

**In the Consistory Court of the Diocese of Newcastle**

**In the matter of the Church of Newcastle, St George**

**JUDGEMENT**

1. This is a petition by Reverend Canon Brian Hurst, Michael N De La Hunt and Louise V. Chapman, respectively the Incumbent and Churchwardens of the Church of St George, Newcastle for what is described in the petition as “The erection of a single storey extension at the north-west corner of the Church adjoining the Memorial Garden”.
2. St George’s Church, Jesmond (as it is usually known) was built in 1888 and is Grade 1 listed. It is a magnificent structure standing towards the north end of Osborne Road, the principal thoroughfare running through the largely residential area of Jesmond, Newcastle upon Tyne. Immediately to the south of the Church is an open area, The Green, which is grassed with mature trees and some benches. That affords an impressive view of St George’s as one approaches from the south along Osborne Road. The Church Hall stands to the east and slightly south of the Church, a short distance away. Immediately to the west of the Church is a Memorial Garden, used for the interment of ashes.
3. The extension, full details of which are on the Online Faculty System (OFS), consists of a small complex accessed through the doors at the north west corner of the church (which are not currently used) leading into a 30 square metre multipurpose lobby area for kitchen and recreation purposes with a servery and store room off, male and female toilets and an accessible toilet. Those are immediately behind and to the east of the doors and to the west is a 36 square metre Garden Room. The extension has proposed new paved access to the car park at the east end of the church, along the north side and an exit from the Garden Room into the Memorial Garden. A new stone boundary wall on the north side, west of the Garden Room is proposed.

4. The current petition is the culmination of several years of consideration and planning which began under the previous incumbent and which has gone through several stages. The most basic problem, which lies at the heart of the petition, is that there are no toilet facilities in the church, the nearest ones being in the Church Hall, which is some 85 metres from the Church. In addition there are no kitchen facilities in the church and if it is desired to serve refreshments in the Church itself all of the crockery and equipment has to be carried over from the Church Hall.
5. Those two factors underlie the development of the plans for the current petition, but the Statement of Needs begins by quoting the previous Incumbent's vision for St George's:

“St George's, as a complex of buildings and land, must be shaped so that it offers space for worship, teaching and learning the Christian faith, socialising, pastoral care, administration, service of, and partnership with, the wider community appropriate to the present and the future. And that in doing this we need to recognise the different needs of core congregation, fringe congregation, enquirers, friends, visitors, hirers. And that, if our primary purpose as a congregation is to be God's people in this place, then we have to replace ourselves with new generations of worshippers - people who (like many of us have done) will move from being one category of person towards being 'core'.”

6. The Statement of Needs sets out in detail the need for toilet and kitchen facilities. It then goes on to stress the need for a space for younger children during the main services, pointing out that the current provision is a children's corner, which is situated to the rear of the Nave, but not separated off in any way and which is limited in space, cold, has no changing facilities and from where the inevitable noise of children can be a source of distraction to some of the congregation during services. Additionally it is desired to have provision for Sunday School in the Church rather than in the Church Hall, as it is said that the children having to come from the Church Hall into Church during

Communion services is disruptive, raises safeguarding issues, requires winter clothing to be donned during that season and is contrary to the wishes of some parents, who wish their children to attend Sunday School, but in the same building as themselves and any younger siblings.

7. The Statement of Needs argues for the need for a room forming a part of the Church which is suitable for worship for babies and toddlers together with their parents, which can be separately heated and which has “transitional access” enabling those using the room to pass through the Church and experience awe, wonder and the beauty of the main Church as they progress into the new room. It is argued that some young people may feel happier in a contemporary environment and that such a room would help them over the threshold of the Church. Several other uses for such a room are advanced: a room for PCC and community meetings; small scale conferences; wedding and other receptions, after service buffets/teas; lectures; chamber music concerts; changing rooms for concerts in Church. It is also said that the proposed room, being associated with the Memorial Garden, could be used on appropriate occasions as a place for reflection after interment or at an anniversary.
8. After a consultation process, to which I will refer later, the petition was submitted on 3 April 2019 with a Diocesan Advisory Committee (DAC) Notification of Advice recommending the works for approval, dated 3 May 2019. In due course, following the requisite public notice display, no fewer than 14 letters of objection were received by the Registrar. Following receipt each of the objectors was written to in accordance with Rule 10.3(1) Faculty Jurisdiction Rules 2015 and each indicated that he/she did not wish to become a party opponent, but wished me to take his/her letter into account in reaching my decision.
9. Pursuant to Rule 10.5(1) the petitioners were supplied with copies of the objectors’ letters and on 7 September 2019 responded to them with comments upon those letters of objection.

