engaging in excessive speculation. Nonetheless, there must be a real prospect that technological progress will remove the need for the screens in the medium term future or will enable the same effect to be achieved by smaller and less obtrusive screens. If this happens then the screens can be removed and their presence will then be viewed as having been a short period in the lifetime of this church building.

- d) I also take account of the facts that the proposals include measures to mitigate the effect of the works and that (as the Victorian Society has acknowledged) the Parochial Church Council has scaled down its original proposals in an attempt to address the concerns which have been raised. Of course the facts that compromises have been made and that attempts are being made to mitigate the effect of the works cannot, of themselves, justify the works. There will be instances of proposed works which are so harmful or of such limited benefit that even if mitigated to the fullest extent possible they should not be permitted. Nonetheless, the facts of the mitigating measures and of the compromises made are significant and relevant. They indicate that the Parochial Church Council is taking an appropriate attitude to its heritage responsibilities and this is something which stands in favour of that body's application for alteration of the church building. The Court is entitled and obliged to regard more favourably an application from a Council which has shown a proper understanding of and commitment to its heritage responsibilities than one from a Council which demonstrates a lack of appreciation of those responsibilities. A related point is that where, as here, a Parochial Church Council has made real efforts to address the concerns of those concerned for the impact on the building then the Court is to attach weight to such a Council's assertion that no further compromise can be made if the desired mission objective is to be achieved.
- e) In the light of the foregoing point I also accept that the suggested alternatives are impractical. I accept that it would not be realistic for there to be an arrangement whereby all the screens were mounted on trollies and were

moved into and out of position as required. That would be a cumbersome and time-consuming arrangement with an intrusion into the space of the church. It would not be an adequate way of meeting the needs identified by the Petitioners. In reality if the needs for a modern audio-visual system are to be met then the scheme proposed (or something very much like it) is needed. In this regard it is also my assessment that the use of fixed screens is more consistent with seemly worship than the use of screens mounted on trollies which are wheeled into position for each service. The latter arrangement would run the risk of appearing unsightly and of in fact detracting more from the appearance of the church than the use of fixed screens. A substantial screen mounted on a trolley would detract more from the appearance of the church building at the time it was in position than would a fixed screen. Thus the mounting of all the screens on trollies would have the consequence that the appearance of the church would be affected more by obstruction when those screens were in use than it would have been by fixed screens. To require all the screens to be on trollies would be to bring about a state of affairs in which the appearance of the church would be most impaired during services and so at the time when most people would be in the church building and at the time when the structure of the building should be contributing to and not detracting from the beauty of the worship in the church.

22) In those circumstances and conscious of the presumption against changes being made to listed buildings I have concluded that the substantial benefits to be achieved by the proposed works outweigh the real but modest harm to the special character of this church. Accordingly, I direct that a faculty issue authorising the proposed works. I have incorporated in the draft faculty conditions to minimise the impact of the works on the special character of this church. Those conditions relate to the setting of the fixed screens; to the covering of the screens in the chancel; and to the making of a photographic record of the current appearance of the church with provision for copies of the same to be provided free of charge to all those with a genuine interest in the same.

STEPHEN EYRE  
HIS HONOUR JUDGE EYRE QC  
CHANCELLOR  
1<sup>st</sup> October 2015