



Faculty – Grade I listed, medieval village church situated within a conservation area – Felling of a single, mature, healthy lime tree in the churchyard – No objections raised to the proposal and faculty unopposed – Faculty sought entirely on aesthetic grounds, to provide a visual link between the older and newer parts of the churchyard, principally by allowing a view of an ancient yew tree in the old churchyard to be opened up – DAC not objecting to the felling of the lime tree, subject to the usual provisos relating to tree works, and to the usual archaeological conditions concerning human remains – Whether faculty to be granted notwithstanding the careful scrutiny the consistory court will give to any application to permit the felling of a mature, healthy tree – Faculty granted subject to conditions

Application Ref: 2025-114178

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Easter Sunday, 5 April 2026

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

St Mary the Virgin, Denham

THE PETITION OF:

Dexter Brown (Head of Buildings)

This is an unopposed faculty petition, determined on the papers and without a hearing.

No objections were received to this petition.

The following case is referred to in the judgment:

All Saints, Emberton [2025] ECC Oxf 9

JUDGMENT

1. This is my brief judgment on an unopposed, online faculty application, dated 25 February 2026, by Mr Dexter Brown, the head of buildings of this Grade I listed, medieval village church (which is situated within the Denham Village Conservation Area). The petition records that the PCC and the Rector oversee the Fabric Team (chaired by the petitioner), which deals with issues relating to the church and its churchyard; and that they have to approve any action being undertaken by the Fabric Team. The petition has the full support of the Parochial Church Council. It seeks a faculty permitting the felling of a healthy lime tree in the middle churchyard (referred to as T24 in Heritage Tree Services Ltd's uploaded Arboricultural Report, dated July 2024). This stands just to the north of an ancient yew tree (T11) in the old churchyard. The parish want to fell this lime tree, grind out the stump, and re-grass the area. The felling is to be undertaken in the autumn, after the normal nesting season (from March to August), and is expected to take 2-3 days.

2. The petition was duly displayed during the period from 25 February to 27 March 2026 (inclusive). No objections were received to the petition in response to these notices. No consultation was required with Historic England, the Church Buildings Council, or any of the national amenity societies, or any other body or person.

3. Buckinghamshire Council, as the local planning authority, has considered this proposal and has confirmed that it does not intend to make any tree preservation order in relation to this lime tree. Subject to faculty approval, the parish may therefore carry out the felling, provided this is done within the period of two years before 27 January 2027.

4. According to the Statement of Needs, the parish wish to improve the visibility of the ancient yew tree as part of improvements to the graveyard area in the middle churchyard where it is located. Whilst this involves the removal of a healthy tree, the parish's developed churchyard strategy involves improving the serenity, peace and aesthetics that this space can offer as a graveyard, whilst also improving biodiversity and management in an ecologically beneficial way. The parish are going through a programme of improvements to increase the amenity of their churchyard areas. Unless this lime tree is removed, the parish are concerned that an ancient yew tree will remain cramped and lacking in visibility. The parish have been prompted to act by comments they have received about the state of the churchyard; and they have been working to improve this. Their proposal is said to have no real impact upon the significance of the church, or upon its role as a place of worship; but the parish consider that it will benefit public enjoyment of the churchyard.

5. The parish have provided a further statement explaining why they consider the removal of this lime tree to be necessary. They assert that this particular lime tree in the middle churchyard is obscuring views of an ancient yew tree. Its removal will allow visitors to the middle and new churchyards to appreciate fully the ancient yew tree, and will give it the space it needs to grow in the next stage of its life. As an additional benefit, the removal of the lime tree will allow more sunlight to fall on the south end of the middle churchyard, which is currently shaded for too much of the day, especially in the Spring, when growth in that area is most important. The PCC Treasurer has also written a letter to the Church Buildings Team supporting the removal of T24 on the basis that this will bring the magnificent ancient yew tree into focus as the linking hinge between the parish's historic ancient churchyard, and its two, newer, churchyards. The uploaded photographic

images show how the lime tree obscures views of the ancient yew tree when viewed looking towards the south.

6. The DAC does not object to the felling of this lime tree, subject to the usual provisos relating to tree works, and to the usual archaeological conditions concerning human remains. The Notification of Advice explains their reasons thus:

The Parish wish to remove the healthy lime tree (T24) entirely on aesthetic grounds, to provide a visual link between the older and newer parts of the graveyard, principally by allowing a view of the yew tree in the old churchyard to be opened up. A number of lime trees were planted around the newer section of the graveyard when it was extended and it is one of these which they wish to fell. Although the loss of a healthy tree which will be contributing to the biodiversity, carbon sequestration and visual amenity of the churchyard is not encouraged, there seems to be strong community and congregation support for the proposal and there is no lack of alternative habitat for wildlife in the churchyard. The local authority has also agreed for the tree to be felled. Retention of some of the timber in the churchyard could be used to provide low level habitat for smaller creatures. If sawn down, it would be interesting to count the tree rings to confirm the age of the lime trees.

The Notification of Advice advises that the proposal will not affect the character of this Grade I listed church as a building of special architectural or historic interest, or the archaeological importance of the church, or any archaeological remains existing within the church or its curtilage.

7. In its recent decision in *All Saints, Emberton* [2025] ECC Oxf 9, this court has emphasised the careful scrutiny that it will give to any application to permit the felling of a mature, healthy tree. This is because this court is mindful of the Fifth Mark of Mission — to safeguard the integrity of God’s marvellous creation. It is for this reason that the court is producing this short written judgment, rather than providing summary reasons for its decision.

8. In this case, the court is satisfied that, in all the circumstances, the felling of this single lime tree, whilst leaving others in situ, will cause no harm to the significance of this Grade I listed church, or to the environment and bio-diversity of its churchyard. The court is satisfied that the parish have shown a sufficiently clear and convincing justification for the felling of this single, albeit mature and healthy, lime tree in terms of the general appearance of the neighbouring ancient yew tree, and the ambience of the churchyard generally. The court considers that it should accord due deference to the PCC’s assessment of the general situation, and its wishes regarding the appearance of its churchyard.

9. For these brief reasons, the court will grant the faculty sought, subject to the following conditions:

(1) Since the felling or major pruning of trees and shrubs should generally take place outside the nesting season (which starts in February and ends in September of each year), the felling must be undertaken in the autumn of 2026, after the nesting season ends.

(2) The works should be carried out in accordance with the guidance and recommendations in British Standard 3998:2010 ‘Tree Work – Recommendations’ (as advised by the local planning authority).

(3) Although it is unlikely in this case, in the event of the discovery of any articulated human remains, or significant archaeological deposits, the advice of the Diocesan Registrar should be sought and observed. No spoil is to leave the churchyard; and any charnel must be reburied with all due reverence.

- (4) The parish are to notify their insurers of the felling of this tree before this is undertaken; and they are to comply with any recommendations or requirements that their insurers may impose.
- (5) The parish are encouraged to retain some of the felled timber in the churchyard so that this can be used to provide low-level habitat for smaller creatures.
- (6) If the lime tree is sawn down, the tree rings should be counted, and the number recorded and retained in the parish records to confirm the likely age of the lime trees within the churchyard generally.
- (7) The parish are to consult with the Church Buildings Team about planting two replacement lime trees adjacent to the Queen's 40th Jubilee Copse that was planted by the Parish in 1993 (as offered by the parish).
10. The court will allow nine months for the felling of this lime tree, although this must not take place before the end of the current nesting season, ending in September 2026.

David R. Hodge

The Worshipful Chancellor Hodge KC

Easter Sunday

5 April 2026