

In the Consistory Court of the Diocese of Chester

In the Matter of Petition 011/15

In Upton (or Overchurch) St Mary

Judgment

Introduction

1. By a Petition initially dated 30th September 2014 and lodged on 4th June 2015 the petitioners ('the parish') seek a faculty to permit the construction of a substantial new church centre at a cost of some £1.6m.
2. The works, if authorised, will involve reconfiguration of an existing Victorian small hall, demolition of an existing adjoining large hall, demolition of a detached house known as 'Holmleigh' and the construction of a new two-storey centre attached to the existing small hall.
3. There is significant local opposition to the petition. There are now fourteen parties opponent and I have received fifty four letters of objection, including from the Victorian Society.
4. Following a contested application, Wirral granted full planning permission for the scheme, including the necessary demolition, on 22nd October 2014.
5. The Diocesan Advisory Committee ('DAC') recommended the works in its Notification of Advice dated the 29th May 2015.
6. One aspect of dispute between the parties, and of particular sensitivity to parties opponent, is the question of demolition of Holmleigh. A preliminary issue has arisen as to whether the court has jurisdiction over this building at all, and, thus, whether or not permission (by faculty) to demolish it could be refused. Its demolition is integral to the parish proposals and thus of importance to all parties.
7. If Holmleigh is in the 'curtilage' of the church, the court will have the same jurisdiction over it, and the unconsecrated land upon which all agree it is situated, as it does over the churchyard as a whole (Faculty Jurisdiction Measure 1964 s.7(1)).
8. If it is not 'curtilage', the court will have no such jurisdiction.
9. I considered the matter required determination as a preliminary issue and gave directions on 28th September 2015 for the filing of evidence and argument.
10. I am grateful to the parties for the care that has been taken to assist me. I have a wealth of information, plans, photographs, historic conveyances and other material available to support the respective contentions.
11. The parish contends Holmleigh is not curtilage; the parties opponent contend that it is. A decision is required.
12. It will in due course be necessary for the court to determine the petition itself. The need for the church centre proposed, its intended scale and its likely local impact, lie at the heart of the objectors' case and the live issues between the parties. I made clear in a preamble to

the directions given that it was (and remains) my intention to follow and apply the jurisprudence reflected in *Re St Mary's Churchyard, White Waltham (No2)* (2010) Fam 146 (Bursell QC Ch) at paragraphs 12-23, namely that the consistory court shall not seek to act as an appeal tribunal from the planning decisions but shall, rather, accept the planning decisions as a reasoned starting point at which to begin its own deliberations; the planning decisions to be accepted unless they are demonstrated to be wrong by cogent evidence.

13. All parties have agreed to the determination of this preliminary (curtilage) issue upon written representations. I have determined that expedient and so ordered.

The History

14. There is substantial agreement as to history.
15. Present day 'ownership' essentially comprises three 'elements' which, over the years, have been brought together to form a group of buildings supporting the ministry of the church.
16. The church (and churchyard) itself was built between 1863-68 on land provided by William Inman, a shipping magnate who had come to live in Upton in about 1855 and who was later a churchwarden. It was consecrated in 1868. Some additional land, the precise extent of which is not easy to deduce from the plan available, which does not impact upon the present decision, was consecrated in 1869. The first parsonage was elsewhere.
17. In 1869 either Inman himself, or a fellow warden, Mr Forbes, (there appears to be some debate on the point which it is wholly unnecessary to resolve) built a new village school on a site he owned between the church and Holmleigh. The school was accompanied on the site by a teacher's house. The school remained in the ownership of the Forbes family until, in 1884, it was effectively gifted to the church, that taking eventual effect as part of the donor's will in 1922.
18. Holmleigh was built at about the same time as the school - 1869 - by Inman, on a site adjoining the school, as a dwelling for his estate bailiff.
19. The then curtilage of that property (usefully identified in the parish's plan STM3) did not adjoin the churchyard but adjoined the school site on three sides to the north.
20. Holmleigh was sold by Inman in 1875 to a Mr Thomas Evans. Thereafter it appears to have changed hands again for, on 4th October 1897, it was granted to the parish for the maintenance (by rental income) of the incumbent of the benefice, an arrangement which was to continue until 1911 when Holmleigh was first used as a parsonage. Parsonage use in turn was to continue until 1928 when, other premises for the incumbent having been acquired nearby, Holmleigh was sold to a local Doctor, Dr Bulmer. The property was then used, variously, as his surgery, pharmacy and home until his death in 1984.
21. The property, marketed at the time as a private residence, was, in 1985, prudently acquired by the Parochial Church Council ('PCC') and, in the usual way, vested in the Diocesan Board of Finance as custodian trustee.
22. Planning permission to change the use to the building to ecclesiastical purposes was apparently sought and obtained at or near the time of purchase.
23. Since that date, the church has carried out various works of adaptation, improvement and repair to Holmleigh, none of which has been considered (by anyone) to have required faculty approval.
24. Until very recently, when the building was vacated in anticipation of its eventual demolition as part of the current project, Holmleigh has served as a church office and has afforded

