

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of All Saints in the Parish of Cottenham

HISTORY

1. There has been a church at or near where All Saints is now position for at least 800 years. The present building dates from the 15th Century and is Grade I listed. Seating for the congregation was not provided until the 18th century when Georgian high box pews and benches were installed. In common with a great many churches throughout the country, the Victorians removed these furnishings in favour of pews. This work was carried out in 1867. I remind myself that the Grade I listing is the result not only of the original design of the building but how it has altered over time.
2. I agree that these Victorian pews are of a “very good quality”, being the phrase used by Dr Lynne Broughton, a member of the Diocesan Advisory Committee (“DAC”), in a report provided at my request and confirmed by Mr Ashley, the Churches Conservation Advisor to the Victorian Society. Each end of each pew is carved with a design depicting local flora. Dr Broughton describes the pew-ends as “...beautifully hand-carved...the carving is crisp, the foliage varied and elegantly designed.” There is some deterioration in the pews themselves which could be repaired.
3. In 1939 the Sanctuary was enlarged and new lighter furniture replaced the Victorian choir stalls and Sanctuary fittings. In 1965, during the restoration of the Chancel and the removal of the Victorian Chancel Screen, a row of seats was bolted onto the front of the choir stalls in what can only be described as a crude fashion and with no attempt to make the wood fit with the other furnishings in the Chancel. An application for a Faculty was submitted in 1983 to remove the pews from the Nave which was subsequently amended to the removal of nine pews to create an open area in the southwest corner of the church to be used primarily for the children. A full Consistory Court was avoided on that occasion.
4. In 1998/9 a side chapel was created using a 17th century altar table and an Aumbry was installed for the reserved sacrament.
5. There have been many other alterations to the church over the centuries, but none which are directly relevant to the application now made.

THE APPLICATION FOR A FACULTY

6. This Application for a Faculty has its origins in the coincidence of the drafting of a Mission Action Plan responding to the Bishop of Ely's exhortation to be bold in breathing new life into what is a community asset, and the discovery of damp rot in the northeast section of wooden flooring on which the pews lay.
7. The process leading to the Application for a Faculty was a long one and only made after what I accept was a very thorough consultation process conducted by the Rector and the PCC. As a result of that process, it was decided to apply for a Faculty essentially to:-
 - (i) Remove the front seats in the Sanctuary and the Readers and thereby return the seating to its original design.
 - (ii) Extend the Chancel step into a semicircle and install a moveable Altar Rail and locate the Side Altar as a Nave Altar. The Side Altar platform would be removed to expose the original floor.
 - (iii) Remove all the wooden flooring, cut down the pews to provide seating for either three or for four people whilst retaining the pew ends, and so to make the pews moveable. The pews are to be relocated for the use of the choir in the southeast corner and otherwise positioned largely round the outer areas of seating and at several different angles.
 - (iv) Ramps to run west and east along the wall line from the southwest door, the Readers to be reused to provide a guard to the side of each ramp.
8. When it was known that there was to be formal objection to the Application I held a direction's hearing with representatives of the Petitioner and the Party Opponent. It became clear that the Public Notice had not sufficiently described the works which were to be covered in the Application and I required a further Notice to be issued to ensure that the public knew precisely what the Application entailed. I am grateful to the Petitioner for responding to that request and to other requests for more comprehensive information. The second Public Notice resulted in an objection from the Party Opponent to the proposed alterations to the Chancel about which they were previously unaware.

VIEWS OF THE PCC, DAC AND AMENITY SOCIETIES

9. At a PCC Meeting held on 10th July 2012 the proposals were passed unanimously.
10. On 19th November 2012 English Heritage wrote confirming that they had no objection to the proposed reordering, whilst making observations about the installation of suspended timber flooring which is not traditional and preferring tiling to match what is there at present. The letter described the idea of shortening the

pews as “...a welcome approach to making the seating more flexible.” A suggestion was put forward as an alternative to internal ramps. The letter reiterated their support for the project as a whole.

