

*PRACTICAL STONE MASONRY*, P. R. HILL and J. C. E. DAVID. Donhead Publishing, 28 Southdean Gardens, Wimbledon, SW19 6NU, 1995, xii+276 pp. (hardback £32) ISBN 1 873394 14 4.

A review by Chancellor Rupert Bursell, Q.C.

My first sight of this book left me wondering what it might contain for those without some specialist knowledge. In one sense such a thought is unfair in relation to a book that sets out 'to fill the need for a book covering the detailed traditional practices relating to [stone] repair'. In fact this book is comprehensible to all who have a basic understanding of geometry and left me with an even greater admiration of the ribbed vault, tracery and ogee arch. Yet it goes much further as it gives guidance on the nature and problems of working in stone as well as an explanation of basic techniques and tools.

It was here that my own interests took over. The book commences with a very brief Architectural History of the Trade which acknowledges that the tools and techniques of the Romans 'differ little from those in use today'. Indeed, a brief glance at Jean-Pierre Adam, *Roman Building: Material & Techniques* (Batsford, 1994) will bear out how true this is. Indeed, the geometrical means of setting out still to be seen on the walls of the adytum of the Greek Temple of Apollo at Didyma are remarkably similar to the drawings to be found in this clear and well written book.

Although this book will not appeal to everyone's interests, it is to be recommended to all those who are not content merely to marvel at our stone built buildings but wish to ask the question *How?* as well as *Why?*

*LISTED BUILDINGS AND CONSERVATION AREAS*, CHARLES MYNORS. 2nd Edition, 1995, FT Law and Tax, xlv+447 pp (£51.75) ISBN 0 85121 902 0.

A review by David Harte

The main practical part of modern English Ecclesiastical Law is the system by which the Church of England regulates and protects its own buildings. This core, and particularly the faculty jurisdiction, has been given new recognition through the regular case reports in this journal and in specialist books on ecclesiastical law, notably the two editions of Newsom's *Faculty Jurisdiction of the Church of England* and Hill's recent *Ecclesiastical Law*. In chapter 11 of this new edition of his major text on listed buildings and conservation areas in general, Mynors recognises the importance of Ecclesiastical Law, by providing a substantial twenty-six-page summary of the special law affecting ecclesiastical buildings. He starts with statistics which clearly demonstrate the importance of the church's system for the conservation of the English built heritage. 12,800 churches are listed buildings, and these include around 3000 which make up virtually half of all buildings listed as Grade I by the Department of National Heritage.

Mynors' account gives full recognition to how the ecclesiastical exemption from listed building control and conservation area control applies to other denominations, but he amply demonstrates the prominence of exemption for the Church of England, including the special exemption which allows the demolition of redundant churches under a pastoral scheme. The value of the church system is highlighted by a clear discussion of the major recent case law, particularly from the Court of Arches, which has laid down ground rules for the relationship between the faculty jurisdiction and the secular system. The discussion culminates with *Re*

*St Luke's, Maidstone*, in 1994. The general reader is specifically encouraged to refer to the extensive case law which has now been reported in this Journal.

Mynors, therefore, provides a welcome point of entry for the ordinary planning lawyer to the Church system. All fourteen chapters are also of great value for ecclesiastical lawyers and others concerned with the conservation of church buildings, whether or not they are specialists in secular planning law. Even where the ecclesiastical exemption applies, Mynors' clear and comprehensive discussion of listed building control is invaluable for those concerned to safeguard the faculty jurisdiction. He sets out the procedures and standards applied by the secular system in determining when alterations or additions may be made to listed buildings, how they are to relate to their wider setting and the positive steps which may be taken to ensure their upkeep. Clearly a parallel jurisdiction will be expected to maintain a comparable standard of protection. A final chapter, 14, on Scotland and Northern Ireland, provides a further brief basis for comparing differences of approach.

Mynors makes clear the manner in which, quite apart from listed building control, churches are subject to ordinary planning regulation and, equally, how the setting of a church may be protected from unsuitable development because planning decisions in the vicinity must take account of the effect on any listed building, including a listed church. Particularly where the church is in a conservation area, these other controls may be relevant if the church authorities wish to build; for example, if they wish to provide low cost housing on glebe, or a new vicarage, as in *South Lakeland District Council v Secretary of State*, in 1995, where the Court of Appeal held that permission had been wrongly refused for a new vicarage in the Cartmel Conservation Area.

As the index indicates, there are further matters here of vital importance for churches, notably grants. The conditions under which grants are made for church repairs are often more restrictive than either planning or faculty controls. Grants to churches are specifically dealt with in chapter 6, on 'Finance'. The penultimate two chapters, 12 and 13, respectively on 'Trees and Gardens' and 'Advertisements', are also of relevance for churches and particularly churchyards.

At £51.75, this is a competitively-priced practitioner's book. It is well laid out, printed and indexed. It is an indispensable part of any planning law library and ought to be in the library of anyone with a serious role in the conservation of the built heritage, including ecclesiastical buildings.

*THE COMMON LEGAL PAST OF EUROPE, 1000–1800, 2nd Edition*, M. BELLOMO, trans. LYDIA G. COCHRANE, 1995. The Catholic University of America Press, Washington DC, 252 pp (£35 but subject to increase) ISBN 08132 08 130.

and

*MEDIAEVAL CANON LAW*, J. A. BRUNDAGE. Longman, London and New York, 1995, 260 pp. (hb £38, pb £13.99) ISBN hb 1582 093 562, pb 0582 093 570.

A review by Francis Lyall, Professor of Law, Faculty of Law, the University of Aberdeen

In the older technical sense of the word, both these books are magisterial; that is they are schoolmasters for those who would learn. Written from a secure base of scholarship, they instruct, and—an equally important mark of the good teacher—