much needed space for occasional worship, group meetings, administration, storage and the like.

25. Meanwhile, in the late 1950s, a new church hall was built on the former school playground and was linked to the former school rooms. Later, in the 1970s, an increasing congregation warranted an extension to the north side of the church building. A faculty was granted in 1976 and work was completed in 1977, when a flat roofed link physically joined the church extension to the adjacent hall and former schoolrooms. A further faculty followed in 2002 to authorise various works of alteration and improvement to church and hall
26. It was thus finally in 1985 that the three 'elements' of the Victorian development united under church control.
27. The church itself is Grade II listed. English Heritage, in September 2014, declined to list Holmleigh. The reflection then offered on its architectural significance was that the house was '...executed in a subdued Gothic style...demonstrat[ing] no particular external architectural quality or innovation when viewed in the national context'.
28. The Victorian Society was perhaps rather more enthusiastic about the property, describing it (letter to Wirral, 8th August 2014) as '...an attractive detached Victorian villa of great charm'. The Society argued that, with the concurrently constructed church and school rooms, the house 'forms a significant group', constitutes an 'undesigned heritage asset' and '...helps define the scale and character of Church Road, one of the oldest roads in Upton village'. The objectors support these arguments.

The Law

29. S 7(1) of the 1964 Measure was considered in *Re St Mary Magdalene, Paddington* 1980 1 All ER 279 (Newsom QC Ch). The section was declaratory. Unconsecrated churchyard forming part of the 'curtilage' of a church has always been within the jurisdiction of the consistory court.
30. Chancellor Newsom referred to one of his own earlier decisions, *Re St John's Church, Bishop's Hatfield* 1967 P 113. Having looked at various historic definitions of 'curtilage' he said: 'These definitions show that curtilage must be near to a house and must 'belong' to it. They must be occupied together: see *Harris v Scurfield*. In my opinion "belong" in this context means that the curtilage and the house must belong or go together in a physical sense. They will clearly be unable to do that if their titles are such that their connexion is fortuitous and temporary, but I do not think that they must necessarily be vested in the same person for the same legal estate. In my judgment all that is required of their titles is that they shall not conflict with the conclusion that house and curtilage belong together in the sense which I have mentioned. Although the dictionary definitions refer to curtilage as being an open space, it is clear from the provision of the Larceny Act 1916, quoted above, that it can mean an enclosure with buildings within the enclosure. The concept of belonging together must apply equally to a church and its curtilage. Church and curtilage must be occupied together. They must belong together in a physical sense, and their titles must not be such as to conflict with their belonging together'.
31. He also referred to Ellison Ch in *Re St George's Church, Oakdale* 1976 Fam 210 who had concluded that 'curtilage' was not necessarily synonymous with 'churchyard', but was rather to be construed as meaning: 'that small area of the churchyard which physically adjoined the church building and was required to serve some purpose of the church building in a

necessary and useful way ie in effect formed an integral part of the church'. 'The territorial extent of the curtilage', he continued, 'will depend on the facts of the individual case and circumstances of the particular site. The content of the conveyances is not a criterion of what is 'curtilage' in the context of the church. For a piece of land to be 'curtilage' within the meaning of s 7 of the 1964 Measure it is enough if, inter alia, the church and the curtilage are in common, but not necessarily exclusive occupation'.

