

Neutral Citation Number: [2023] ECC Car 4  
Application Ref: 2023-081590

**IN THE CONSISTORY COURT OF THE DIOCESE OF CARLISLE  
IN THE MATTER OF ST MARY'S CHURCH, THRELKELD**

Deputy Chancellor Richard Lander  
Determined on the papers and without a hearing

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**JUDGMENT  
Delivered on 18<sup>th</sup> December 2023**

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Introduction and background

1. A petition was presented to the Court on 8 May 2023 by Charles Henry Hope (Priest in Charge), Susi Strang Wood (Associate Minister) and Michael Hambrey (PCC Member). The petitioners seek a faculty for internal works at St Mary's Church, Threlkeld ("the Church").
2. The Church is a relatively small Grade II listed building, located in the centre of the village of Threlkeld. The village is located within the Lake District National Park, a few miles to the north east of Keswick.
3. The Statement of Significance, which has been prepared by Paul Grout, a Chartered Architect, contains a clear and helpful description of the Church. By way of summary, the building dates mainly from 1776, and was constructed in a plain classical style. The interior, which is affected by the proposed works, was remodelled in 1911. It

consists of a raised chancel area with small vestries at each corner. The panelling at the east end and the choir pews include attractive carvings, which are said to be of high quality and of considerable local interest. By contrast, the three blocks of pews are described by Mr Grout as “simple Nave pews”, made of pine in a simple and conventional design, and considered to be of low significance.

4. The Statement of Significance says little about the windows of the Church, but it appears from other documents that there are windows on the north and south elevations, as well as a larger East Window. This is a stained glass window depicting the finding of the lost sheep, created by Francis Skeat and installed in 1958.
5. The proposed works are the first phase of a wider renovation and improvement project. They consist of the following:
  - (1) The removal of the nave pews;
  - (2) The construction of an internal toilet and kitchen;
  - (3) Insulation of the roof;
  - (4) Secondary glazing to the windows;
  - (5) Removal of existing oil based heating system and installation of air source heating with secondary infra-red panels;
  - (6) Upgrading of entrance doors, with glass panels on internal doors and the replacement of louvres with solid panels on the external doors;
  - (7) Miscellaneous repairs to the west tower as identified in the Quinquennial survey.

6. Of these, items (3), (6) and (7) are uncontroversial, and would not of themselves have merited the preparation of a detailed judgment. It suffices to say that the DAC is in support of these proposals, subject to certain entirely sensible conditions to which I shall return towards the end of this judgment.
  
7. As to the other items, certain objections and concerns have been raised by those consulted on the proposals. These are:
  - (1) An objection from a parishioner, to the reordering of the Church in general;
  - (2) Concerns raised by Historic England about the lack of detail in some of the proposals;
  - (3) An objection by Historic Buildings & Places to the installation of secondary double glazing.
  
8. None of those objecting or raising concerns has sought to become a party, but I have taken into consideration the points raised when preparing this judgment.
  
9. I should add that the Diocesan Advisory Council (“DAC”) is generally supportive of the proposals, subject to certain proposed conditions, to which I shall refer later in this judgment.
  
10. By way of completeness, these proposals relate to the first phase of works to be done at the Church. The proposal is that these works will be followed by a second phase, involving the construction of a new entrance at the west end of the Church, the construction of a full height partition separating the area in which the kitchen and

toilet are to be situated from the rest of the Church, and the installation of new lighting and photovoltaic panels.

#### Objection by one of the parishioners

11. An informal objection was received from a parishioner living within the village of Threlkeld. By a letter, undated but received on 24 May 2023, she objected in general terms to the reordering of the Church. She did not wish to become a party to the proceedings, but her letter is something that I take into account when making my decision, pursuant to rule 10.3(b) of the Faculty Jurisdiction Rules 2015.
12. In her letter the parishioner has indicated that not everyone in the village supports the proposals, particularly the proposals to remove pews and create a meeting room and a kitchen in the Church. There appear to be two reasons given for this. The first is that there is no need for these alterations, given that there is adequate accommodation for meetings and other events in the village hall (which has been altered and modernised, with kitchen facilities) or in the rectory. The second is that some families in the village can trace their families back several generations and (I assume, although this is not explicitly stated) would not wish for the interior of the Church to be changed.
13. After the letter was received, meetings took place between the parishioner and the Priest in Charge, Revd Charles Hope, to discuss her concerns. By a letter of response dated 19 June 2023 Revd Hope summarised the discussion which had taken place at

those meetings. It appears that the parishioner recognised the need for a toilet and a kitchenette in the Church, but not the need for a full kitchen or the need to remove all the pews.

