

IN THE CONSISTORY COURT
OF THE DIOCESE OF WINCHESTER

[2017] ECC Win 2

Re.: St. THOMAS, CHARLTON

JUDGEMENT

1. The Petitioners (the Priest in charge and the two Churchwardens) seek a Faculty for the installation of an audio visual system in the body of the church with a motorised screen located behind the chancel arch, a projector mounted on a roof cross beam and cabling to the rear of the church to a control location.
2. The Parish wish to reach out to the local community in new and different ways to encourage involvement with the church and to spread the message of the Gospel. The Parish consider that the use of audio-visual equipment was something that younger people were familiar with and indeed expected as part of modern communication.
3. The Petition has the support of the Diocesan Advisory Committee.
4. During the notice period, the Registrar received a single objection from a resident of Andover that stated:
 - ‘(a) It is unnecessary and will cause unwarranted visual intrusion into the sanctuary when in use.*
 - (b) It is unaffordable – in reality the Church had an excess of expenditure in 2016 of about £6,000 (not having paid about £3,000 due to the Hall) with no significant extraordinary expenditure and with no indication of any likely improvement in 2017.’*The objector has declined to become a party opponent and is content for their objection to be taken into consideration on the basis of written representations. A further objection was received several days after the notice period had expired making identical points to the above objection.
5. St Thomas, Charlton was built in 1908 and is in the centre of the village of Charlton but serves a wider area taking in part of nearby Andover. The

church building is used regularly by a number of community organisations. The church building is not considered to contain any special architecture or to be of historical interest. The church is not listed under the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. I have considered the questions as set out in Re St. Alkmund, Duffield¹ where the Court of Arches proposed the following balancing exercise to assist with the determination of applications that may cause harm to a historic church:

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, 26-8, and the review of the case-law by Chancellor Bursell QC in re St Mary’s, White Waltham (No 2) [2010] PTSR 1689 at 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 St Luke, Maidstone at p.8), 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.’*

7. I have considered the objections. Many churches have introduced audio-visual equipment in order to improve the communication of the Gospel message to their congregation. The necessity of such equipment is best determined by the incumbent and the PCC who appreciate how best to communicate with their congregation. As a consequence, I see no reason

¹ Re St. Alkmund, Duffied 01.10.2012 para 87

to disagree with their assessment of the need for such equipment. There is an inevitability that such equipment when used will hide part of the church for short periods of time. However, I do not see this as causing harm to the church. I do not consider that the comments made on finance amount to a valid financial objection. I note that the Petition refers to the PCC having a balance of funds that significantly exceeds the cost of the proposal.

8. In considering the Re St Alkmund, Duffield questions, I do not consider that the church building is a building of special architectural or historic interest. I do not consider that the proposals will cause harm to the significance of the church, indeed they are largely hidden and entirely reversible.
9. I have had regard to two similar judgements allowing similar Petitions: Re St. Lawrence, Darlaston [2016] ECC Lic 2 and Re St. Nicholas, Kenilworth [2016] ECC Cov 10. In this Petition, I consider that the benefit of improved communication technology being introduced outweighs the general presumption that change should not be permitted.
10. Accordingly, I allow the Petition for a Faculty to be issued and for the work to be carried out with the following conditions:
 - (i) That the work shall be completed within 12 months.
 - (ii) That the inspecting architect must approve all wiring routes and fixings prior to works commencing.

MARK B. RUFFELL
(ACTING CHANCELLOR)

Tuesday 2 May, 2017.