32. Secular law relating to curtilage also affords assistance. The matter has required consideration in the areas of planning law, leasehold enfranchisement, right to buy and rating, as well as ecclesiastical law.
33. Defining the meaning and extent of the word 'curtilage' is a matter that has at times occasioned difficulty in all the areas just mentioned.
34. Perhaps not entirely reassuringly, In *Skerritts of Nottingham Ltd v Secretary of State* [2001] 1 QB 50, Walker LJ said: 'This case demonstrates that not even lawyers can have a precise idea of what 'curtilage' means. It is, as this court said in *Dyer's* case, a question of fact and degree'.
35. In that case the court had to determine if a stable block 200m from a listed house was within curtilage for the purposes of an enforcement notice. The Inspector concluded it was; at first instance in the High Court the court concluded it was not, the deputy judge, George Bartlett QC, concluding that, in view of the decision in *Dyer*, the Inspector had not applied the principle that a 'curtilage' could only be a small area about a building. In the Court of Appeal the appeal succeeded. Although the court had reached the correct decision in *Dyer*, it had gone further than was needed in suggesting that the curtilage of a building must always be small. The context of smallness was so relative as to be, in this context, virtually meaningless. It was clear, however, that no plot of land could ever be within the curtilage of more than one building.
36. In *Methuen-Campbell v Walters* [1979] 1 QB 525, Buckley LJ gave some helpful guidelines. He said this (at pp.543-544): "What then is meant by the curtilage of a property? In my judgment it is not sufficient to constitute two pieces of land parts of one and the same curtilage that they should have been conveyed or demised together, for a single conveyance or lease can comprise more than one parcel of land, neither of which need be in any sense an appurtenance of the other or within the curtilage of the other. Nor is it sufficient that they have been occupied together. Nor is the test whether the enjoyment of one is advantageous or convenient or necessary for the full enjoyment of the other. A piece of land may fall clearly within the curtilage of a parcel conveyed without its contributing in any significant way to the convenience or value of the rest of the parcel. On the other hand, it may be very advantageous or convenient to the owner of one parcel of land also to own an adjoining parcel, although it may be clear from the facts that the two parcels are entirely distinct pieces of property. In my judgment, for one corporeal hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter. There can be very few houses indeed that do not have associated with them at least some few square yards of land, constituting a yard or a basement area or passageway or something of the kind, owned and enjoyed with the house, which on a reasonable view could only be regarded as part of the messuage and such small pieces of land such as outhouses, a garage, a driveway, a garden and so forth. How far it is appropriate to regard this identity as parts of

one message or parcel of land as extending must depend on the character and the circumstances of the items under consideration. To the extent that it is reasonable to regard them as constituting one message or parcel of land, they will be properly regarded as falling within one curtilage; they constitute an integral whole'.

37. In that case the issue was a tenant's right to buy. The court determined a garden served the intimate domestic purposes of the house as a residence, and was thus curtilage, whereas a paddock at the bottom of, and fenced off from, the garden was not.
38. In **AG v Calderdale Borough Council** (1982) 46 PCR 399 the Court of Appeal had to determine whether an unlisted terrace of former mill workers cottages, attached to a listed mill by a bridge, was a structure within the mill's curtilage. Stephenson LJ, at page 407, identified three factors of particular relevance: 'They are (1) the physical 'layout' of the listed building and the structure, (2) their ownership, past and present, (3) their use or function, past and present.' He continued: 'Where they are in common ownership and one is used in connection with the other, there is little difficulty in putting a structure near a building or even at some distance from it into its curtilage. So when the terrace was built, and the mill was worked by those who occupied the cottages, and the millowner owned the cottages, it would have been hard, if not impossible, to decide that the cottages were outside the curtilage of the mill'.
39. The judgment in *Calderdale* was subsequently criticised in the House of Lords, but the criteria were not questioned.
40. In **Dyer v Dorset County Council** [1988] 3 WLR 213 the court had little difficulty rejecting as curtilage a 100 acre park surrounding a house, as far in excess of anything which could realistically be so characterised.
41. Nourse LJ (at p.220G) noted that: "The derivations mentioned in the Oxford English Dictionary (French, courtil – a little court or garth: Italian, corte; Mediaeval Latin, cortile or curtile – a court or yard) rather suggest that 'curtilage' started life as a word describing a small area enclosed by walls or buildings, the smallness of the area being emphasised by the diminutive suffix 'age' as in village. The need for physical enclosure having disappeared in current usage, the dictionary definition, which I quote in full, is, for most present day purposes adequate: 'A small court, yard, garth or piece of ground attached to a dwelling house, and forming one enclosure with it, or so regarded by the law; the area attached to and containing a dwelling house and its outbuildings'. Two comments may be made about that definition as it applies today. First, the kind of ground most usually attached to a dwelling house is a garden. Secondly, it is permissible to refer to the curtilage of a building which is not a dwelling house...an area of land cannot properly be described as curtilage unless it forms part and parcel of the house or building which it contains or to which it is attached. That proposition, which is consistent with the notion that, in the absence of actual enclosure, the land is regarded by the law as forming one enclosure with the land or building, is most clearly and authoritatively stated in the passage from the judgment of Buckley LJ [*in Methuen-Campbell*]".
42. In *Dyer* Lord Donaldson MR stated that whether or not a building was in the curtilage of another was: 'a question of fact and degree and thus primarily a matter for the trial judge, provided that he has correctly directed himself on the meaning of 'curtilage' in its statutory context'.

