

30 April 2015

In the Consistory Court of the Diocese of Chichester

0294

## In the matter of St Mary, Slindon

### Judgment

1. By a petition dated 17 November 2014, a faculty is sought for the addition of a fully accessible lavatory, for a small kitchen facility and for roof repairs. St Mary, Slindon is listed Grade I and built of flint rubble with ashlar dressing. The present church dates from 1106. Archbishop Stephen Langton, who is very much in the public consciousness this year with the eight hundredth anniversary of the sealing of Magna Carta, died in the manor of Slindon on 9 July 1228.
2. The petitioners have demonstrated an exemplary approach to the consultation process and I have been impressed by the constructive engagement of all concerned and the mature manner in which the parish has been attentive to the issues raised and revised their plans accordingly. What follows is a summary of the position of each of the consultees at the conclusion of a lengthy, meticulous and respectful process.

*Diocesan Advisory Committee:* The DAC issued a Notification of Advice on 18 March 2015 recommending the proposal.

*Planning Permission:* The South Downs National Park Authority granted planning permission on 1 September 2014, as did Arun District Council on 12 November 2014.

*Victorian Society:* The Victorian Society indicate its consent by email dated 13 June 2014.

*Church Buildings Council:* Constructive and supportive observations were made by the CBC by letter dated 1 May 2014.

*The Society for the Protection of Ancient Buildings:* made very helpful contributions, but I invited further clarification on one particular matter where its view differed from that of other consultees. SPAB was concerned at the cutting through of the fifteenth century west wall of the north aisle. It considered this intrusion into the fabric of the church to be unnecessary as a level external access was possible from the church to the lavatory.

*Ancient Monuments Society:* signified its concurrence by email dated 13 March 2014.

*English Heritage:* An email from English Heritage dated 12 March 2014 records its broad approval to what is proposed.

3. The Statement of Significance and Statement of Needs fully sets out the important heritage aspects of the church's fabric and the manner in which the proposed works, both individually and collectively, will foster the work and mission of the church. Its objectives are clear and well thought out and the strategic clarity of the parish's vision is commendable.

4. Adopting the framework and guidelines commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, a series of questions need to be addressed which I take in turn.

*Would the proposals result in harm to the significance of the church as a building of special architectural or historic interest?*

5. Yes.

*How serious would the harm be?*

6. SPAB takes the view that the harm would be extremely serious, whereas the other amenity societies seem to view it as less so. I am very mindful of the expertise which SPAB brings to bear, and in my experience, SPAB is not an organisation which 'cries wolf' and rails against proposals merely for the sake of it. SPAB's response is invariably measured and balanced and the contribution it makes to the consultative process is always constructive and soundly based. However in this matter I must consider the evidence overall including that of the Victorian Society, the Ancient Monuments Society, English Heritage, the DAC and the CBC. In my assessment, based on the totality of the evidence, I consider the harm (albeit limited and localised) which would result from these proposals to be noticeable but not serious in the context of the building overall.

*How clear and convincing is the justification for carrying out the proposals?*

7. As I have already indicated, the parish's justification for these works is clear and convincing, both in relation to generality of the works overall and the particular aspect where SPAB persists in its specific concern. The parish took the trouble to reflect once more upon SPAB's view and to revisit its proposal. In a letter dated 28 April 2015, the petitioners informed the court of the genesis and development of their plans, and the strong advice it had received from the DAC to break through the entrance in the north west wall. Other means of access were considered and ruled out.
8. The petitioners make the point, with some force in my view, that requiring the elderly, the infirm and the young to leave the building and walk to an externally accessed lavatory would undermine the whole purpose of installing such a facility and would frustrate the underlying thinking of the scheme to make the building more appealing for a wider range of individuals to attend a wider range of activities. This would be the case notwithstanding that the exterior route would be relatively short and over even ground. Even a short journey would be unattractive particularly in the dark or when the weather is inclement.

*Will public benefit outweigh any harm?*

9. This question, which I have truncated, is predicated upon the fact that there is a strong presumption against proposals which will adversely affect the special character of a listed building. I am mindful of that heavy presumption. I am also mindful that potential public benefit includes matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its life as a place of worship and mission.
10. In carrying out this delicate balancing exercise in relation to these particular proposals (which are in truth at the more modest end of the scale), I am satisfied that the petitioners have more than discharged the burden on them to show public 'benefit' and that the Statement of Needs is shot through with a careful and realistic assessment of how these modest changes will significantly enhance the mission and witness of the

Church of England in the parish. On the totality of the expert opinion available to me, I regard the likely harm to the significance of the church as a building of special architectural or historic interest to be no more than moderate. I am in no doubt that in this instance, considering all the material before me, the public benefit outweighs any likely harm.

11. I therefore order that a faculty pass the seal.

The Worshipful Mark Hill QC  
Chancellor of the Diocese of Chichester

30 April 2015