10. Each objector was a member of the congregation; there were no objections from any persons living nearby who were not members of the congregation. Of the objectors five were past Church Wardens, at least two others were past members of the P.C.C., one had been the chairman of the fabric committee when the Memorial Garden was planned, one had sat on the Building and Grounds committee for over a decade. One objector, Mr Cyril Winskill, was - until January 2020 - vice chairman of the DAC. All objectors had been members of the congregation for many years - the shortest period referred to in the letters was 34 years, the longest over 80 years. One of the objectors (ex P.C.C. and ex Church Warden), Mr Ian Ness, is also the inspecting architect appointed under the Inspection of Churches Measure 1955 (now Ecclesiastical Jurisdiction and Care of Churches Measure 2018).
11. It can therefore be seen from the preceding paragraph that this is not, as occurs in many cases, a case of a single or a very small number of objections being received, but a substantial number from persons who not only have a legitimate interest but who might be regarded as being well informed and having a close and longstanding connection with the parish and congregation and knowledge of the issues involved in church works/extensions/alterations and the like.
12. Each objection was set out in particular terms and from the viewpoint of the individual making it, but there was a clear and consistent theme running through the objections. The overriding common point was that the proposed scheme of “a single storey extension adjoining the Memorial Garden” in fact constitutes an encroachment of the garden, will fundamentally alter the nature of the garden, disturb its tranquillity, be a cause of upset to the family members of those whose ashes are interred therein and prevent its use for private quiet reflection and remembrance.
13. There were several other common points. Over half of the letters make the point that the Church Hall should be the priority for any work and expenditure, some suggest that the facilities and space in the Church Hall fulfil any need that the Garden Room might serve, some point to the fact that work is clearly

needed on the Church Hall at the present time. Several objectors point to the cost of the proposed extension and question whether it can be afforded. Almost every letter of objection accepts, and indeed supports, the requirement for toilet facilities being built as an integral part of the church as well as the need for kitchen facilities. Of those that are silent on the question of such facilities, none suggests opposition to them, save possibly that of Mrs Monica Ogden who says "I feel the whole plan is unnecessary and inappropriate. At St George's we are very fortunate in the facilities that we have compared to other churches and the money could be used more wisely". There is something of a theme running through some of the letters that there has been an attempt to silence or isolate any voices of objection to the scheme within the congregation.

14. Two objectors, Christopher Rippon and Ian Ness, make very specific points about the integrity of the Memorial Garden. Mr Rippon, who was Chairman of the Fabric Committee when the garden was created says that he well recalls discussions at the time and the promise given that once the garden was created no development would ever take place on the ground in any way. He acknowledges that the proposed plan would not physically go over the area where ashes are interred, but makes the point that construction work would inevitably involve such an intrusion. Mr Ness makes the point that the Memorial Garden is not merely the area of lawn in which ashes are interred but the whole space enclosed by the boundary walls/fence and the west end of the church including all paths, seats, planting beds and the setting of the Evett's Crucifix – a large cross which is situated on the north side of the Memorial Garden. He says that the notice inaccurately describes the extension as "adjoining" the garden whereas in fact it is "on" part of the garden. He suggests that it has been shown that the original brief, which was approved by the congregation several years ago and which excluded any building on the whole garden, could be achieved by a smaller extension not intruding onto the garden, but enhancing its enclosure by closing the north east corner and completing the symmetry of the west end of the church.

