

Re St Peter, Slinfold

Judgment

1. This is a petition for a modest extension of a Grade II listed church in the Slinfold Conservation area to provide for a kitchenette, storage and disabled lavatory. The following matters are material:
 - i. a DAC certificate of recommendation was issued on 7 January 2009;
 - ii. on 17 May 2004, Horsham District Council granted a renewal of an unimplemented planning permission for the extension subject to a condition that the development begin within 5 years, ie by May 2009;
 - iii. by letter dated 1 July 2008 (referring to an earlier consultation in mid-2002) the Victorian Society indicated that it was 'broadly content' with what was proposed;
 - iv. by letter dated 17 July 2008, English Heritage stated that having considered the proposals it did not wish to offer any comments on the proposal;
 - v. no letters of objection have been received in the registry following public notice;
 - vii. the nature and extent of the project and the reason for its implementation are set out in the parish's Statement of Significance and Statement of Need.
2. It would appear that, for reasons which are not disclosed in the papers, the Church Buildings Council was not consulted until a letter of 24 June 2008, which it says was done as a requirement from the DAC. Mr Jonathan Goodchild visited the church along with a member of the CBC, and provided comments in their subsequent letter of 25 September 2008. Mr Goodchild noted that the project had been under consideration for some time, and from the planning permission it is apparent that it dates from at least as early as 2002. Mr Goodchild indicated certain of the limitations of the proposals, noted the curious apsidal north end, and recommended rethinking the project as part of an holistic plan for the whole building.
3. The Reverend David Beal, on behalf of the petitioners, wrote a lengthy reply to the CBC addressing the points raised by Mr Goodchild. Mr Beal felt that the CBC had not given sufficient acknowledgment to the consultation process and approvals which I summarized in the opening paragraph. With respect to Mr Beal, this is rather to miss the point. The fact that there had been a lengthy and wide consultation, but that the CBC was excluded from it, impoverishes the parish of the additional input which the Council for the Care of Churches (as it was until its more recent change in name) could have given.
4. The *Chancellor's General Directions Concerning Churches and Churchyards* (Issue 2, 2007) apply throughout the Diocese of Chichester. Paragraph 2.6 restates the importance of approaching the CBC (as it is now) at the early stage of proposals under Preliminary Steps, and this may well require more robust and clearer articulation in a

- revised Issue 3. I would expect the DAC routinely to recommend to parishes to consult the CBC at the first available opportunity during the 'blue sky thinking' stage. If this was overlooked in this instance, then it was a regrettable oversight. Six years had passed since the initial conceptual thinking had taken place before the CBC were invited in by which stage firm proposals had taken hold and planning permission had been granted.
5. Mr Beal recognized in his letter that to engage in fundamental redesign at this late stage would involve additional expense and delay. I accept both he and the petitioners are entirely sincere in saying that 'we would willingly do this if we felt it brought significant improvements to our design; however we do not feel this is the case for the reasons outlined above'. They have been put in the invidious situation of re-starting the consultation process either because they were not advised to contact the CBC at the outset, or (if they were so advised) because they neglected to do so.
 6. I shall take a pragmatic view in the instant case, but for the sake of all parishes in the diocese who have building projects or re-orderings in contemplation I trust that this short judgment will serve as a reminder to contact the CBC at the earliest opportunity. The CBC is a national body with a breadth and depth of experience concerning the built heritage of Anglican sacred space and its effective and imaginative use in the promotion of worship and mission of the Church of England. Its role is complementary and supplementary to that of the DAC and they should not be regarded as alternatives or rivals. Each exists to offer advice, but ultimately it is for PCCs to distill the advice which they obtain from various sources (which may well be at variance in terms of content or emphasis) but to formulate their own proposals for the needs of their own community, and to persuade the consistory court that a faculty should issue. In this instance the parish has been disadvantaged by not having the input of the CBC at an early stage, and it would be disappointing for other parishes to be similarly disadvantaged, because in future cases I would require the re-opening of the consultation process, even though this would cause delay and frustration.
 7. Returning to the particular facts of this case, I took the liberty of contacting Mr Goodchild directly. He indicated that the CBC stood by the content its letter of 25 September 2008 but did not wish to put before me any additional material or submissions, nor avail itself of the option of putting evidence before me as permitted by rule 23 of the Faculty Jurisdiction Rules 2000. I am grateful for his constructive approach and so I proceed to consider the petition on its merits.
 8. Applying the *Bishopsgate* questions, and dealing with the matter very shortly, I am satisfied that a need has been demonstrated for these works and I commend the parish on its Statement of Need and Statement of Significance. I accept that there may be some mild adverse effect to the overall appearance of the building but I note that its listing status is merely Grade II, and that neither the Victorian Society nor English Heritage have voiced objection to what is, on any account, a modest proposal which has already secured planning permission. The balancing exercise, contained in the third *Bishopsgate* question militates in favour of the grant of the faculty. The consistory court can only properly adjudicate upon a particular proposal

which is placed before it. The fact that there may be a better or a more appropriate means of addressing the needs of the parish is a relevant but not a determinative factor. In this instance the parish has been denied the opportunity of exploring afresh such possibilities, although Mr Beal's letter makes plain that the alternative resolutions may well have been within the contemplation of the PCC at the time. I accept that there might be one or more different means of meeting the needs of the parish (I refrain from using the word better) but I am nonetheless satisfied that the petitioners have discharged the burden of proof which lies upon them sufficiently for me to order that a faculty pass the seal. The works are to be completed within 12 months (subject to any extension which this court may grant) and supervised by the inspecting architect, Mr Nicholas Symes.

9. Finally, I note that the DAC certificate dated 7 January 2009 recommended consultation with the local planning authority. It seems to me that in a case where the LPA has already considered the matter and granted planning permission, that any additional consultation would be unnecessary and unduly burdensome both on the petitioners and an overstretched LPA.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

1 April 2009