14. The said letter also provided further detail as to the need for the works. I propose to deal with these points when looking at the proposals within the Petition individually below.

Concerns raised by Historic England, Historic Buildings & Places, the Victorian Society and the Churches Building Council

15. In its response to consultation, dated 2 February 2023, Historic England raised concerns about the lack of detail in the proposals about certain aspects of the proposed works. In particular it is has been suggested that the following are lacking:
  - (1) Constructional details demonstrating how the toilet, kitchen and meeting room will be formed;
  - (2) Details of how the service runs will be installed, including those needed for the new facilities and the air source heat pumps;
  - (3) Sectional drawings showing how the insulation will be installed, as well as details and specifications of the products to be used;
  - (4) Details and specifications of the new air source heat pumps and the enclosures to screen them, as well as a justification for the quantum and location of the units.

16. In its consultation response, dated 7 February 2023, Historic Buildings & Places raised concerns about the secondary double glazing, particularly in relation to the East Window.
17. The views expressed by Historic England and Historic Buildings & Places have been endorsed by the Victorian Society.
18. The Church Buildings Council (“CBC”), in its response dated 24 March 2023, has raised a number of points, again largely relating to lack of detail with a number of the proposals.
19. As with the matters raised by the parishioner, I shall deal with the points raised by these four consultees when looking at the individual aspects of the proposal.
20. By way of general comment at this stage, I share the concerns expressed by Historic England and the CBC about the lack of detail in some of the proposals. The Petitioners have explained to the DAC that they are in a slightly difficult position in that they need to have a decision in principle in order to raise the funds to carry out the works. Nevertheless, since a number of the more definite proposals seem to be inextricably linked to matters that remain to be decided, this has caused significant complication.
21. The Notification of Advice from the DAC includes a lengthy narrative in the section commencing “The Committee recommends the works or proposals for approval by the court [subject to the following provisos]:”. This discusses some of the lack of detail

and suggests various ways of dealing with this. I have not found this long narrative to be particularly helpful when considering the proposals, as it does not distinguish clearly between discussion about the proposals and the conditions that the DAC suggests should be imposed.

### The Duffield Framework

22. The starting point in cases of this type is that the Petitioners must prove both the need for the proposed work and the appropriateness of that work: see, for example, *Re All Saints, Melbourn* [1990] 1 WLR 833 (Court of Arches).
23. Moreover, in the case of a listed building, the burden of proof is a relatively heavy one. The leading authority is *Re St. Alkmund, Duffield* [2013] Fam. 158 (Court of Arches). At paragraph 87 of his judgment, Charles George QC, Dean of the Arches, posed a series of questions, which have become known as the Duffield Framework. These questions were intended to be of assistance to chancellors determining petitions of this type, and have been applied regularly in such cases since then.
24. The questions posed in *Duffield* were the following:
  - “(1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?”

- (2) If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals: see *Peek v Trower* (1881) 7 PD 21 , 26–28, and the review of the case law by Bursell QC, Ch in *In re St Mary's Churchyard, White Waltham* (No 2) [2010] Fam 146 , para 11. Questions 3, 4 and 5 do not arise.
- (3) If the answer to question (1) is “yes”, how serious would the harm be?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *In re St Luke the Evangelist, Maidstone* [1995] Fam 1 , 8), will any resulting public benefit (including matters such as liturgical freedom, pastoral wellbeing, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II\*, where serious harm should only exceptionally be allowed.”



## The specific items

### *Removal of the pews*

25. The proposal is to remove the pews from the nave, retaining four example pews (three short and one long) for display.
  
26. There is no suggestion from any of the bodies consulted that this proposal would, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest. However, the CBC has said that it cannot comment in the absence of more information about the origin of the pews, and in particular whether they were designed by an architect or bought from a catalogue. This information is not currently available and there is no suggestion that it could be found.
  
27. There is an implicit suggestion in the parishioner's objection that the removal of the pews would be detrimental because many in the village would not want to see the interior of the Church changed in this way. I take this point to be more an objection based upon an unwelcome change to a familiar place rather than upon the significance of the Church as a building of special architectural or historic interest.
  
28. On the basis of the information currently available to me, I consider that (so far as the pew removal itself is concerned) the answer to the first of the questions in the Duffield is in the negative, and that the proposal would not result in any, or any significant, harm to the Church as a building of special architectural or historic interest.