15. The response of the petitioners to the letters of objection came in a letter dated 7 September 2019. The petitioners sought to address all matters raised in the letters of objection. They began by stressing that the need for a room with transitional access had been identified in the formative years of the project. This room was to be used as a flexible and attractive space the better to accommodate children close to their parents during church services, for occasional use for interments in the Memorial Garden and a convenient space for worship and mission activities. The petitioners deal with the development of the current proposal and the presentation of various options to the congregation (at the beginning of 2015) when it is said that the overwhelming view was that the north west corner option for the extension to the church was the only suitable location, particularly bearing in mind the issue of “transitional access”. Initial proposals for the concealment of the entire extension behind the north wall of the church had been strongly criticised by Historic England because of the obstruction of light from the north windows, leading to the current proposals, which had subsequently been modified after consultation with members of the congregation to move the extension 1.2 metres further away from the Evett’s Cross on the north side of the Memorial Garden.
16. The petitioners go on to stress that use of the room will be carefully controlled and that the room is not intended as a function room or a children’s playroom (that comment undoubtedly intended to rebut the suggestion made in the letter of Mr Cyril Winskell that “the extension would result in a children’s playroom opening directly on the garden of remembrance”). The letter goes on to argue that the petitioners are sensitive to the concerns of several church members regarding the effect of extension on the physical and emotional aspects of the Memorial Garden and that these have been addressed in the careful planning and use of the extension.
17. The petitioners address Mr Rippon and Mr Ness’s specific points by saying that they are not aware of any formal document which states that the Memorial Garden is the whole space as described by Mr Ness nor of any document which excluded any building on the whole Garden. They say that the Garden Room has been designed so that no part of the building will be on

the grassed area of the Memorial Garden and no ashes are interred in the land over which the extension would be built. Access will be strictly controlled and the entrance onto the garden would be a fire escape route replacing the current one at the North door and would not be used as a usual route. They go on to set out how the Memorial Garden would continue to be used as a place of peace and reflection and detail the steps that would be taken to ensure that that will be the case. They acknowledge that during construction limited access would be needed to install glazed wall panels and roof but say that stringent conditions would be written into the Conditions of Contract for the building work to ensure proper protection.

18. Comment is made by the petitioners on the size of the Garden Room and extension as providing facilities independent of the Church Hall and capable of simultaneous use. The comments of some of the objectors about the Church Hall (and also the ageing congregation of St George's) are addressed by pointing to the fact that the PCC wish to be a part of the Diocesan initiative "Leading your Church into Growth" and that the church is fully committed to take a leading role in this initiative. To achieve those objectives improved facilities for church users of all ages are necessary and that is being addressed through the proposal and a separate application for the remodelling of the Church Hall, which – at that time – was currently before the Planning Inspectorate on appeal.

19. The petitioners address the question of funding and acknowledge that it is clear that the works will not be able to be funded from the church's own resources, but point to the fact that - as is usual - plans require formal approval before grant making bodies can be approached or other fund raising activities entered into.

20. The petitioners end by saying that support has come from the majority of the congregation, reinforced by the PCC at regular meetings and that unanimous support has come from the DAC, the Church Buildings Council (CBC), Historic England, Northumberland and Newcastle Society (apart from the Vice Chairman) and the Newcastle Conservation Advisory Panel (NCAP), the

Victorian Society (which has representatives on NCAP) did not wish to comment. Finally they say that “Crucially, firm support for the project was given by the Bishop of Newcastle both verbally and in writing”.

21. I deal with that last statement straight away. Whilst the appended Bishop’s letter clearly sets out warm support for the hopes and plans for the future of St George’s in reaching out in new ways to serve the wider community in Jesmond and goes on to detail how modern facilities are needed, it ends: “I conclude by saying that if your project will allow you to offer the kind of facilities that will enable St George’s to play a leading role in the Diocese in reaching out to the wider community then I commend it”. The word “if” in that concluding sentence is not to be ignored and there is clearly nothing in the Bishop’s letter with which any of the objectors would disagree or take issue. I have no doubt whatsoever that petitioners and objectors alike share the Bishop’s views. In my judgement the firm support given by the Bishop was not specifically for this design of extension but for all that it is hoped to achieve through the building of the extension. The question for me is whether this project will achieve those ends or whether they can be achieved in a different and more suitable way.

22. Faced with letters of objection many of which referred to the Church Hall (which is not under faculty jurisdiction) and a response which also dealt with plans for the Church Hall; the suggestion from Mr Ness that the Memorial Garden was the entire space; that any building work on it was specifically precluded and the theme that there was not generalised support amongst the congregation, I concluded that I needed further information and on 22 October 2019 issued the Directions appended hereto as Appendix A.