11. In December 2012 the DAC recommended the works and proposals whilst accepting that the reordering was likely to affect the character of the church as a building of special architectural or historic importance.
12. Although the DAC required consultation with English Heritage, it was perhaps unfortunate that they did not invite consultation with the Victorian Society as well, in particular bearing in mind their view as to the quality of the Victorian pews. I ordered that the Society be asked for their opinion and have delayed this judgment until that opportunity had been given. I respectfully invite both the PCC and the DAC to take note of the observations of Mr Ashley in his letter dated 25th November 2013 on the need to consult.
13. After the first Public Notice was displayed in March 2013 the Registry received a number of letters objecting to the proposals, together with a petition signed by approximately 170 locals. As this exceeds the Electoral Roll of 136 and bearing in mind the unanimity of the PCC to the proposals, I have concluded that some, if not many, of the signatories only use the church from time to time, albeit that they may feel a strong affiliation to their parish church.
14. A Consistory Court was convened on 16th November 2013. It is the first Consistory Court to be held in the Diocese for over 30 years. It attracted healthy interest within the village and allowed them, as well as me, to hear the competing arguments and the strong but perfectly respectable views held by both sides.

THE STATEMENT OF NEEDS

15. I agree with the views expressed by Mr Ashley of the Victorian Society, about the inadequacy of the Statement of Needs but this was expanded upon in the statements and evidence called by the Petitioner at the hearing. Taking all that material into account I understand that the need for the reordering is essentially to create a flexible space to enable different forms of worship. Although the congregation has been in overall long term decline, there is evidence of growth in the attendance of young children with their parents and grandparents such that the decline could be reversed. The 9.30am Sunday service designed to cater for the young has shown an increase in numbers, such that its congregation in September 2013 was almost identical in size to that at the more traditional 10.30am service. It has also led to the introduction of a weekday service.
16. Because some of the pews have been removed on a temporary Archdeacon’s licence to deal with the wet rot in the northeast corner of the Nave they have been able to clear that area of chairs and produce what they believe is a better atmosphere for the worship they want to provide for the young. They are beginning to run out of

space and would like to be able to centre that worship in an area which looks directly on the Altar.

17. They would like to move the choir into the Nave and place them at an angle facing the congregation in the southeast corner. It is a common problem that a choir positioned in the Chancel cannot be heard because of the acoustical block created by the Chancel Arch and the effect of collegiate seating in the Chancel which results in the choir singing to each other rather than leading the congregation. They are also separated from the congregation by the organ which is in the northeast corner of the Nave.
18. More flexible seating would provide the opportunity for a different configuration at special services, including worship in the round. Further the acoustic in the Nave is first rate and the church is used for concerts. Without the ability to provide adequate space forward of the Chancel Arch for the musicians, its use as a concert venue is limited. Increased use has the effect of rooting the church in the community.
19. The Rector and PCC want to extend the Chancel Step in order to allow for an Altar to be closer to the congregation. At present the celebrant and the act of communion in the Sanctuary are removed from the congregation. It will improve sightlines and make it easier for the elderly or infirm to come to receive communion at the new communion rail which they wish to install just proud of the Chancel arch.
20. The removal of the first row of seats and the readers on each side of the Chancel will improve access and return the choir stalls to their original configuration.
21. Already recognising the importance of the pews, the Petitioner wants to retain the pews in shortened form so that they can be moved about the building. This is echoed in Dr Broughton's report where she states that the pews are too important to be removed entirely but feels that there should be no objection to shortening the pews and making them moveable whilst retaining the pew ends, as has been done in other churches with some success.
22. The reconfiguration of the access ramps at the entrance will provide a better and more welcoming entrance.
23. I have not attempted to lay out all the points made in favour of the reordering as contained in the Statements of Needs and the evidence of the three witnesses called on behalf of the Petitioner, but I have considered all arguments addressed to me.

THE OBJECTIONS

24. The Party Opponent is led by two long term and committed members of the congregation, both in their 80's, though neither shows it. Their principle objection is

to the pews being moved at all, that chairs are not appropriate in a church where pews give a uniformity and regimentation to the Nave. Mr Robert Clarke spoke eloquently about the feel of the wood and being able to hold onto the same pew end as his father did before him. They fear that moveable pews will not be stable enough to support a member of the congregation as he moves to and from the kneeling position. They are worried about the scraping noise of the chairs as they move during a service and that there is no provision for kneelers or books. They are concerned about the cost of the scheme.