43. However, as Collins J said in *Sumption v London Borough of Greenwich* [2007] EWHC 2776 (Admin), at para 20: ‘...with respect to Lord Donaldson, the proviso rather begs the question. If it is a matter of fact and degree, it is difficult to see what direction on the meaning (beyond its dictionary definition) would be necessary’.
44. Collins J also said (at para 26) :’ It seems to me that it is necessary to determine the status of the land from the factual situation existing at the date of the application’.
45. I have drawn the following principles from the existing jurisprudence:
- (i) ‘Curtilage’ is to be construed as an ordinary language word. It is not defined in any statute.
 - (ii) No single judicial test is available in all statutory contexts to aid the decision maker.
 - (iii) The question is one of fact and degree for the judge.
 - (iv) Historically, although the concept has been bound up with small scale residential property it has in fact been expanded and developed far beyond its mere residential roots.
 - (v) Curtilage is capable of variation in extent over time, particularly as a building which it surrounds is extended. ‘Aggregation’ of curtilage is, thus, a logical possibility.
 - (vi) The determination is to be made upon the factual situation existing at the time of any application.
 - (vii) The weight to be attached to any material factor may vary with the context.
 - (viii) The *Calderdale* factors (physical layout; ownership, past and present; use or function, past and present) are of particular relevance to the decision.
 - (ix) The touchstone or key characteristic of curtilage is ‘integrality’, a cohesive quality or ‘part and parcel’ relationship which a building and its curtilage clearly exhibit.
 - (x) The curtilage of a building is an area of land, including any objects or structures forming part of the land, which, together with the building, form an integrated whole. It is the area that is occupied directly with and serving the principal building so as to form part and parcel of it. [See, generally, the Article by Neil Starkey, *Curtilage-a pernicious lack of certainty*; *Conveyancing and Property Lawyer* Sept/Oct 1996 pp 352-365].

The Parish Case

46. The parish contends that Holmleigh has had historically, and still has practically, a readily identifiable curtilage of its own which, with sufficiently defined boundaries, adjoins, or is adjacent to, the existing curtilage of church, churchyard and hall.
47. It is readily conceded that, though not on consecrated ground, the hall is now within curtilage for faculty purposes and, indeed, the new centre, if permitted, will further extend curtilage over and into ‘Holmleigh territory’. But, as things stand, it is argued Holmleigh is essentially on a ‘plot adjacent’ to curtilage and no more. There are in reality two parcels of land, not one.
48. Reliance is placed on the history. Holmleigh began life and was for a very significant period or periods a private, detached, dwelling with its own entrance, grounds and garden. It only finally came into church use upon purchase in 1985, after some 56 years continuously in private hands.