23. Those Directions, in due course, resulted in my being provided with a mass of material in relation to the Church Hall and a complete picture of the usage thereof and also the progress of the planning application for alterations to the Church Hall, which at that stage had been refused and was subject to an appeal. It also produced further material from Mr Ness including a brief for the proposed alteration from November 2013 and a copy of the original Deed of

Consecration with an attached map clearly demonstrating that the whole of the area to the west of the church is consecrated, as well as the majority of the land to the north of the church. He referred to material held by the family of the original donor of the land, but was unable to supply all of that material, and there was no document which showed a specific prohibition of any building whatsoever on any part of the Memorial Garden. At a much later stage Mr Ness sent through a copy of an original plan for the Garden of Remembrance which included paving going from the north door of the church and the garden extending over all of the consecrated land to the north of the church. That plan was never followed through and only the land to the west of the church has ever been set out as the Memorial Garden.

24. Unhappily the petitioners had read my fourth direction as requiring only details of consultation about the Church Hall, not the Church itself and had not supplied that material. Accordingly and following a review of the huge amount of material that had been sent through on 21 February 2020, I issued the Further Directions appended hereto as Appendix B.
25. Those directions duly produced the required material from the petitioners and a further letter from Mr Ness who had visited the donor's son and obtained what material he could, but that did not include any document specifically referring to a prohibition of any building on any part of the Memorial Garden. On 19 March 2020, in compliance with my fifth direction I received a communication from the Deputy Registrar informing me that the appeals against the refusal of listed building and planning permission for the Church Hall had been dismissed.
26. The material with which I have been supplied, in addition to all of that originally uploaded onto the OFS, runs to a little short of 1000 pages and includes all of the documentation over several years with minutes of the Whole Site Steering Group, Building and Grounds Committee, PCC, Friends of St George's, methods of communication with members of the congregation, consultation documents, applications, responses and more. I have, effectively,

been sent everything concerning the development and planning of the proposed work in relation to both the Church and Church Hall extensions.

27. The current proposal for which permission is sought by the petitioners is, I am entirely satisfied from a perusal of all of that material, the end product of many years of consideration and planning over the course of which there have, inevitably, been several different suggestions as to how to achieve the desired result, changes, modifications and many different views expressed.

28. It is also entirely clear that, from the beginning of consideration of any development and certainly from the point of the Vision Statement by the previous incumbent (para. 4 above), the development was driven not only by the necessity to provide basic modern facilities but by a desire to reach out to the wider community and to encourage families and those with young children into the church into an environment which catered for their needs and was capable of accommodating them within the church building itself during services. I am therefore satisfied that from an early stage an additional room providing flexible space has been an integral part of the planning and consideration, as well as the provision of toilet and kitchen facilities.

29. At the same time as the development of the plans in relation to the Church itself and alongside them, the plans for the Church Hall have been developed and considered in a commendable attempt to develop the whole site simultaneously and to accommodate all the needs of all groups. I am satisfied that the congregation and the wider community have been consulted and informed of progress throughout the development of the plans and at all of the crucial stages. In particular, after a proper bidding and scrutiny process to appoint a firm of architects resulted in the appointment of the current firm of Simpson and Brown, there was a presentation in early 2015 of various options for the work, including the current (and then preferred) option of an extension to the north west corner. At that time it was recognised that a development on the north west corner would extend into the area of the Memorial Garden. Whilst there were many views expressed at that meeting the record of the responses does not show any significantly strong opposition to the extension

into the Memorial Garden and it appears that the preferred option was supported by a significant majority of those who expressed views. It was clearly recognised at that time by the architects that changes to the Memorial Garden would need to be sensitively handled, but envisaged that the development would lead to the garden having a greater significance.

30. Following that meeting a decision was taken to proceed with the preferred option and to consult all of the necessary bodies with a view to making a faculty application when appropriate. In the autumn of 2015 the previous incumbent departed to become Bishop of Grantham and, following consultation with and encouragement from the then Archdeacon of Northumberland, the PCC decided to proceed with the process during the interregnum. From the start it was recognised that liaison with and guidance from the DAC and consultation with Historic England and national amenity societies was important to ensure that all available guidance was taken and that all would be in order when it was appropriate to submit the application for the faculty.
31. Site meetings with representatives of the DAC duly followed in January and April 2016 and there was liaison with Historic England and CBC and a site visit from representatives of CBC on 2 November 2016. Following a meeting with NCAP that body indicated approval of the plans for the Church in July 2016, noting that the associated improvements to the north boundary of the site would enhance the garden and relate well; at the same time they indicated rejection of the plans for the Church Hall. In September 2016 Historic England gave approval and in November 2016 the CBC, in a letter which addressed the ends which the PCC was seeking to achieve, endorsed the proposed scheme. The proposals that were under consideration at that time envisaged the Garden Room extending somewhat further into the Memorial Garden than the final plans, which have reduced the length of the extension by 1.2m.
32. As the consultation process was continuing and the plans being developed, but when they were well advanced, an open meeting displaying the plans took