29. I have given some consideration to the question of whether, in the light of the comments from the CBC, it would be appropriate to require further investigation into the origin of the pews. Bearing in mind the overriding objective, and the need to deal with this matter expeditiously, I have concluded that this would not be an appropriate course of action. Whether or not the pews are bespoke items makes little difference; it seems to be the general view that they are of a conventional design and they are, in themselves, unremarkable.
30. Moreover, if I am wrong on this point, and the removal of the pews would cause harm to the significance of the Church as a building of special architectural or historic interest, such harm would, in my judgment, be small. For the reasons set out immediately below, I consider that any such harm would be mitigated by the preservation of sample pews and clearly outweighed by the compelling justification for carrying out the proposal to create a flexible space within the Church, to which I shall now turn.
31. Turning to that justification, the vision of the PCC, which has led to the proposals to reorder the Church, is set out in these terms in the Statement of Need:

*“To reach out and serve our village by creating a community hub, open to all ages and backgrounds, where people can experience the love of Jesus and the presence of God in His house, and grow in their walk with Christ.”*

32. The Statement of Need identifies a number of existing and potential uses of the Church that would be made either possible or easier with a flexible space. These include the following:
- (1) Increased use by children from the local school, the relationship between the school and church within the village being good;
  - (2) Use as a meeting place for mothers and toddlers/babies;
  - (3) Use as a meeting place for older and more frail members of the community;
  - (4) Use by local youth and children's groups such as Threlkeld Youth Group and the local Brownie group;
  - (5) Use for church fund-raising activities, social and outreach events such as Harvest Suppers, Christmas Fayres and the like;
  - (6) Potential for diversity of Worship and Fresh Expression, such as Messy Church, Café Church, Breakfast Club, Film Club, Men's Group and Knit and Natter. The Statement of Need makes the point that dropping church attendance and the increasing age of regular worshippers provides a strong indication of the need to 'do church differently' in a vibrant community of young families as well as elderly residents;
  - (7) Increased use for weddings. The present layout is said to deter such use because there is no central aisle and no ability to create one.
33. A draft monthly timetable for these various events has been prepared, which is helpful evidence, as it shows the potential for extensive and regular use of the flexible space. In my judgment, the wish to provide a space for these various uses, which would be

difficult or impossible with the current fixed pew arrangement, provides a compelling argument that there is a need for a more flexible space.

34. The parishioner's point is not that there is no need for a flexible space for community activities but that such a space is already provided in the village hall and, perhaps to a lesser extent, within the rectory. That may be so, but the response from Revd Hope points out that the village hall is often unavailable, and charges its users for the time and space they use. There are difficulties with the layout of the rectory, but on any analysis, it would not be suitable for most of the activities proposed, bearing in mind that its primary purpose is to provide a home. I accept that there is a clear benefit in being able to use the Church building for the proposed activities, as opposed to other buildings within the village, so as to foster relationships within the Community and to develop the life, ministry and missions of the Church.
35. Taking all these points into consideration, in my judgment the Petitioners have demonstrated that there is a compelling need for the removal of the pews, and that this would not of itself result in any, or any significant, harm.
36. Nevertheless, the problem that the Petitioners face is that the removal of the pews is only one of the things that is required in order to create a flexible space within the Church. Another important element is the replacement of the pews with suitable alternative seating, as to which there are currently no detailed proposals. I tend to agree with the following comment made by the CBC:

*“The key to justifying their [i.e. the pews’] removal will be their replacement with high quality, unupholstered replacement chairs.”*

37. Through the Registrar I raised this point with the PCC and the DAC, in the following terms:

*“I also have some concerns about dealing with the removal of the pews in isolation from deciding the replacement seating, as it seems to me that these are two sides of the same coin. I am unlikely to approve the removal of the pews in isolation, leaving the congregation with nowhere to sit.”*

38. The response from the PCC was that the DAC Notification of Advice had recommended that the decision on the precise style of chairs should be deferred to a later date, and that the PCC shared that view, because of a range of opinions on chairs with or without material coverings. In those circumstances, the wish of the PCC was that the removal of the pews should be authorised, so long as the PCC applies with expedition for a further faculty with details of the chairs that are going to be used.
39. In my judgment, it would not be right simply to authorise the removal of the pews without the benefit of any information as to how they would be replaced. Nor would it be right to grant a faculty, a condition of which is the making of a loosely defined application for a further faculty.