25. Mr Robert Ward said that he looked on his church as the last bastion against a changing world. Both he and Mr Clarke are against many of the changes that have come about in the church; they would prefer to remain with the 1662 Book of Common Prayer; they have a proper reverence for the High Altar and do not want the Altar moved to be nearer the congregation; they believe that the discipline of remaining in a pew which they learnt when they first started to come to church as children should also be instilled in the young of today. That said, both these men would wish to encourage children to come to church and neither would want to see the church die through reduced support for it.
26. Mr Clarke, in particular, voices concerns that the community who only use the church for occasions such as weddings and funerals will be put off by chairs and the “higgledy-piggledy” (Mr Ward’s words) seating, or by the church looking like “an airport lounge” (Mr Clarke’s words). Mr Clarke believes that they will prefer to use a Crematorium rather than a church in the future.
27. Certain practical issues as to the stability of freestanding pews and Health and Safety issues surrounding them and the chairs were expressed, in particular by Mr Boyd Rose. However during his evidence he accepted that these concerns were surmountable even though they had not been properly addressed so far.
28. I have not attempted to lay out all the points made against the reordering as set out in letters and the evidence called on behalf of the Party Opponent, but I have considered all arguments addressed to me.

THE VICTORIAN SOCIETY

29. I am indebted to the Victorian Society for the speed with which they have provided their detailed response. I have taken their views fully into account together with the comments on their letter from the Petitioner and the Party Opponent. The Society objects to the removal of the pews in, if I may observe, sometimes florid language which in itself does not advance the arguments put forward. They invite me to look on the church as a whole and the effect that the removal of the pews will have on that. The Society sees the shortening of the pews as at least a way of preserving them within the church but does not like the idea that they would be cut to different lengths. The Society objects to the removal of the Nave Readers.

APPROACH TO THE ISSUES

30. In considering whether I should grant the Faculty I have followed the guidance on the development in the interpretation of “the Bishopsgate Questions” laid down in In Re St Alkmund, Duffield [2013] Fam 158:-
- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - (ii) If the answer to question (i) 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 Questions iii, iv and v do not arise.
 - (iii) If the answer to question (i) is “yes”, how serious would the harm be?
 - (iv) How clear and convincing is the justification for carrying out the proposals?
 - (v) 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 this question, 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 2*, where serious harm should only exceptionally be allowed.

OBSERVATIONS AND DECISIONS

31. I am bound to say that this application has been strong on vision but lacking in detailed consideration. Many of the points raised by the Party Opponent ought to have been more fully thought out by the Petitioner before applying for a Faculty. By way of example, the fact that the make and design of the chair to replace the pews was only considered after I drew attention to it at the Directions Hearing in August 2013, being over a year after a Faculty was applied for, hardly assists in allowing objectors to understand what is going to happen to their church. Further, by the time the Consistory Court was held, there had been little thought given to the provision and storage of hassocks or where hymn books and service sheets were to be stored during a service if chairs were installed. The way in which the pews were to be stabilised ought also to have been included in the plans (the Schedule of Works §§8.01 and 8.06 are silent on this point which only foresees 14 pews being reconstructed rather than the 25 referred to in Plan 8651/10), and I can find no estimate for laying tiles as recommended by English Heritage or an indication whether that scheme is to be accepted by the Petitioner.

