

Neutral Citation Number: [2026] ECC Swk 2

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST MATTHEW'S CHURCH, CROYDON

AND IN THE MATTER OF AN APPLICATION FOR AN INTERIM FACULTY BY REVD RUTH CHAPMAN

JUDGMENT

1. I am asked by the Revd Ruth Chapman, Vicar of St Matthew's Church, Croydon to grant an interim faculty for the installation of a new gas boiler to heat the church.
2. St Matthew's is an attractive modern church built to an unusual hexagonal design and roofed by a series of mono-pitched clad roofs falling in different directions. The roofs have now reached the end of their life and need urgently to be replaced. The cost will be about £1M and there is an on going appeal for the money. Once installed the church will be insulated to modern standards and have the benefit of electricity generated by solar panels.
3. The church is well used. As well as being used for regular church services, it is used by a Spanish congregation on Sunday afternoons. Archbishop Tenison's Church of England High School use it on a daily basis for assemblies and services. Two choral societies rehearse there and there is use from time to time by other community associations.
4. The church's heating failed shortly before Sunday, 12 January 2026. The immediate consequence was that services had to be moved to the church hall, where they have been held ever since. The other users of the church have been similarly inconvenienced (to put it no higher)¹.
5. The reason for the failure was that a valve that was integral to the operation of the gas boilers which heat the church needed to be replaced. Unfortunately it is no longer manufactured and it has not proved possible to source another one. The obvious solution is to replace the gas boilers with a new gas boiler.
6. Until recently such a replacement would have been permitted under List B of the Faculty Jurisdiction Rules. Although in these circumstances it would have required the authority of the archdeacon, it was evidently envisaged that such authority would in the ordinary case be forthcoming². The rules have now been changed. Such a replacement is no longer covered by List B and requires a faculty granted by the Chancellor. Moreover if the Chancellor is to grant a faculty for such work, he must do so in the light of the certificate of the Diocesan Advisory Committee as to whether the person applying for the faculty has had adequate regard to net zero guidance. It is evidently envisaged that if they have not, it would not usually be appropriate for a faculty to be granted. "Net zero guidance" means guidance issued by the Church Buildings Council on reducing carbon emissions.

¹ There are ongoing issues with the use of the church by the school because of the leaking roof which have also recently affected its use of the building.

² It is possible that because here the proposal is to replace two boilers with one boiler, the Archdeacon might have considered that List B did not apply. But the general acceptability of replacing a gas installation with another is plain.

7. The change in the rules reflects the concern of the Church of England about climate change and the need to reduce carbon emissions. More specifically it reflects a target, which General Synod adopted in 2020, to achieve zero net carbon emissions by 2030. (In the Diocese of Southwark the target is the still very challenging date of 2035).
8. When a church's heating fails and, as a result, it is no longer possible to hold services, it is obvious that the situation must be addressed as a matter of urgency. The usual process of application for a faculty requiring publicity and consultation before consideration by the Diocesan Advisory Committee needs to be abbreviated or modified. This is something that the system can accommodate since in appropriate cases, emergency or interim faculties can be granted dispensing with the normal requirements of notice as appropriate. In the Diocese of Southwark, it is the practice that in appropriate cases an interim faculty is granted, requiring in due course an application to be made for a "full" faculty. This preserves the right to object to the works (and the possibility of their modification) albeit that any such objection falls to be considered in the context of work which has been lawfully executed.
9. My general practice in considering applications for interim faculties is not to grant them without first having the views of an adviser or advisers who serves on the DAC and, potentially, of other relevant consultees, such as Historic England, one or more of the amenity societies and/or the local planning authority. Cases involving net zero will not usually be of concern to this wider body of consultees. Obviously one would like in circumstances such as this to have the considered view of the whole DAC but since it meets on a monthly basis this is not realistic.
10. Immediately after the failure of their heating, St Matthew's were in touch with the Secretary of the DAC who forwarded to me an application for an interim faculty to replace the existing boilers with a new gas boiler. I indicated that I would be prepared to grant an interim faculty on the basis of the positive advice of two advisers; this was not a case that required wider consultation.
11. As one would expect, for the DAC advisers to express a view they had to acquaint themselves with the situation and further, as one would expect, there was a fair degree of to-ing and fro-ing before (as happened) they could express themselves satisfied. In cases of this kind the primary question is of course whether there is an alternative available at reasonable cost to the installation of a boiler providing heat by using fossil fuel - such as heat pumps or radiant heating. Here the parish's aspiration is in due course to install heat pumps; but heat pumps are expensive. The parish's immediate priority is to replace the roof; and, moreover, it would not be sensible to install heat pumps without a well-insulated building which a new roof would provide. Against this background it was, I think, quickly apparent that heat pumps were not an alternative that could currently be pursued. The questions that were posed were the immediately practical one of whether, in fact, the vital part might be sourced from somewhere; and whether there were steps that should be taken now to facilitate in due course the installation of heat pumps. One can see that given the understandable concern to get the church heated once again it might be possible for something to be done which would have to be undone hereafter if heat pumps were to be installed; a situation which, with benefit of advice, could have been avoided. As it is, after careful consideration, the DAC advisers are now satisfied that what is proposed will not prejudice the installation of heat pumps hereafter; and that the spare part is nowhere available. Thus I directed on 6 February 2026 that an interim faculty should issue. I am now writing this short judgment to explain the background to that decision.
12. In a recent e mail, one of the churchwardens at St Matthew's has expressed his frustration that it has taken so long to get to this point. I can understand this – the church was, after all, in a

position to install a replacement boiler within days of the heating failing. But, as I have explained, I and the DAC are required to give careful consideration to any proposal to replace a gas boiler or gas boilers with another gas boiler; something which, although potentially necessary, obviously is not something that ideally would be permitted where there is a policy to achieve carbon neutrality. Unfortunately the failure of a gas boiler in the middle of winter is a regular occurrence³; but this does mean that the DAC is now getting experience of the problem. Members of the DAC give their time freely and voluntarily and on any view the careful assessment of the situation where the proposal is to replace a gas boiler with another must require a period for consideration; and it may be that, realistically, the sort of time that elapsed in the present case cannot readily be shortened. Obviously in the present case everyone wanted to move the matter forward as quickly of possible and I should make it clear that I am not being critical of the DAC. What however will be useful is if it looks at what occurred here to see whether there is anything to be done that might enable the process leading to recommendation (if that is what is going to be the outcome) to happen more quickly. On the other side of the matter, I think that here there may have been an expectation on the part of the parish that the grant of a faculty was more or less a matter of course. Where parishes are short of money and there is an imperative to keep a church heated, one can see that there is very often going to be a strong case for replacing an existing gas boiler with another one. But permission cannot be taken for granted. The unhappy time during which St Matthew's has been without heating will shortly be over and I hope that the community there will realise that what they have had to put up with is part of the price of taking climate change seriously.

13. I have been impressed by reading about all that goes on at St Matthew's and the dedication of the ministry team, the churchwardens and PCC and the congregation who ensure that this happens. The leaking roof presents immediate challenges and the money to repair it still needs to be raised. I wish them success with this and as they continue in their ministry and witness.

PHILIP PETCHEY

Chancellor

7 February 2026

³ See eg the recent case of *In re St Anne's Church* [2026] ECC Swk 1.