place on 8 January 2017 at which it is clear that strong opposition to the scheme was voiced by several of the current objectors, essentially in similar terms to those ultimately expressed in the letters of objection. It is clear from the material before me that that was a heated meeting which caused a degree of upset. Thereafter it is apparent that all of those involved in the development took time for reflection on the views that had been expressed and there were lengthy discussions and consideration of the points that had been raised. I have seen a great deal of material setting out the discussions and exchanges amongst members of the Whole Site Steering Group, the Building and Grounds Committee and the PCC. Those discussions involved further consideration of an alternative design that had been drawn up by Mr Ness for an extension at the north west corner which did not extend into the area of the Memorial Garden and which had previously been considered by the Building and Grounds committee. It was during this period that the plan was altered to that which is now submitted by reduction of the extension by 1.2m so as to be further from the Evett's Crucifix. Following all of that at a PCC meeting on 4 April 2017, by which time the current incumbent and petitioner Revd Canon Brian Hurst had taken up his position and co-chaired the meeting, it was resolved to proceed with the current plans. On 16 May 2017 the PCC formally resolved to apply for the current faculty.

33. Following receipt of the application, the letters of objection and the petitioners' response I made two visits to inspect the site. I am, in any event, reasonably familiar with the Church having attended funeral and baptism services there on a number of occasions. On the first arranged visit I was met by two parishioners (Mr & Mrs Peacock – the former a member of the DAC and the latter on the PCC) and conducted, without comment from them about any of the proposals, around the site. I subsequently returned on my own for a further visit.

34. This is not a case where I am assisted by any of the authorities in relation to the alteration of listed churches. I am, of course, guided by the principles set out in the leading authority of *Duffield, St Alkmund [2013] Fam 158* but here it is not suggested that the proposed extension would do any harm to the

character of the Church and the entire scheme from its inception has been developed in order to preserve the magnificent interior of St George's which is rightly regarded as being of very high significance. It is acknowledged, either explicitly or implicitly, by all of the objectors (save possibly Mrs Ogden) that some sort of extension to the church is necessary in order to provide modern and adequate facilities.

35. Neither am I persuaded that the very significant cost of this proposed alteration (£378,211) is something which ought to weigh very heavily with me in coming to my decision. It is clear that some sort of extension is necessary. I take into account Mrs Monica Ogden's view that she regards the current facilities as adequate but consider that, in that respect, she is a lone voice and there is general agreement that modern facilities are necessary. Mr Ness has put forward an alternative design which, of course, has not been given any detailed costing but would undoubtedly also cost a very significant amount (although I accept probably less than the current proposal). Funding for a scheme such as this can only be achieved once permission has been granted and, if I am to grant the application, it would be a condition that no work was to proceed until adequate funding is in place.

36. The matters which have caused me the greatest concern in this case – and I say at once that I have found this to be by far and away the most difficult case in which I have had to give a judgement in my almost 7 years as Chancellor and nearly 2 years previously as Deputy Chancellor – are those relating to the question of the encroachment into the area of the Memorial Garden and the effect upon those who have the ashes of relatives interred there. This is clearly a matter of the utmost sensitivity and the strong feeling of the objectors – particularly those who have relatives whose remains are within the Memorial Garden – are wholly understandable. At the same time I consider that it is clear that, provided proper consideration is given to those matters and proper respect paid to the views of those affected, that there could be no right of veto to anything which might have some effect on the Memorial Garden.