49. The property has its own separate entrance via a gateway in Church Road, its own front door and, as a building, it is not dependent on any other part of the church's buildings for access or purpose.
50. Further, it has no common boundary with the immediate church or churchyard. It is some 42m from the church itself and some 25m from the former school room. It is not physically linked to any other building associated with the church itself and was not originally constructed as an 'institutional', 'public' or church-related building. Its existence, whilst useful, is by no means essential or integral, it is said, to the life and work of the church – as its present 'de-commissioned' status confirms.
51. It is argued that two sites, with essentially separate identities and titles, have become linked (since 1985) in shared PCC/benefice ownership, each in different ways supporting the work of the church.
52. Holmleigh, it is argued, still has its own curtilage, bounded variously by stone and brick walls and fencing on the north, west and east sides. Save for gateways, only some 10m is said not to be physically enclosed (on the west side) where Holmleigh land and church land are linked by a pedestrian path and some landscaped grass or lawn behind the boundary wall, and running parallel to the public pavement outside it. None of this, it is argued, 'degrades' the boundary of Holmleigh.
53. It is not disputed that, historically, Holmleigh's grounds had extended significantly further south, to embrace land to the east of the school. However, that position changed some eighty six years ago when Holmleigh's curtilage reduced essentially to what is said to be its present dimension.
54. The church car park adjoining Holmleigh (and constructed on a plot which itself adjoined Holmleigh to the north) is almost entirely enclosed by a sandstone wall to the south boundary and (save for the entrance in Church Road) fencing and hedges to the remaining boundaries. Some gaps which may more recently have come into being have done so as part of prospective or exploratory works and do not, as such, support any re-interpretation of curtilage.
55. The parish also make the practical point that neither the DAC nor any other church authority had appeared in the past to consider the faculty jurisdiction applicable to works involving Holmleigh.

The Objectors' Case

56. The objectors point to the particular public association of Holmleigh with the life and work of the church (in various ways) across some 42% of the house's lifetime. The property has been intensively and continuously used by the church in the last thirty years.
57. Land to the front and rear of the 1950's church hall, still situated behind a single sandstone wall, was formerly in Holmleigh curtilage.
58. Holmleigh is said to be physically integral to the church site, situated between the church car park and the church halls.
59. A dedicated pathway affords much used access from the front door of Holmleigh to halls and church alike. Land on either side of that pathway is grassed. There is no boundary wall between the hall and Holmleigh's front drive or parking area. A short brick wall alongside a part only of the hall remains, but appears to serve no or little purpose and is accompanied

by what appear to be Holmleigh's 'lean-to' garages protruding from the north side of the hall and(probably) spanning any boundary line.

60. A Portakabin used for a variety of church-related activities (on Sundays principally) sits immediately adjacent to Holmleigh in its northerly side garden.
61. Holmleigh's rear garden (apparently not open to the general public) has, in conjunction with the continuation of the garden behind the main church hall, provided outside space for occasional church activities, including children's activities. (The garden is said by the parish to be 'used as a garden to Holmleigh, planted and landscaped in that manner, with some storage area for our youth project').
62. The objectors point too to the visual unity produced by the (matching) west boundary walls of church, churchyard, hall and Holmleigh, as seen on Church Road. It is suggested that sections of wall (some indisputably bordering curtilage, others bordering Holmleigh or the car park) have been similarly lowered in height, probably to improve visibility for persons leaving the premises. As the gateway to Holmleigh is observed from Church Road, the wall to the left apparently matches the height and appearance of the wall on the west boundary of the churchyard itself; the wall on the right, the height and appearance of the wall in front of the church hall.
63. Finally, the objectors stress not merely physical integration but operational integration, in the extensive use to which, now over many years, house and grounds have been put by the church as part of its site.
64. In short, it is argued that, as things stand, Holmleigh and the hall (and church) 'belong together', are 'occupied together' and, certainly in public perception, form obvious parts of one 'church complex'.
65. The mere fact the issue may, in the past, have received less than rigorous legal or DAC appraisal, did not change the current reality – the present being the time for necessary determination of the issue.
66. Part, at least, of the aim of any faculty process, it is argued, is the protection of the church in its overall setting.

Discussion

67. I have not found the decision entirely easy. There is plainly some force in the parish's argument. The objectors' contention that, given the importance of the demolition of Holmleigh to the proposed development, there may be utility or even merit in the court having jurisdiction misses the point. Unless Holmleigh is 'curtilage', I have no jurisdiction over it, however much that may be desirable. A judgment is required.
68. I have considered sufficient of the reported authorities to be in no doubt that, even experienced, judges of these matters may, on occasion, disagree. Judgments of 'fact and degree' do not always yield easy or immediately obvious answers, as the jurisprudence demonstrates.
69. I have concluded Holmleigh is now 'curtilage'. The following matters have led me to this conclusion.
 - (i) The geographical relationship. There is, as the objectors contend, now essentially one, large, church site embracing church, churchyard, halls, gardens and Holmleigh. Holmleigh is positioned between the church hall and the church car park. Its garages abut the hall. Its garden houses the church Portakabin. Its forecourt affords 'church'

parking. Distances involved are modest – the more so if one looks at the distance from the (undisputed) existing church curtilage (the wall of the hall). There is no question of Holmleigh being on remote land. It is arguably, in my judgment, ‘part and parcel’ of the overall ‘church complex’, certainly in so far as that may be observed from Church Road.

