

In the Consistory Court of the Diocese of Chichester

In the matter of St Mary, West Chiltington

Judgment

1. By a petition dated 8 March 2018, the petitioners (Mrs Diane Bennett, Mrs Pamela Wells and Mr Francis Midmer, the two churchwardens and PCC treasurer respectively) seek a faculty for “installation of new heating system, including two new gas-fired boilers in an existing recess in the link structure between the church and new vestry”.
2. Two boilers currently serve the church. The one serving the main church is a 25-year old oil-fired boiler located in a Victorian boiler house about 20 metres from the church building; the one serving the new vestry is a 17-year old gas-fired boiler located in a link structure between the new vestry and the church building. The petitioners wish to decommission the former and remove the latter, and instead install two new gas-fired boilers in an existing recess in the link structure, which was constructed in 1999-2000.
3. Public notice of the petition attracted an objection from a Mr David Ellis. By email on 10 April 2018, Mr David Ellis informed the Diocesan Registry that he did not wish to become a formal party opponent in the matter, but wished the Deputy Chancellor to take his letter of objection into account, a copy of which he attached to his email. Mr Ellis’ objection is that the recess earmarked for the new boilers is currently used to store two box benches containing the utensils used for flower arrangements in the church. Mr Ellis helpfully included photographs of, inter alia, the two box benches. He explained his concern that this useful storage facility would be compromised or lost altogether to accommodate the new boilers. He explained why he considered that the existing locations of the boilers remained both feasible and preferable. I have carefully read Mr Ellis’ submission and take it into account in my determination of this matter.
4. On 9 May 2018, Dr N Boyland, the named correspondent on behalf of the petitioners, wrote to the Diocesan Registry on behalf of the petitioners. In response to Mr Ellis’ letter of objection, Dr Boyland explained why it would be uneconomical to repair and

adapt the Victorian boiler house. In particular, it is in a very poor state of repair, with ground water seeping. The brick chimney requires reconstruction and the roof, windows and door would all need replacing.

5. I note that the church is a listed building (Grade I). I have considered the questions posed in *Re St Alkmund, Duffield* [2013] Fam. 158 at paragraph 87. In my judgement, the petitioners' proposals, if implemented, would not result in harm to the significance of the church as a building of special architectural or historic interest. That is the view of the Diocesan Advisory Committee. It is reinforced by the fact that Historic England has seen no need to comment on these proposals. Indeed, Mr Ellis' objection does not suggest that these proposals would result in any such harm. This is therefore a case in which the presumption 'in favour of things as they stand' is easily rebutted by the needs that would be served by the proposed works, and by the particular characteristics of those proposed works as outlined in this judgment and explained in more detail in the petition.

6. I have no hesitation in granting the faculty as sought by the petitioners. I acknowledge that, in principle, new boilers could be situated in the Victorian boiler house. I also acknowledge that granting the petition means a loss of a storage cupboard that is, from what I can discern, both attractive in design and useful in practice. In all the circumstances, however, those points are wholly insufficient to found a weighty objection to the petitioners' proposal. In reaching that view, I have taken into account the following points in particular:
 - (i) The proposed works would have no impact on the historic fabric of the church. Pipes for the new boilers will enter the historic building through the existing pipe run, without disturbance to the church walls (see further paragraph 5 above).

 - (ii) The proposed works would have some impact on the link structure constructed over the period 1999-2000, but the aesthetic impact will be negligible: the new boilers will be enclosed in a cupboard created by enclosing the existing recess with flush doors, finished to create continuity with the existing wall. I note that the church's inspecting architect, Richard Andrews,

has helped the petitioners with this design. Mr Andrews designed the link structure itself and seems to me to be very well placed to oversee the integration of the new boilers within that structure.

- (iii) Nothing on the papers before me indicates that those who actually make use of the storage cupboard that would be lost consider this to be a sufficient basis for objecting to the proposal. In any event, I am confident that alternative arrangements could be made for storage.
- (iv) Others who are well placed to provide critical input are unconcerned about the proposals. This includes the local authority, Historic England and the Diocesan Advisory Committee. The latter made suggestions about relatively minor aspects of the works, and the petitioners have taken those on board (as is apparent from an email from Dr Boyland dated 27 February 2018, submitted with the petition). Moreover, public notices about this petition have now been on display on two occasions. No other objections have been raised with the Diocesan Registry.
- (v) Fundamentally, I accept the petitioners' submission that it would be uneconomical to house (one or both of) the new boilers in the Victorian boiler house, given the repairs that would be required to that building. The petitioners also say (in a letter from Dr Boyland dated 26 April 2018) that the appropriate location of new boilers involves technical expertise upon which the petitioners have relied to devise their proposed solution. I accept what the petitioners say.

7. I therefore grant the faculty as sought by the petitioners, subject to the following conditions: (1) works to be executed under the direction of the inspecting architect, Richard Andrews; (2) works to be completed within 18 months of the issue of the faculty; (3) if archaeological matter or human remains are discovered, work should cease and further directions should be sought from this Court.
8. The costs of the petition are to be borne by the petitioners in the usual way.

ROBIN HOPKINS

Deputy Chancellor

4th July 2018