32. Whilst it is perfectly acceptable to proceed on the basis of approximate costs in a schedule of works rather than a tender setting out precise costs, it is, in my experience, unusual for such little information to be available. For instance the cost of providing the chairs is not addressed and almost every item in the Schedule of Works has no cost against it. I note that the estimate given during the hearing of £120,000 – which may well be right for the works envisaged or may be a little conservative – is itself an increase of £40,000 over what were the estimated costs set out in the Petition for a Faculty without there being any significant accepted change in the plans to account for the increase. This broad brush approach is not helpful to anyone. The PCC seems to have ignored the adage, however inapposite in these circumstances, that the devil is in the detail.
33. As to the objections raised on grounds of cost, in my judgment this is not a matter in which I should become involved to any great extent. The PCC are confident that the Parish can raise the requisite sum and, so long as I can be confident that the scheme will not fail part way through because of a lack of funds, then it is for the Rector and PCC to decide how to spend its money. I am confident that this relatively low figure can be raised by a church in a village of this size.
34. I will deal with the works in three areas and give my ruling on each.
35. **The Southwest Entrance and the Font:** Answering the St Alkmund Questions,
- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest? My answer is “no”.
 - (ii) It follows that the ordinary presumption in faculty proceedings in favour of things as they stand is applicable but in my judgment is rebutted because the proposed work is necessary for the pastoral well-being of the Parish. It will improve the disabled access and will provide a better welcome area and greatly improve the present descent into the church.
36. I reject the idea that a more cost-effective and better entrance could be provided by using the west door. That area has been turned into a choir vestry and the Priest’s vestry (created out of the northwest porch) is far too small to accommodate both. I also judge that there are safety issues involved in allowing direct access from the church to an area where cars park and where there will be movement at the time when the congregation, including small children, will be entering and leaving the church. Further I judge that the PCC has put forward compelling reasons for rejecting the alternative solution put forward by English Heritage.
37. I will issue a Faculty for this work to be carried out.

38. **The Chancel, New Altar Rail and Altar, and Extension of the step:** answering the St Alkmund Questions,
- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest? My answer is “no”.
 - (ii) It follows that the ordinary presumption in faculty proceedings in favour of things as they stand is applicable but in my judgment is rebutted because the proposed work is necessary for the pastoral well-being of the Parish.
39. Whilst individual members of the congregation may object to the Altar coming forward to the people, this is a widely accepted and encouraged move to signify the presence of God in the sacrament being among the people. It explains why cathedrals and churches throughout the country have brought an Altar to the head of the Nave. The removal of the front seats on the choir stalls will return the Chancel to its earlier form and, together with the removal of the Readers, provide a better space and better sightlines in the Chancel. I disagree with the Victorian Society’s view that no adequate necessity for the work has been advanced and I agree with the Petitioner that the interior of this church, in common with so many, has evolved to suit the needs of the worshippers and that this is another justified step on that road.
40. I reject the argument that the High Altar will become unavailable for use in services when the Rector wants to use it or that access will be denied to those who want to enter the Chancel for quiet prayer close to the High Altar because there will be a gap in the Altar Rail. I do not accept that this means that the Rector will have a “diktat” over the use of the High Altar because that connotes an abuse of power on her or his part which I cannot conceive of.
41. I agree with the Victorian Society that both the Nave Readers should be reused within the church if it is possible to do so. I judge that the present plan to use one of them as a barrier by the ramp at the entrance is a good one. I would like to hear a proposal from the PCC as to how the other reader could be used, perhaps as part of that same barrier, or elsewhere within the church. If, after further consideration, it proves impossible to find a use for the Reader I will reconsider its retention in storage.
42. Subject to that issue, I will issue a Faculty for this work to be carried out.
43. **The Pews and Heating:** answering the St Alkmund questions:-
- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest? My answer is

“yes” with the exception of the under-floor heating which will have no adverse effect on the building.

