

**IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD
IN THE MATTER OF FACULTY PETITION 3656 NEWBOROUGH ALL SAINTS**

**Deputy Chancellor's Note when directing that the faculty should pass the seal
in an unopposed decision**

1. Firstly I apologise for the delay in dealing with this faculty. The papers were received by me on the 20th January, but I had informed the Registry prior to that date that I would not be able to deal with this matter immediately because of work commitments, that is dealing with cases already listed before me, and others which I have had added to my workload as a result of the illness of a colleague. That pressure of work continues but today (Saturday 11th February) is the first day of some leave and I have given this matter priority.
2. This matter has a long history and on 22nd July 2011 the petition was stayed sine die at the request of the petitioners, to enable them to revisit the drawings and for those to be considered by the DAC in September 2011.
3. On 7th December 2011 the DAC recommended the petitioner's revised proposals for approval.
4. The Local Planning Authority indicated as long ago as 8th March 2010 that planning permission and listed building consent are not required.
5. English Heritage which on 11th May 2011 was of the view that the then proposals warranted reconsideration, by e-mail dated 13 January 2012 confirmed that it has no objection to the amended scheme.
6. The Church Buildings Council in a letter dated 24th March 2011 indicated that it was "content to defer the detailing" to the DAC as "the building is grade II and the impact appears to be moderate".
7. The Victorian Society's position is set out in letters dated 6th April 2011 (in response to the original scheme) and 31st October 2011 (in response to the revised scheme). The latter makes it clear that it retains "concerns over the impact of the narthex on the interior of this church". Its objection is in relation to the physical and spatial impact of the scheme as a whole. It is opposed to "the principle of subdividing the west end of the nave vertically and horizontally" and believes that the design needs to be "fundamentally rethought".
8. By letter dated 17th May 2011 the Victorian Society made it clear that it does not wish to become a party opponent and that it is content for its objections to be dealt with on the basis of its written representations.
9. The papers are now quite considerable, and I make it clear that I have considered them all. The statements of significance and need are both very clearly set out. It is noteworthy that whilst the normal Sunday congregation is small (about 14), the attendance at special church services and events is much higher and that with the loss of the Youth and Adult Centre in the village, the church has been a particularly valuable "community building", and it is hoped would be even more widely used if this faculty, including a meeting room, a kitchenette and toilet facilities (all of which are Equality Act compliant), is granted.
10. No objection has been raised to the proposals as a result of the public notice. The petition is supported by the PCC and letters of support have been received from

Newborough Parish Council, the Headteacher of Needwood CE (VA) Primary School, and the Youth Club Leader.

11. Funds from a legacy to the church are available to finance the proposed project.

12. I am satisfied that the need for the proposed work is established: it is needed by both the church and the wider village community. The requirement for disabled access and toilet facilities is self-evident. The PCC is rightly concerned to provide facilities which are welcoming to the present congregation, the majority of whom are of retirement age, younger families from the local community, and visitors.

13. The Victorian Society's objections are clearly set out in its letters, and require careful consideration in relation to the impact of the proposals on this church. Whilst the Victorian Society sets out its views of the church and the proposals I understand that in preparing them it has had the documents, drawings and some photographs and that no-one has visited the church. Representatives of English Heritage, which has no objection to the revised scheme, have visited the church and appear to have found this useful.

14. The petitioners responded to the Victorian Society's objections in writing and following the written objections of English Heritage and the Victorian Society the DAC authorised the chairman and the Archdeacon of Stoke to prepare a statement to assist the Chancellor.

15. I have, of course, borne in mind that the burden of proof lies on the petitioners and that as far as the standard of proof is concerned as this is a listed building the correct approach is to apply the 'Bishopsgate Questions'.

I am quite satisfied that:

(1) The petitioners have proved a necessity for all of the proposed works, as I have already set out.

(2) Whilst the works will result in a material alteration of appearance, that will not be an adverse one, and assuming for these purposes that the church is a building of special architectural and historical interest (which the Victorian Society submits that it is and the petitioners dispute) the works do not affect the character of the church.

(3) Even if the answer to question (2) had been 'yes', the necessity proved by the petitioners is such that in the exercise of my discretion a faculty should be granted for all the proposed works.

16. In relation to 'plasterwork' and 'decoration' no details of the proposals have been submitted so I give the petitioners liberty to apply for the specific scheme for each of these elements.

17. As far as the re-location of the four war memorials, there appears to be no clear scheme for the positioning of them beyond that set out in an e-mail dated 21st April 2011. I therefore make it a condition that a scheme for the repositioning of the re-located war memorials is to be submitted for approval.

Sybil Thomas

Her Honour Judge Thomas

Deputy Chancellor

February 11th, 2012