40. One straightforward option would be to refuse to grant the faculty, at least insofar as the proposals relate to the creation of a flexible space. However, that would leave the Petitioners in the unfortunate position that they would have to start all over again. This would delay the implementation of the project and require additional expenditure.
41. There are many decisions from Chancellors in all parts of the country dealing with issues relating to chairs. The usual issues are whether it is appropriate for replacement chairs to be upholstered and, if so, as to the colour and type of upholstery to be permitted.
42. The CBC has published a Guidance Note on suitable chairs for use in churches; it is readily available on the internet. This is well reasoned advice by an experienced body, and it is clearly something that has to be taken seriously when making decisions about chairs. The following is an extract from the Guidance Note:

*“With many years of experience and having seen a range of completed schemes, the Church Buildings Council generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary. The Council’s experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long life-spans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design.*”

*Upholstered seats are not considered to be appropriate for the following reasons:*

- They have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church;*
- Experience demonstrates that upholstered seating needs more regular refurbishment (wear and tear, staining) than seating without upholstery. This is especially true of multi-use churches where it will be normal to eat and drink regularly on the chairs;*
- They are heavy and therefore more difficult to arrange and stack;*
- The addition of soft furnishings can alter existing acoustics;*
- Wood tones and textures fit well within church buildings and have been used for centuries in this context, whilst some colours have associations with other types of buildings such as offices.”*

43. Common sense dictates that the pews will have to be replaced with chairs, and the use of high quality unupholstered wooden chairs is not likely to prove controversial. There are a number of examples of suitable wooden chairs in an appendix to the Guidance Note.

44. By contrast, any suggestion that pews should be replaced with upholstered chairs is likely to prove far more controversial. It would not be right, in my judgment, to grant a faculty which allows for the replacement of the pews with unspecified upholstered chairs, or allows that decision to be made by the Archdeacon or the DAC, rather than by this Court. Moreover, if the Petitioners wish to proceed with an application to use

upholstered chairs, it seems to me that there should be an opportunity for consultees to comment on the type and colour of the upholstered chairs that are proposed.

45. In those circumstances I propose to grant the faculty, insofar as it relates to the removal of the pews, on condition that the pews are replaced with high quality unupholstered wooden chairs of a type listed within the examples given in the Guidance Note, and which are approved in advance by the DAC.
46. This effectively gives the PCC an option between replacing the pews with wooden chairs of the type just described or, if the preference is for upholstered chairs, seeking the approval of this Court for such chairs. This would, of course, require further consultation, not least because the CBC has hinted in its response that it might well be opposed to the use of upholstered chairs. I do not intend to pre-judge the outcome of any such application.

#### *Construction of an internal toilet and kitchen*

47. I can deal with these proposals much more succinctly. They are part and parcel of the overall proposal to create a flexible space within the Church for the activities I have described above.
48. At the moment the nearest toilets are in the local pub and in the village hall, both of which are a walk away from the Church. The need to leave the Church to go to the toilet in another part of the village is obviously undesirable, particularly bearing in



mind that many of the users of the building will be either too young or too infirm to walk to another building. There may of course be occasions when the toilets in the other buildings are simply not available. The need for a toilet within the Church is clear and obvious, and there is no suggestion that it would, of itself, result in harm to the significance of the church as a building of special architectural or historic interest.

49. As for the kitchen, a point raised by the parishioner was that there was no need for anything more than a kitchenette for the preparation of tea and coffee. The CBC made a similar point, questioning whether there was a need for anything more than a basic food warming facility. It is fair to say that the plans show that the kitchen would be quite large compared with the interior of the Church as a whole.
  
50. For my part, bearing in mind the proposed uses of the Church, I accept that there would be considerable merit in having a proper kitchen facility within the building. The Statement of Need identifies the following uses, or potential uses for such a kitchen, namely lunch club, messy church, breakfast club, café church, fundraising and youth work.
  
51. Whilst the Petition specifically refers to the creation of a toilet and a kitchen, a further proposal shown on the plans relates to the creation of a meeting room alongside the toilet. Revd Hope has expressed a particular wish for such a room for the purposes of holding small meetings.

52. Applying the Duffield principles, I do not consider that these proposals would, of themselves, result in harm to the significance of the church as a building of special architectural or historic interest. If they would result in harm, any such harm would be modest and would be overridden by the clear justification for the proposed works.
53. However, once again the difficulty highlighted by the CBC is that the plans for these works are rather vague, both in terms of finish and the routing of services. In this instance, I consider that these are minor matters that can be covered by the imposition of a condition that the partition walls shall be plaster boarded and skimmed, and the routing of services shall be the subject of prior approval from the DAC, taking into account such archaeological advice as the DAC considers appropriate.

