

## Re St Nicholas, Arundel (No 3)

### Judgment

1. By a petition dated 6 November 2005, the vicar and churchwardens seek a faculty for the removal of the central portion of a mezzanine structure in the west end of the church; certain minor alterations to the wings of this structure; the provision of a disabled lavatory; and the enlargement of kitchen facilities. There have been a number of petitions emanating from this parish in recent years, certain of which have been controversial, one of which required a full hearing in the church, and one of which remains subject to an outstanding application for permission to appeal out of time. The subject matter of this appeal is somewhat modest and almost completely uncontentious. One letter of objection “in the strongest possible terms” has been received from Mrs R Witchell of the Causeway, Arundel, West Sussex. In the absence of Form 4 particulars of objection, I take that letter into account in my determination of this petition.
2. The proposed works find favour with the Council for the Care of Churches (letter of 21 March 2006), English Heritage (letter of 10 November 2005), and (to the extent that it is relevant) the building control department of Arun District Council. A certificate of recommendation was issued by the Diocesan Advisory Committee on 10 January 2006, subject to one minor proviso. The parish’s inspecting architect is to be congratulated on the timely and fulsome process of consultation in which she has engaged.
3. The thinking of the parish, persuasively articulated in its Statement of Need, is to restore the west end of the church by the removal of the central section of a gallery introduced some twenty years ago, refurbishing the kitchen to a high specification, providing disabled toilets as encouraged under recent disability discrimination legislation, and refurbishing the parish office for use as a meeting room. Existing office and vestry space would be subject to consequential reorganisation. This move towards restoring the church to its original state would reveal something of the splendour of the fourteenth century architecture, not least exposing the attractive window which is currently in need of repair.
4. The established approach of the consistory court when proposals are made to change a listed building is by way of the *Bishopsgate* Questions, which, in their traditional formulation are as follows:
  - i. Have the petitioners proved a necessity for some or all of the proposed works, either because they are necessary for the pastoral well being of St Helen’s, or for some other compelling reason?

- ii. Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest?
  - iii. If the answer to ii. is yes, then is the necessity proved by the petitioners such that in the exercise of the Court's discretion a faculty should be granted for some or all of the works?
5. In this matter, it seems to me beyond question that the case of necessity is made out on each and all of the grounds advanced in the Statement of Need. I do not consider that question ii. necessarily attracts an affirmative answer, since the preponderance of expert opinion is to the effect that the proposed works would enhance rather than adversely affect the character of this building. Even if I were to take a different view myself, I am nonetheless satisfied that the necessity is such that in the exercise of my discretion a faculty should be granted in this instance.
6. In reaching these conclusions I have had regard to the opinions strongly expressed by Mrs Witchell in her letter. She regards the existing gallery room as a very useful space much used in particular by the junior section of the church community. She considers that it could be 'made over' very easily. It is not clear from her letter the extent to which she is involved in the mission and outreach of the church. The impression I gain is that she is not active in the work of the worshipping community. Certainly her views are very much at odds with those expressed in the Statement of Need and elsewhere in the papers before me. This case is unusual in that both the heritage lobby and the PCC are of one mind that in this instance the witness of the Church of England and the architectural and aesthetic considerations are co-terminous. Whilst respecting Mrs Witchell's personal viewpoint, all other factors point to the granting of a faculty and I therefore order that one pass the seal, subject to the conditions (i) that the work is executed under the direction of Jane Jones-Warner, (ii) that it is completed within twelve months, and (iii) that details of the flooring are submitted for consideration by the DAC and, in the event that the matter proves contentious, the papers are referred to me for determination.
7. Finally, I should add that there is mention in the papers that at some time in the future the parish may wish to construct a parish centre and, perhaps, utilise a portacabin as a temporary measure. Nothing in this judgment should be read as giving any encouragement to such a proposal. Mrs Witchell has already registered her objection to a 'preposterous' suggestion which should be 'knocked on the head straight away'. More measured, though no less clear, is the concern of the CCC that any such proposal be carefully considered on its merits. Aside from matters of heritage and conservation, are a number of legal obstacles to the building on churchyards whether by way of an extension to an existing church or otherwise. I likewise counsel care and caution with regard to future planning.

The Worshipful Mark Hill  
Chancellor

8 May 2006