

In the Consistory Court of the Diocese of Chichester

Petition No. 2021-064050

## In the matter of St Leonard, Aldrington

### Judgment

1. This is a petition for a reordering of a grade II listed church. It is unopposed.
2. The Victorian Society and the Twentieth Century Society raised some concerns during the consultation process which appears to have been coordinated by the secretary of the Diocesan Advisory Committee, rather than the parish which to my mind would have been preferable. The Local Planning Authority did likewise, but evidently their matters of concern were satisfactorily resolved as is evidenced by the grant of planning permission on 28 February 2022.
3. I directed that the Victorian Society and the Twentieth Century Society be formally cited. There was no response from the Victorian Society. In the circumstances of this case, the Court is entitled to infer from its silence that it is now content with what is proposed. The plans were re-worked having regard to its remarks made during the consultation stage and the special citation related to this fresh iteration. Whilst a response would have been helpful and courteous, the Court is aware that the Victorian Society is over-stretched and under-resourced. The Court accordingly proceeds on the basis that the Society does not object to what is now proposed.
4. By email dated 21 March 2022, the Twentieth Century Society stated that it did not wish to make any further informal representations or to become party opponent. During the consultation process certain issues had been raised, but as far as I can tell from the papers these all seem to have been addressed by subsequent revisions to accommodate the views expressed.
5. By letter dated 6 May 2022, the petitioners have fully and satisfactorily set out the adjustments they made to their proposals upon receipt of each of the societies' comments, and given a full answer to their various concerns. Had I not drawn the inference in the paragraph 3 in relation to the Victorian Society, I would have preferred the petitioners' case over that of the society to the extent that opinions differed.
6. I also directed that the advice of the Church Buildings Council be sought. It responded that it was broadly content with what was proposed. It recommended that care be taken to make access for all crèche users as equal as possible. It noted that the loss of current seating fulfilled a 'well-defined need' and observed that the proposed new seating was in line with the Council's guidance.
7. Public notice elicited a letter from the tower captain of Aldrington Bellringers, who raised entirely proper concerns about public safety, matters which can be adequately addressed by way of a condition on any faculty that is granted.

8. In determining whether or not a faculty should issue, the Court adopts the *Duffield* framework: *Re St Alkmund, Duffield* [2013] Fam 158. There will be some harm to the significance of this church as a building of special architectural or historic interest, which I assess as moderate. The justification for the proposals is well-made, and expressed in the papers with compelling moderation. Unquestionably, the public benefit would outweigh the harm. I have due regard to the role of a church as a local centre of worship and mission, as contained in section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. I give considerable weight to the recommendation contained in the Notification of Advice provided by the Diocesan Advisory Committee. This case received more detailed and prolonged scrutiny than most at the consultation stage, and the Court is reluctant to go against the clear recommendation of this specialist advisory body unless there are convincing reasons for doing so. There is none here.
  
9. It therefore follows that a faculty will pass the seal subject to the following conditions:
  - i. Two of the pews currently in the chancel are to be adapted so as to be moveable and capable of being positioned in various locations within the church as may be required from time to time;
  - ii. One of the two clergy chairs is to be retained;
  - iii. The altar rails are to remain *in situ*.
  - iv. The replacement seating is NOT to be upholstered;
  - v. At least four of the 1930s timber chairs in the northern nave are to be repaired and retained for use in the church;
  - vi. The southernmost choir pew is to remain *in situ*;
  - vii. The works are to be carried out under the direction of Mr Simon Dyson, architect;
  - viii. The works are to be completed within 18 months or such longer period as the court may direct;
  - ix. The works are not to commence until the petitioners have satisfied the Chancellor that the health and safety concerns raised by the tower captain have been adequately addressed and resolved;
  - x. The works are not to commence until the order for costs has been satisfied in full.
  
10. The costs of and occasioned by this petition are to the borne by the petitioners.