#### *Secondary glazing*

54. One of the more controversial aspects of the proposal is to instal secondary double glazing to the windows of the Church. The proposal relates to the side windows on the north and south elevations as well as the larger East Window.
55. In its Guidance Document relating to the Conservation of Stained Glass Windows, the CBC stated quite clearly:

*“Secondary glazing is never suitable for historic stained glass windows.”*

56. The guidance contained in the document *“A practical path to “net zero carbon” for our churches”* is slightly more nuanced. It suggests that churches should consider secondary glazing in well-used areas such as offices, vestries and halls. However, when dealing with the main historic windows of a church it says this:

*“By exception. These actions are often mentioned in this context but are generally not recommended, because of the risk of harm to the fabric, energy used, and/or the cost.*

*X Standard secondary glazing on the main, historic windows (this can be inefficient, expensive, & cause damage).”*

57. The DAC is supportive of the proposal to instal secondary glazing.
58. However, the CBC has commented as follows:

*“The proposed insulation panels and secondary glazing will have a significant impact on the appearance of the church. It would be useful to have a heat loss audit to demonstrate that these are the areas which will have the greatest impact on heat loss. [...]*

*The Practical path to net zero carbon states that permission for secondary glazing to the main windows of a church should not normally be given as it can be inefficient, expensive and cause damage. The possible condensation caused by secondary glazing could harm the leading of the beautiful Arts and Crafts*

*windows. Unless it can be shown that the proposed secondary glazing would make a substantial difference, and not cause damage, the Council will not be able to support this element of the proposals.”*

59. Historic England has commented on the lack of detail as to how the secondary glazing will be installed and how it will be fixed into place.
60. Historic Buildings & Places has drawn attention to the policy documents from which I have already quoted, raising particular concern with regard to the east window and urging caution with the other windows. The concerns include distorting the appearance of the East Window through glinting and reflection on the secondary skin, as well as making maintenance, repair and ventilation more problematic for all windows.
61. The concerns of these bodies have not been addressed by the Petitioners or the DAC in any detail.
62. Having considered the comments, I have concluded that the observations made with regard to lack of detail are well-founded. I have seen no detail as to the likely heat saving or other benefits, nor have I seen any information as to what the proposed glazing units would look like, how they would be fitted or how they could be removed for maintenance and cleaning operations.

63. It is suggested in the Statement of Significance that secondary double glazing consisting of slender aluminium frames and clear glass without internal glazing bars has been used at another church within the Diocese, namely Jesus Church Troutbeck. I have taken the liberty of looking at photographs of that installation that are available online, on the installer's website, accompanied by comments from those involved which show a favourable reaction to the installation:

[https://www.selectaglaze.co.uk/media/images/jesuschurch\\_5095.pdf](https://www.selectaglaze.co.uk/media/images/jesuschurch_5095.pdf)

64. Notwithstanding this, I do not propose to grant a faculty which gives permission for the installation of secondary glazing at this stage. There are two reasons for this.

65. The first is almost complete absence of information about the proposed secondary glazing, which I have already mentioned above.

66. The second, which ties in with the first, is that the application of the Duffield Framework to the current proposals leads to the following conclusion, in my judgment.

*(1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?*

In my judgment the answer to this is that the installation of modern secondary glazing in a historic church will almost always result in such harm, and this case is no exception.

(3) *How serious would the harm be?*

In the absence of clear information about the proposal, the answer to this is that there is potential for serious harm, both from an aesthetic perspective and also from the point of view of maintenance, repair and ventilation.

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

In the light of the CBC guidance, a clear and convincing justification is particularly significant in a secondary glazing case. However, no clear and convincing justification has been put forward. I might, for instance, have expected to see evidence as to the likely thermal or other benefits, and why such benefits could not be achieved in a less intrusive manner, as well as evidence as to how any aesthetic and other issues could be mitigated.

(5) *Will any resulting public benefit (including matters such as liturgical freedom, pastoral wellbeing, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?*

No clear explanation of the public benefit has been put forward.

67. Taking all these points together, the Petitioners have not satisfied the Court that permission should be granted.

*Removal of existing oil based heating system and installation of air source heating with secondary infra-red panels*

68. The existing heating system consists of a second hand domestic oil burning boiler, housed in an unattractive external boiler room. This heats the Church via 70 year old pipes and 3 steel column radiators. It is ineffective; even after 3 hours of operation on a Sunday morning it cannot heat the church to anything approaching a comfortable temperature.

