

Re St Nicholas, Middleton

Judgment

1. By a petition dated 21 December 2001, the vicar and churchwardens of St Nicholas, Middleton seek a faculty for a single storey extension to the existing church building which dates from 1849 and is unlisted.
2. In response to the obligatory public notice, a letter of objection was received from Mr and Mrs Ayton. The registrar informed them by letter of their right to lodge a Form 4 objection and become a party to these proceedings under r 16 of the Faculty Jurisdiction Rules 2000 but no reply was forthcoming. Accordingly in reaching my decision I take into account the content of their letter of 16 December 2004, as well as letters sent by Mr and Mrs Ayton to Arun District Council on 18 October 2003 and 15 June 2004 respectively. In addition I have regard to a letter from the vicar dated 31 January 2005 after consultation with the churchwardens and the PCC addressing the matters raised by Mr and Mrs Ayton.
3. I understand that parish status was restored to St Nicholas, Middleton in 1999, that the electoral roll numbers 186 of whom 140 are regular attendees. The current church building can seat 110 people which is inadequate for larger services including funerals, weddings and some baptisms and for gatherings from the two church schools in the locality. It does not afford flexibility for liturgy nor for secular activities such as concerts or drama. It lacks facilities for the disabled access nor does it have areas for families, young children or babies. There are no lavatory facilities. There is a free-standing church hall which is coming to the end of its life and has a number of practical limitations which are identified in the parish's statement of needs.
4. Since the 1970s the parish has been investigating how best it can respond to the deficiencies in its plant which are perceived to hamper its mission and outreach. An earlier proposal was aborted in 1994 due to lack of resources. More recently a plan has emerged to demolish the existing hall and to enlarge the church bringing improved modern facilities under one roof. Projects such as these have been successfully pursued in this and other dioceses of the Church of England, where increased community use of churches is encouraged provided the sanctity of the worship place is not compromised. I also note that the area bishop has approved alternative arrangements for worship during any building works.
5. Plans were first drawn up in 1993 and planning approval was forthcoming on 22 June 2004 after certain modifications to accommodate the views expressed by Arun District Council Planning Department. The grant of planning permission is determinative and it is not open for the consistory court to re-open issues which were before the Council when the decision was made.

6. The Diocesan Advisory Committee issued a certificate on 15 November 2004 recommending the proposals subject to one procedural matter which has since been dealt with as was confirmed by a letter from the DAC secretary dated 18 January 2005. By letter dated 28 July 2003, the Council for the Care of Churches offered its endorsement for the scheme and passed comment with regard to the project to which regard has been had as the present plans emerged. The Victorian Society was consulted and made detailed representations in two lengthy letters, one dated 20 June 2003, and the other undated. The inspecting architect has responded to the points raised. The Victorian Society does not support the plan and suggests instead the erection of a new church leaving the existing building in tact but to be used as a hall. The plans have been evolved since then, becoming more modest and less intrusive, and I am satisfied that I have sufficient information before me to determine this petition without a further reference. Indeed the parish is to be commended upon its timely consultation with the amenity societies and their active efforts to accommodate their views.

7. Mr and Mrs Ayton raise a number of objections:

*The proposals will ruin the character and atmosphere of the historic building as the exterior facades will be totally changed on the west, east and especially south aspect*

8. The issue of visual amenity in relation to the exterior of a church building is a matter for the local planning authority, upon which an adjudication has been reached after statutory consultation. It is not open for me to revisit this matter; nor can this court review the local planning authority's decision with regard to the choice of materials.

*The interior character will be ruined by the removal of the traditional pew arrangement*

9. A balancing exercise must always be made when the retention of church furniture is concerned. In this instance the Council for the Care of Churches does not advocate the retention of the pews but, instead, commends an appropriate choice of chairs. Clearly the replacement of the pews with chairs will affect the appearance of the interior. However I am satisfied that the parish has made out a good case for the change. I bear in mind that in decisions concerning the care and conservation of church buildings there is a statutory duty upon those concerned, whether a building is listed or not, and I repeat what I said in *Re St Mary, Slaughtam* (CH 116/03) in my judgment of 20 January 2004:

‘All involved in the faculty jurisdiction are under a duty to have due regard to the role of the church as a local centre of worship and mission. See section 1 of the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*. The sacred space of any Christian community needs

continually to adapt to meet the needs and aspirations of successive generations. Unless young families are attracted to services, congregations will wither and the redeeming work of Christ will be compromised.'

10. I propose to reserve to myself approval of the type of chair to be introduced. I note that the parish is expecting brochures from the inspecting architect. I advise that the parish consult both the DAC and the CCC before returning to me with their proposal. The CCC commends the use of high quality furniture in preference to items from catalogues which experience suggests can tire quickly and become unattractive. I require a sufficient reserve to be built into any the costings to accommodate chairs of a suitable quality.

*Graves and memorials*

11. This is not a matter raised by Mr and Mrs Ayton but it is one which, quite properly, has occupied the time of the vicar for some while. The proposed works will necessitate disturbance to a limited number of graves and to certain memorials. The vicar has addressed this issue with appropriate and timely pastoral concern. He has attempted to contact the relatives of those commemorated and to secure their consent for what is proposed. I understand that the Robbins family would prefer grave 94 to be untouched and I am assured that this would not pose a problem in the execution of the works. On that basis, I am content to leave it to the discretion of the vicar to agree upon the re-siting of any memorials or headstones as have to be moved. Doubtless if there is any problem the matter will be referred back to me.

*Finance*

12. Although this matter is yet to go out to tender, the quantity surveyor has estimated the building costs. With professional fees, VAT and associated costs, the parish will require £470,000 to fund the proposal. There appears to be no provision here for the costs of planning permission nor of obtaining a faculty. It is unclear whether the cost of the chairs has been factored in. The parish is confident it has the funds to meet this expense and a modest surplus. Whilst I am prepared to authorise the works to proceed I counsel caution in relation both to hidden extras and as to the likely cost of chairs to the standard which I shall require.
13. It therefore follows that a faculty will pass the seal subject to the reserved matter regarding the choice of chairs and the delegation to the vicar of matters concerning graves and memorials. The work is to be supervised by Caroline Mercer and completed within 18 months of the grant of the faculty or such extended time as this Court may authorise.

The Worshipful Mark Hill  
Chancellor

14 February 2005