37. I am not persuaded that, at the time of the creation of the Memorial Garden, there was any undertaking that there would never be any building on any part of the land gifted or consecrated. Certainly there is no documentation to that effect that has been provided and it is entirely clear from the material that has been provided, both by Mr Ness and the petitioners, that the area of consecration extends substantially along the north side of the church. Mr Ness's own proposals would involve building on part of that area and, currently, there are compost heaps on part of the consecrated land to the north of the Church. It is evident from the plan that Mr Ness provided very late in the day that an original plan for the garden to extend fully over the consecrated land with a path extending to the door at the north west corner was never put into effect and the only area laid out as a Memorial Garden is that to the west of the Church. At one point there was some concern that, in order for there to be building, some of the land might have to be deconsecrated. That is inaccurate as any extension would form part of the Church. That was realised at an early stage.

38. The Memorial Garden itself is extremely simple, essentially it consists only of the lawn in which ashes are interred, surrounded by paths and seating with some bedding at the western and northern sides. The Evett's Cross is a focal point on the northern side but it has to be said that the fencing which is currently in place on the northern edge is fairly dilapidated and of poor appearance. As previously mentioned, NCAP in giving their approval commented specifically on that matter. I also formed the opinion from my visits that there is a certain disassociation or disconnection between the Church itself and the Memorial Garden. There is currently no entry from the Church into the garden, the entrance which is used for the Church is that at the south west corner and the entrance into the garden is near the western end of the wall to the south of the garden, some distance away. The proposal for the Garden Room would, in my judgement, bring a greater connection than there currently is between the garden and the Church. That certainly was envisaged from the start of the scheme in 2015 and I consider it to be a valid point. Whilst the entrance from the Garden Room into the Memorial Garden

would not be used habitually, those using the room will be able to see into the garden and I find it would increase the connection between the Church and the Memorial Garden.

39. It is evident from all of the material before me that, from the start and throughout the development of this scheme, the sensitivities of those who have the remains of loved ones in the garden have been considered at all stages by all concerned in the development. Whilst some of the objectors fall into the category of those with ashes of relatives in the garden, it is evident from PCC Minutes and other records that there are other members of the congregation who have the ashes of relatives therein who support the scheme. I find that proper consideration has been and continues to be given to those matters.
40. There will be no building on any part of the garden which contains interred remains. During the building work it is possible – indeed likely – that there will be some passage of people and materials over the lawn area in which remains are interred, but any grant of permission would have a condition that prior to such work proper arrangements would have to be agreed with the DAC and, as the petitioners say in their response, stringent conditions would be written into the conditions of contract.
41. The ultimate question for me is to decide whether the petitioners have made out an adequate case justifying this proposed scheme, addressing all of the issues that have been raised and answering adequately the points validly made by objectors who are expressing sincerely and deeply held views.
42. It is, in my judgement, unarguable but that the Church in general – and in this case St George's – needs to change and adapt in order to reach out to the wider population and to younger people, if it is to attract new members and worshippers. The Vision Statement is a laudable and succinct setting out of aims and I find that the PCC, acting on behalf of the congregation, have taken this scheme forward to attempt to put that into effect. I am satisfied that throughout this process they have had in mind those with connections with the

Memorial Garden and taken those into account in their planning and decisions.

43. At the end of my consideration of all of the mass of material with which I have been provided, I am persuaded that the petitioners have made out a proper case for this faculty application to succeed. I am acutely conscious that that decision will almost certainly cause genuine upset to a number of the objectors but I make the decision in the profound belief that, ultimately, this scheme will enhance the Christian mission of the congregation of St George's and advance the Diocesan vision: "growing church, bringing hope".

44. I have considered with care whether the dismissal of the appeals against the refusal of listed building and planning permission in relation to the Church Hall ought to have any effect upon my decision – as clearly the plans in relation to that are going to have to be re-thought. However I consider that, whilst the PCC correctly has a whole site approach, this scheme is discrete in its own right and ought to be able to proceed whatever the eventual outcome of plans for the Church Hall.

45. I have also considered whether the current closure of churches and lockdown caused by the Covid 19 crisis ought to play any part in my granting a faculty for a scheme of this extent, but I consider that it is important that positive plans for the future of the Church remain in place and should not be deflected by the current crisis, even though it is of the utmost gravity. Indeed, it may be that some would argue that at this time the Church should be even more vigorous in proclaiming its message.

46. In the light of the extent of the scheme I will grant a period of 3 years for the work to be completed, although I note that the current grant of Planning Permission requires commencement of the work prior to 28 February 2022. That may need addressing in due course and an extension sought.