69. Clearly the existing system is poor in almost every respect. It is unattractive, ineffective and runs on fossil fuel. That it should be replaced as part of any significant reordering work is entirely uncontroversial.

70. As to the proposed replacement, the Petitioners have completed the Heating Options Appraisal. I need say little about this, save that after considering the options available, the Petitioners have concluded that the most efficacious heat energy source would be air source heat pumps and the best heating system would be internal fan units located high up on the walls. Underfloor heating, which is more commonly used in

conjunction with heat pumps, would not work because of the historic tiles on the floor.

71. It is clear to me that the Petitioners have had due regard to the Net Zero Guidance, and that the DAC has correctly confirmed that this is the case. The proposed system is the best suitable system available from the perspective of net zero, and as a matter of principle is to be welcomed.
72. However, the proposals to replace the heating system are lacking in detail. This lack of detail has been the subject of adverse comment from Historic England as well as the CBC.
73. Historic England has recommended that further information be obtained prior to the determination of the application, as to the details and specifications of the heat pumps, the enclosures that will screen them, the quantum of units proposed and how their locations have been chosen to limit the impact on the significance of the listed building. It has also indicated that it would welcome being reconsulted when the additional information has been submitted.
74. The CBC has commented on the lack of overall assessment of the heating options. In particular, it has commented adversely on the fact that there is mention of the possibility of radiant heaters being introduced in phase 2, but this has not been included in the options appraisal and there is no M&E engineer's report showing how the Church can be heated effectively.



75. In my judgment there is force in both of these observations. The Church proposes to introduce a heating system which is radically different from the existing system in all respects.
76. I might have expected to see, on an application of this nature, an assessment by a suitably qualified engineer as to how heat was being lost, what was required to heat the Church, how these requirements would be met by a specific heating system, where the elements of that heating system would be located, how they would be connected to each other, what they would look like and how any aesthetic issues (internal or external) might best be overcome.
77. In the event there is little by way of assessment, save for plans showing the proposed location of the air source heat pumps and the proposed screening methods.
78. The principle of using a heating system based upon air source heat pumps seems to me to be relatively uncontroversial from a net zero perspective. However, I do not consider it appropriate to grant a faculty allowing the works in principle, because there has been a failure to address the detail allowing me to consider the Duffield Framework more generally. Nor, given the lack of detail in a number of respects, do I consider it appropriate to delegate the decision making process to the DAC or the Archdeacon.

## **Grant of faculty and conditions**

79. In summary, I propose to grant a faculty relating to some but not all elements of the proposal, subject to conditions largely as recommended by the DAC. I shall set out my conclusions in relation to each aspect.

### *(1) The removal of the nave pews*

Faculty granted, subject to conditions that (a) no less than four sample pews are retained, and (b) the pews are replaced with high quality unupholstered wooden chairs of a type listed within the examples given in the CBC Guidance Note, and approved (as to type and stain) in advance by the DAC.

For the avoidance of doubt, the faculty is granted on the basis, confirmed by email from the Petitioners, that there will be no fitted carpet.

### *(2) The construction of an internal toilet and kitchen*

Faculty granted (on the basis of the plans submitted "Phasing Plans as Proposed" ref 403/101A). This is subject to the condition that the stud walls for the partitions shall be plaster boarded and skimmed, and the routing of all services shall have been the subject of prior approval from the DAC, supported by such archaeological advice as the DAC considers appropriate.

(3) *Insulation of the roof*

Faculty granted, on the basis of the ceiling installation being plasterboard and skim.

(4) *Secondary glazing to the windows*

Faculty refused, without prejudice to the Petitioners' ability to make a further application supported by more detailed evidence.

(5) *Removal of existing oil based heating system and installation of air source heating with secondary infra-red panels*

Faculty refused, without prejudice to the Petitioners' ability to make a further application supported by more detailed evidence.

(6) *Upgrading of entrance doors, with glass panels on internal doors and the replacement of louvres with solid panels on the external doors*

Faculty granted.

(7) *Miscellaneous repairs to the west tower as identified in the Quinquennial survey*

Faculty granted.

80. This is an unopposed petition, and the costs shall be borne by the Petitioners in the usual way.

RICHARD LANDER  
Deputy Chancellor  
18 December 2023