- (ii) I must ask myself how serious the harm would be. Because of the exceptional nature of the pews in my judgment the harm would be serious, but could be mitigated to some extent by preserving some pews as they are and creating other movable pews.
 - (iii) Next I address how clear and convincing is the justification for carrying out the proposals. I do not find that the Petitioner has established a justification for the removal of all the pews from their present locations and to become freestanding. There was no convincing evidence produced to me that there would be any occasion when it would be necessary to remove all the seating. Insofar as it might be advantageous to use the whole building to create, occasionally, a church in the round, having regard to the present size of the congregation, it does not amount to it being a clear and convincing justification for removing all the pews.
 - (iv) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, I must ask myself whether there will be any resulting public benefit as defined and which outweighs the harm. I deal with this below.
44. Both the Petitioner and the Party Opponent are in agreement that the pews are of such significance that they should be retained. Their significance is in the pew ends and I can see no reason why some of the pews could not be reduced in length and made freestanding. Dr Broughton supports that proposition. I find the argument of the Party Opponent in respect of the stability of freestanding pews is not made out; where it has been done elsewhere, this problem has not arisen.
45. I do agree with the Party Opponent that the proposed layout of the pews as set out on Plan 8651/10 is random, without symmetry, and will detract from the beauty of the interior. With the exception of the Choir pews in the southeast corner of the Nave, it looks as if the architect has tried to squash the freestanding pews in to any space available and on the periphery of the building. Two of them are shown back to back, presumably to provide some sort of barrier to the southwest corner. The proposed configuration will consign a parishioner, who for personal or practical reasons wants to use a fixed pew, away from the centre of the Nave.
46. In the same way that there is a measure of agreement on the need to retain the pews, both sides are agreed that there is a case for removing at least the first two rows to provide a more flexible space. The Party Opponent feels that the area should remain as dead space, a view with which the Petitioner cannot agree. It would result in moving the congregation away from the Altar which is being brought forward to meet them. I agree that the removal of the pews alone would not be acceptable.

47. In reaching my decision I have taken into account the effect of removal of the pews on the integrity of the building as a whole.
48. I judge that the Victorian Society's useful suggestion that I should require the pews to be cut down to the same length is impractical in the space available in the church. Having spent some time walking round it and assessing where the pews could be located, I do not think that pews of one length would work or, if it was to be made to work, all the pews would have to be short in length which would be a worse option.
49. I judge that there will be a public benefit in terms of liturgical freedom to develop a form of worship which will best suit the majority of the congregation and which will give opportunities for mission and growth amongst the younger congregation. I judge that the harm which will be done to the building can be mitigated in the ways I have set out below. In reaching my decision I have had in mind that this is a Grade I listed building.
50. I am prepared to grant a Faculty for the removal and reuse of the pews on these terms and subject to further submissions presented to me in relation to paragraphs 50(i), (iii), (iv) and (v):
- (i) The pews from the cross aisle westwards are to remain as they are, with the exception of the pews to the south side which, because of their present length, may affect access owing to the position of the proposed ramp. Depending on the advice of the architect, they may either be shortened to allow for aisle space between them and the ramp or, if I am persuaded that this cannot be achieved, they can be removed to the pillar line, the pew ends being attached to the pews at the pillar end, and slightly free of the pillar. Leaving a substantial number of the pews in situ will to some extent alleviate the concerns of the Victorian Society and the Party Opponent, and allow those who wish to use a pew to remain within the central body of the church. At the same time it will permit the church to fulfil what it sees as its mission in response to the Bishop of Ely's 2012 "Imagining the Future".
 - (ii) Any work required on renovating the pew platforms and the pews themselves can be carried out.
 - (iii) The pews from the cross aisle eastwards can be removed and replaced with chairs. The pews which are removed can be reduced in length and adapted to allow them to be free standing. The pew platforms in these areas can be removed. My present view is that the recommendation of English Heritage should be followed and the platforms should be replaced with tiles to match those found elsewhere within the building. If the Petitioner wants to install stone flooring, I will need to see a justification for doing so. I will need to see and consent to the final design put forward for the floors.

- (iv) The choir pews can be arranged as shown in Plan 8651/10 and the Side Aisle Altar platform removed. A further plan is to be submitted to show how the other freestanding pews are to be arranged. The configuration ought to have regard for keeping, so far as it is possible to do so, to a symmetrical and orderly pattern, although I appreciate that for particular services or events these pews may be moved. Whilst not a requirement, the architect may want to consider positioning the pews in a collegiate fashion, facing inwards, in the side aisles which will provide good sightlines and symmetry within the building.
- (v) Whilst I judge that the Howe 40/4 wooden chair would be a good choice, so long as the wood is stained to match the pews, the PCC is to submit what their final choice of chair is and to provide details of how the chairs will be fixed one to another (if that is their intention) and how they will accommodate hassocks and hymn books/orders of service. I note from their response to the Victorian Society letter that they have begun to plan on those lines.

51. All other applications connected with this work are approved and in particular re-siting the pulpit to the northeast corner of the Nave.

