

In the matter of St Philip, Burwash Weald

Judgment

1. By a petition dated 19 August 2013, Mr Mervyn Valentine (churchwarden), Mr Peter Street (treasurer), and Mrs Patricia Lewis (PCC secretary), seek a faculty for the replacement of an oil fired boiler with natural gas boilers together with new radiators and ancillary works. The church dates from the latter part of the nineteenth century and is unlisted. The cost is a little in excess of £51,000 which is to be met from PCC funds, a public appeal and a loan facilitated by the Diocesan Board of Finance.
2. Public notice elicited a letter of objection from Lady Margaret Baldwin, who, following the usual formalities led to the lodging of Particulars of Objection in Form 4. A further letter of objection, from an individual whose identity need not be included in this determination, was later formally withdrawn. I am satisfied that both the Petitioners and Lady Baldwin have indicated that they are agreeable to the matter being determined on written representations and I am content that the matter can be fairly disposed of in such a manner.
3. The DAC issued a certificate recommending the proposal, and I have seen an email from the Victorian Society which indicates that it has no objection.
4. I have had some difficulty in comprehending the nature of the objection advanced by Lady Baldwin. Her letters (and there are a good number of them) comprise dense text in a small font. Their content strays considerably from relevant material; they are at times contradictory and at others repetitive.
5. I understand Lady Baldwin to have been involved in the church for a great many years although she is now well into her nineties. I take the following from her letter of 5 September:

‘... I wish to make it even clearer ... that I do not want to object to the specification for the new central heating system ...’

‘... I consider that the PCC should be empowered to finish the assignment to the highest of today’s standards ...’

Lady Baldwin expresses herself to be animated by ‘habitual concern for the congregation’; a worthy objective, but an intrusive and debilitating one if the concern is misplaced or rooted in a flawed understanding of the proposals.

6. Lady Baldwin is fearful that damage may be occasioned to the structure of the interior of the church and/or its furnishings while the works are being carried out. She suggests that damage may have been occasioned to the church during the implementation of a faculty in 1962. She thinks the organ needs to be protected, although the Petitioners explain that provision has already been made in this regard. I can see no merit in any of the small points of detail raised by Lady Baldwin. The work proposed is to be in keeping with the historic integrity of the building and such of its original features as remain. It is not for this Court to dictate any greater level of specificity than is already contained in the documentation, having regard to the consultations which the parish has already undertaken.
7. Whatever may have transpired in the 1960s, I am satisfied that in this instance the PCC has consulted appropriately, that it proposes to engage a reputable contractor, that the insurance position is in order, that the organ is to be protected and that the inspecting architect is eminently qualified to oversee the works, the completion of which seems to be supported by Lady Baldwin. All factors militate in favour of granting the petition.
8. In truth, this is a modest and uncontroversial petition, which has the approval of the professional bodies who have been consulted. As a dispassionate observer, I am saddened that Lady Baldwin's 'habitual concern for the congregation' seems to have served in this instance only to obfuscate and delay the carrying out of the now long-overdue process of renewing the heating system. It has led to further faculty fees and may have increased the overall cost for the parish. This is much to be regretted.
9. A faculty will pass the seal, and I trust, for the sake of the congregation, that the works can be completed before the worst of the winter weather arrives.

The Worshipful Mark Hill QC  
Chancellor of the Diocese of Chichester

28 October 2013