

Neutral Citation Number: ECC Can 2

**IN THE COMMISSARY COURT OF THE DIOCESE OF CANTERBURY**

**WESTGATE-ON-SEA, ST SAVIOUR**

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**JUDGMENT**

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1. This Petition originally sought authorisation for the installation of a new tea point, comprising:
  - amendment of existing low level cupboards and worktop to the west end of the North Aisle, to accommodate a new sink and taps, which can be concealed with a folding lid cover
  - new water drainage from the Vestry to the west end of the North Aisle
  - new waste water drainage from the new tea point across the corner of the churchyard to be connected to existing waste drainage then along the public road.
2. I raised certain queries about consultation with the Highways and Local Planning Authorities (in connection with proposed drainage works) and cost/funding since the Petition revealed a shortfall.
3. Three letters of objection were received from parishioners, Miss Gillian Lurie, Mrs Joyce Palmer and Ms Christine Bolger. All three raised the matter of cost, amongst other more detailed logistical points, to the effect that the proposed tea point is not necessary either in terms of catering for church events or in connection with use by the wider community. It was said that there are more than enough community buildings in Westgate-on-Sea. The objectors were offered the chance to become Parties Opponent but made no reply.
4. As a result of researching the drainage questions, Mrs Christine Attwood, a Churchwarden Petitioner, informed the Registry in a letter dated 24<sup>th</sup> April 2018 that it was discovered that achieving a sewer connection would cost in excess of £61,000. In the light of this new information, and having considered the letters of objection, it had been decided not to proceed with the tea point. She therefore sought advice as to whether it was possible either to withdraw or amend the Petition. Mrs Attwood also explained that two of the Petitioners (the Revd Dr Peter Rowe and Mrs Brenda Carter) were about to relinquish their respective offices.
5. On 11<sup>th</sup> May 2018, I gave the following direction:

“I understand their application to be either for permission to withdraw their petition or for permission to amend it.

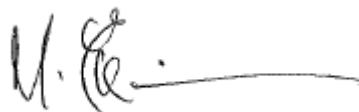
I consider, having read all the correspondence in this matter, that it is possible to permit an amendment here. The amendment, on the face of it, would meet objectors’ concerns. The proposed amendment also reflects the Parish’s careful consideration of the finalised estimate in response to my earlier direction. It is better to amend the Petition to reflect these developments rather than make everyone start afresh. However, when the amendments have been formulated, they should be re- advertised, following informal consultation with the DAC. At the same time, the names of the Petitioners should be amended as appropriate.”

6. Subsequently the Petition was amended to read as follows:

- “● Removal of existing cupboard, worktop, sink, tap, water heater and redundant M&E installations around the water point located in the Vestry and making good the wall and floor for the new cupboard
- Installing and fitting new bespoke cupboard, worktop, integrated stainless steel sink and taps, under-sink water heater
- Making good walls to Vestry and redecoration.”

The Petitioners are now: Mrs Christine Attwood, and Mrs Christine Joiner, Churchwardens and Mrs Brenda Winifred Carter, Project Contact. The Benefice is now in a vacancy. Mrs Carter was a Churchwarden and is continuing to lead on this project.

7. The Diocesan Advisory Committee considered the amended Petition at its meeting on 12<sup>th</sup> July 2018 and recommended it for approval.
8. Public notice of the amended Petition was duly given on 19<sup>th</sup> August 2018. There were no objections.
9. Funding has been secured for the revised project, along with quinquennial repairs. I have already granted a Faculty for the latter.
10. The existing sink and its ancillary unit are very basic and dated, judging from the photographs submitted by the Petitioners. They are in the vestry and the proposal is for the new unit to be installed in the same location. Replacing them will improve both efficiency and appearance.
11. The Church is listed at Grade 2. Its heritage significance derives principally from the architectural and historic values exhibited by its design as a seaside “Estate” church and the fine Kempe stained glass. The DAC advise that the proposed alterations to the Vestry will have no effect on the heritage significance of the building. I agree. There is, therefore, no need for me to address the Duffield questions anyfurther.
12. The amended Petition proposes works which will, at modest cost, modernise the facilities for making and clearing up after refreshments at the Church. It is uncontroversial and fully funded. I propose to grant a faculty, subject to standard conditions as to timing and insurance.
13. The costs of, and occasioned by, this Judgment are to be paid by the Petitioners.



MORAG ELLIS QC  
Commissary General

9 November 2018