

Neutral citation number: [2019] ECC Lon 1

IN THE CONSISTORY COURT OF THE DIOCESE OF LONDON

IN THE MATTER OF ST SAVIOUR, UPPER SUNBURY

BETWEEN

THE REVD RONALD CROSS,

ANDREW DAVIS,

BARNABAS VANSTONE

Petitioners

And

AMAL HABER

STEVEN KEMP

1. By a petition dated 10 June 2019 the Incumbent and Churchwardens seek a Faculty for works set out in submitted specifications which amount to the demolition of some unsightly temporary structures at the east end of the church and replacing them with permanent brick built structures to accommodate a commercial kitchen, a crèche, lavatories and a food bank. There is also to be landscaping of the churchyard at the other end of the church. The PCC unanimously passed a resolution relating to these works on 12 November last year. The DAC recommended the works without proviso on 29 January this year. The Victorian Society did not wish to comment. The church is not listed nor is it in a conservation area. The proposals were granted planning permission by the London Borough of Spelthorne on 21 May of this year.

2. Three letters of objection were received in advance of the display of public notices: one from Mr D Dhandwar objecting to the proposals but he did not respond to the Registrar's letter (following the receipt by the Registrar of the Faculty application) asking if he wanted to become a Party Opponent; and two further objections (identical in content, font and layout to each other and the letter from Mr Dhandwar and all dated 12 June) from Mrs Amal Haber and Mr Steven Kemp. A letter was also received from Mr and Mrs Jens Bredahl, who merely made comments on certain aspects of the proposal.
3. Mrs Haber and Mr Kemp indicated that they wished to become Parties Opponent and submitted Particulars of Objection to the Court. Neither of these forms was served on the Petitioners, despite each form being signed to the effect it had been so served on 11 and 10 July respectively. Both Particulars of Objection raised traffic issues that would allegedly be generated by these proposals, as did the original, identical letters of 12 June. They raised no ecclesiastical matters.
4. The Petitioners nevertheless saw copies of the objections and responded to them, pointing out that the objections were based on previous plans, not the ones submitted in support of this petition, and there is to be no addition to the front of the building. They also pointed out that as far as emergency services were concerned, emergency vehicles had successfully attended a major fire on 5 July without any problem.
5. Because of the failure to serve the Particulars of Objection on the Petitioners and signing a declaration of truth that they had, I am not prepared to admit these two objectors as Parties Opponent, but I have taken into account their views and those contained in the identical letters of objection.
6. Road traffic matters and parking on the highway are not strictly speaking issues for the Consistory Court, other of course than the pastoral context and the peaceful enjoyment by neighbours of premises abutting consecrated land. They are, however, very much matters for the local authority and I have no doubt that they would have been considered by the London Borough of Spelthorne when granting planning permission. Taking that into account and the fact that the objections are based on the

wrong plans, the Petitioners have made out their case and there is no good reason for refusing a Faculty.

7. A Faculty may issue on condition that the works are carried out in accordance with the submitted specifications and drawings and in accordance with the terms and conditions of the planning permission.
8. The works are to be completed within twelve months of the date of the Faculty.

HHJ Seed QC

CHANCELLOR

8 November 2019