

Re Bishop Hannington Memorial Church, Hove

Judgment

1. During the course of 2010, unlawful works were carried out at Bishop Hannington Memorial Church in Hove. By a petition dated 22 June 2010, the Reverend Phil Moon, vicar, and Mr Geoff Payne and Mr Charles Gibbs, churchwardens, seek retrospective permission for what was undertaken illegally.
2. Regrettably, despite directions for the filing of full explanations for the unlawful conduct of the petitioners, the inspecting architect and the contractors, what has been supplied is cursory and less than fulsome. It places the court in considerable difficulty when a less than complete picture is presented. The case has been further complicated because in September 2010, the Archdeacon of Chichester apparently gave his consent for the unlawful works to be resumed. However well-intentioned his intervention, an archdeacon has no authority to grant permission where a retrospective faculty is required.
3. I have read a letter of apology from the petitioners dated 29 September 2010. It contains an assurance that in the future no works will be undertaken at the church without authority of a faculty.
4. The parish's inspecting architect, Mr Robert Overton-Hart wrote on 26 November 2010 to say that he was appointed contract administrator following a meeting with the chairman of the Diocesan Advisory Committee. However he apparently provided "ad hoc" technical input" prior to that. Inspecting architects, more than other members of their profession, need to be aware of the provisions of the faculty jurisdiction.
5. Mr TL Pattenden, the contracts manager of WH Catchpole Building Contractors, wrote a surprising letter on 22 October 2010 stating that "we were not aware of any requirement to obtain a Faculty".
6. Whilst the letters to which I have referred show a singular lack of insight into the serious consequences which flow from the culpable execution of illegal works, in all the circumstances of this case, I am narrowly persuaded to grant a retrospective faculty but I do so subject to the following conditions:
 - i. that Mr Overton-Hart makes written representations within 14 days as to why his name should not be removed from the list of approved inspecting architects once the current works have been completed;
 - ii. that WH Catchpole Building Contractors shall not be approved for any building works concerning churches in the diocese of Chichester for a period of twelve months;
 - iii. that the archdeacon's jurisdiction in respect of Bishop Hannington Memorial

- Church be suspended for a period of twelve months and that all applications for faculties during that time be referred to the chancellor;
- iv. the remaining works are to be completed within six months of the grant of this faculty and be undertaken under the direction of Mr Overton-Hart.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

5 January 2011