- (ii) **Function and use.** Holmleigh itself and its immediate grounds have, in the ways I have described, served church purposes and supported the church building and its purposes continuously and exclusively for the last thirty years. For substantial periods before that too the property has had a church-related ‘function’ of some kind. The property was no doubt acquired with church purposes in mind. Its very proximity no doubt made it additionally attractive. A specific change of use was sought and approved for the building. Holmleigh was, so to speak, ‘decommissioned’ as a dwelling. It became, and was intended to become, a building to serve the church and its work and to supplement the accommodation afforded by church and halls. It was improved and adapted to that end. It became a building intimately associated with the life and work of the church - like the halls and, with them, serving the purposes of the principal building.
- (iii) **The evidence of demarcation.** Boundary structures and other evidence of demarcation can often assist greatly in the establishment of curtilage. The parish’s point in this respect is without doubt a powerful one. I have in mind that physical enclosure is not a prerequisite to curtilage. Against that, I consider the fact that a former boundary - at the very point where curtilages may be said to join – has been removed to be significant. No physical separation remains along a significant proportion of the land facing the church hall and on the ‘public’ side of both buildings. I recognise that issues of pedestrian safety may well have been in mind, but the obvious conclusion to be drawn from the removal of a physical division was an intent to unify or integrate the two sites into one. Free passage from one to the other was (intentionally) created, sensibly enough, for this was now all ‘church property’. The creation of a path and some (very modest) associated landscaping spanning both sites gave visible expression to this aim.
- (iv) **Character of the curtilage.** In my judgment that path and landscaping and the position in which they are, behind the boundary wall to the road, serve to enable free flow of people and to link one parking area outside the school house to another parking area in Holmleigh’s driveway, thus contributing to an integral whole.
- (v) **The material time when the curtilage issue falls to be determined.** There can be no doubt that for much of its life Holmleigh’s curtilage would have been readily identifiable, much as the parish still contends. Authority makes plain that the appropriate time for consideration is the present. The various properties here have been in continuous common use and occupation, essentially within one enclosure, for thirty years.
- (vi) **Ownership.** Plainly historically there have been separate owners and curtilages, a point to which the parish understandably attaches weight. Technically at least that may remain so but I see no conflict in the legal estates such as might dissuade me from concluding curtilage has become enlarged. The PCC acquired Holmleigh, no doubt, with precisely the intention of augmenting the church’s facilities and site in

Church Road and taking full advantage of Holmleigh's proximity. For a very significant period Holmleigh and its whole grounds have, in practical reality, been treated as 'part and parcel' of the church's overall site.

- (vii) The nature of the building. The size and type of building to which the curtilage relates may be important aids to the decision maker in calculating the curtilage. For example, in *Dyer* a lecturer's house some 450 yards from the main college building on a 100 acre estate was not part of the main building's curtilage. It was situated 'so far from any other relevant building or buildings and could not be expressed to be within the curtilage of any of them'. Nourse LJ had no such difficulties contemplating that stables, outbuildings and gardens closer to the house readily fell within curtilage. In the present case the church already has a substantial curtilage. That has in turn been augmented and enlarged by the incorporation of the halls and their grounds. I am now, on balance, persuaded that process of extension and enlargement has embraced Holmleigh also.

70. I conclude that Holmleigh is therefore subject to my jurisdiction.
71. Even without having reached that decision, it would, frankly, still have been necessary to have given some thought to the building's nature, setting and role in any appraisal of the objectors' points about the scale and local impact of the proposals and to its flexibility, or otherwise, to be adapted to meet even some of the needs which the parish suggest require the present petition to be granted in full.
72. Preparations for determination of that petition must now proceed expeditiously. I have, with this judgment, forwarded a further order for directions to that end.

David Turner

His Honour Judge David Turner QC
Chancellor of the Diocese of Chester

30th November 2015.