

Judgment

1. This is an application for:
  - a. the creation of an extension to the north side of the church to provide for an accessible lavatory, a kitchen area and a vestry/office,
  - b. the re-creation of the Knight's chapel within the north vestry and
  - c. the creation of an historic display area within the south aisle
  
2. St Andrew's is a grade I listed church of 13<sup>th</sup> Century origin with a north east chapel from the 14<sup>th</sup> century, and a 15<sup>th</sup> Century nave and tower. The church was extensively restored and rebuilt in the middle of the 19<sup>th</sup> century. The interior has a 15<sup>th</sup> century font and, north of the chancel the 'Knight's Chapel' with a fine 14<sup>th</sup> century effigy and a 15<sup>th</sup> century oak screen. The 'Knight's Chapel' is currently being used as a vestry. The church is in a central position in the village of Castle Combe. The village itself was recently ranked no2 in The Times '30 best Villages' in England. In short this is a beautiful church in a beautiful village.
  
3. The petitioner, the Church warden who has clearly worked tirelessly with others to maintain the Church over many years, states that the faculty is required to deal with the particular circumstances of the village and the Church's role within it. The circumstances are that, whilst the village has become increasingly popular for tourists and film makers, the only open meeting space (the Church) remains underused due to the lack of basic facilities and the inflexibility of the building as it remains. The petitioner adds that this petition would reintroduce the Knight's Chapel as an area for quiet prayer rather than as the vestry it currently is. The village museum closed in 2011 and part of the church would be used for display purposes. The improved facilities will encourage more people to attend Church services and make it a more flexible space for liturgy.
  
4. The proposal is that an extension be built to the north side of the Church to provide a kitchen area to the east of which will be a new vestry and opposite that will be an accessible lavatory. By moving the vestry the Knights Chapel can be reinstated.
  
5. There have been extensive consultations with the DAC, Wiltshire Council planning department, English Heritage and SPAB. After these extensive and helpful discussions the plans were altered and are now as prayed above. As a result of the amendments to the original plans full planning permission was granted, and the

DAC approved the project. English Heritage agreed the scheme, having objected to the original plan. SPAB originally adopted the objections of English Heritage.

6. No objections have been made since the Public Notice was displayed and several letters of support have been received.
7. The decision I have to make is guided by the authority of the Court of Arches in the case of *in Re St Alkmund, Duffield* (2012) 14 Ecc LJ 461-461 which set out the questions I have to consider:

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.
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, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, 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 1 or 2\*, where serious harm should only exceptionally be allowed.

8. The test in this case is not quite as clear cut as in other cases. The extension to the church will alter the footprint of the church and will necessitate cutting an opening into the North wall of the building. This has to be weighed against the fact that the new design of the extension is unobjectionable to the amenities bodies consulted, the opening will be through a nineteenth century wall which in turn appears to have blocked an original thirteenth century aperture and will result in the reinstating of a Chapel.
9. I am satisfied, having looked at the plans, the photographs and the submissions that the answer to the first question is "no", despite this being a Grade I listed building. I am further satisfied that the ordinary presumption of "in favour as they stand" can be rebutted in this case. The Church will be able to welcome people in a civilised way to secular and religious functions, the village museum will be given a home and a 15<sup>th</sup> Century Chapel can be restored for the spiritual well being of parishioners and visitors alike.
10. I grant the faculty as prayed subject to two conditions:

- a. There is mention of pews being 'removed'. Nobody has addressed this in the various discussions I have seen. I need to know precisely what is being proposed, and what the views of the amenity bodies are. I do not simply want to presume that they are in agreement without further notice.
- b. The work is to be carried out subject to the conditions identified by the Wiltshire Council Planning Permission report and the recommendation by the DAC.

St Chad's Day, 2016

Justin Gau,  
Chancellor