47. I will make it a condition of the grant of the faculty that no work is to be begun nor any contract for work entered into until all proper funding is in place and a further condition that prior to any work commencing the DAC are to be provided with plans to ensure the proper safeguarding and integrity of that

area of the Memorial Garden which contains interred remains and to give approval to those plans before the commencement of any work.

48. As there have been objections to this petition the petitioners will have to pay the additional costs that have been incurred as a result of the significant amount of additional work that has been required by myself and the Registrar, set out in the Fees Order which I make.

Euan Duff  
Chancellor of the Diocese of Newcastle  
5 April 2020.

## **APPENDIX A**

### **DIOCESE OF NEWCASTLE**

#### **In the Consistory Court**

#### **In the matter of a faculty application in relation to the Church of St George, Jesmond**

### **DIRECTIONS**

In the light of the fact that this faculty application has resulted from a “Whole Site Development Project” and the fact that the majority of the objectors make reference to the Church Hall, as do the Petitioners in their response, it is impossible properly to determine this faculty application without knowledge of the plans for the Church Hall, the stage of the planning application for any changes to the Church Hall, and if and when any such changes may occur.

Whilst the Church Hall is not under faculty jurisdiction a complete picture must be presented before it will be possible to determine this petition.

Accordingly the Petitioners are to provide the following information:

1. What the current plans for development of the Church Hall are, with details of the available and proposed funding, details of the planning application made and the result of that application and current situation in relation to any appeal.
2. A complete breakdown of the usage of the Church Hall over the past two years, with details of the bodies/organisations using the same, times of the use of the Hall, rentals paid and all details so that an entire picture of the use of the Hall is available.

3. Details of any market or other research done into potential uses for the Church Hall and the proposed “Garden Room” and the results of any such researches.
4. Details of all consultations with members of the congregation and the local community since 17 December 2015 in relation to the current or any earlier proposed application and the minutes or record of such consultations.

The Registrar is to write to the objector, Mr Ian Ness, providing him with a copy of these Directions and inviting him to make further submissions, with reference to any supporting documentation, detailing on what basis he maintains that “The Memorial Garden is actually the whole space enclosed by the boundary walls/fence and the west end of the Church including all paths, seats, planting beds and the setting of the Evetts Crucifix” (his letter of objection paragraph 2) and upon what material he bases his submission that “The site shown in the original brief approved by the parish excluded any building on the whole Garden” (his letter of objection paragraph 6).

The Petitioners and Mr Ness may supply any further information which they believe may assist in the determination of this petition.

These Directions are to be complied with and all material supplied within 56 days hereof.

Euan Duff

Chancellor

22 October 2019.

## **APPENDIX B**

### **DIOCESE OF NEWCASTLE**

#### **In the Consistory Court**

#### **In the matter of a faculty application in relation to the Church of St George, Jesmond**

### **FURTHER DIRECTIONS**

Consequent upon the material supplied by the Petitioners and the objector Mr Ian Ness, in response to the Directions of 22 October 2019, further information is sought.

1. The petitioners have not yet supplied the minutes or records of consultations with the congregation and local community in relation to the application for the extension to the church. Please supply all such minutes/records since 17 December 2015.
2. The petitioners have supplied an Overview of PCC Minutes regarding Whole Site Plan/Church Extension from 15 May 2013 – 17 January 2017. Please supply a similar document setting out an overview of PCC Minutes for meetings from 17 January 2017 to 3 April 2019 (date of Petition).
3. In his response to the Directions of 22 October 2019 Mr Ness refers to the son of the donor of the land for the Memorial Garden and to documentary evidence in the possession of that individual. Mr Ness further comments that the individual has been ill, so that he has not asked him for permission to send copies of the documentary evidence. Mr Ness is respectfully asked to consider this matter further and, if at all possible commensurate with a

proper consideration for the individual, obtain and supply (if Mr Ness does not already have copies of the documentary evidence) or supply (if he already has such copies) copies of the documentary evidence for consideration. If no such evidence is to be supplied Mr Ness is to notify the Registrar of that fact.

4. The above Directions are to be complied with and all material supplied within 28 days hereof.
5. The Deputy Registrar has been informed that the appeal against the refusal of planning permission in relation to the Church Hall was to be heard on 13 February 2020 and that the PCC will “hopefully have his ruling ....shortly thereafter”. As soon as the result of the appeal is known it is to be supplied to the Deputy Registrar.

Euan Duff

Chancellor

21 February 2020.