CONCLUSION

52. I judge that to the extent that I have permitted reordering of the Church I have preserved the interior of the church in accordance with the guidance provided in the St Alkmund judgment and allowed for the needs and opinions of what I perceive to be the majority of the congregation whilst not entirely ignoring the minority "traditionalists".
53. Such duality of seating has been carried out in other churches throughout the country and has proved successful both aesthetically and practically.
54. Based on the evidence I heard and received I judge that I have let the Church fulfil its mission, particularly to the younger congregation, insofar as I am able bearing in mind the status of the building and the significance of the pews within that building. Within the space in which I have provided for flexible seating there will be room to do everything that the present congregation, and even an expanded congregation, would want to do, including church in the round.
55. I have no doubt that the Petitioner will be disappointed that I have not allowed for the wholesale removal of the pews which would have provided greater flexibility. I would urge the petitioner not to feel any sense of failure; most of the proposed scheme has been allowed.
56. Whilst I can give no undertaking as to the future, if the congregation was to grow to such an extent that flexible seating was a requirement throughout the church, that

might provide a clear and convincing justification for removing the pews from the west end of the Church and creating freestanding pews from them. That will have to wait until such convincing evidence exists at which time my, or my successor's, decision can be sought.

57. Unless application is made to the Court within 14 days of this judgment being delivered, the Court costs will be born by the Petitioner.

His Honour Judge Leonard QC
Chancellor of the Diocese of Ely
13th December 2013

POSTSCRIPT

1. Because this is the first Consistory Court to be held in the Diocese for a great many years, and because the Bishop has encouraged all the parishes to explore how the space within a Church can best be adapted to encourage its wider use (see “Imagining the Future”), I have been invited to provide some general guidance as to applications for Faculties to reconfigure the interior of Churches.
2. First and foremost, as Chancellor I stand in place of what would otherwise be handled by a local authority planning officer and planning committee. I have similar duties to prevent change within historic buildings unless it can be justified. I am, however, able to take into account factors which may not be relevant to a council planning officer. Those factors, which can be found in the recent judgment In Re St Alkmund, Duffield [2013] Fam 158, include 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. I have set out more fully the factors I have to weigh before granting a Faculty, which I have taken from that judgment, at Paragraph 30 above.
3. Whilst as Chancellor I will do my best to allow appropriate changes to be made, I must balance the resulting public benefit against the strong presumption against proposals which will adversely affect the special character of a listed building. The stronger the evidence of public benefit, the more able I am to grant a Faculty.
4. As to the specific position of All Saints Cottenham, the decision was made the more difficult because of the unusually high quality and significance of the Pews combined with the general beauty of the Nave, and because this is a Grade I listed building. I do not intend through this judgment to put any Parishes off applying for a Faculty for re-ordering the interior of their Church. Each Church is unique and each set of pews are unique and vary in quality and significance.
5. However, if a Church decides to make an application they must strive to get their paperwork in order and, in particular to ensure that their Statement of Needs justifies the application. In the case of All Saints Cottenham any inadequacy in the paperwork was more than made up for by the cogency of the witnesses called and the arguments advanced on behalf of the Petitioner by Revd Kylie Hodgins.
6. It may be, however, that in other applications, a well formulated Statement of Needs and better detail as to the plans and costs of the scheme, together with a full and precise public notice will allow any objector to understand the purpose of an application and may avoid a Consistory Court being held.
7. I also place weight on, and can be assisted by, a well prepared and informative Statement of Significance. Once created it can be reused for further applications with some updating if necessary. I am also greatly helped by being provided with photographs of the areas where the proposed work is to be carried out. Every

church will have at least one member of its congregation who has a digital camera; these photographs do not need to be professionally produced.

8. If a Church is having difficulties in creating a Statement of Needs, the PCC should seek advice. The Archdeacons are familiar with the process and will have access to the Diocesan Advisory Committee who may be able to assist, or at least ensure that an application does not proceed further until the documentation is in order and the right Amenity Societies have been contacted. It is always worth asking for advice from the PCC of a Church which has experience of making an application.
9. If the matter has to go forward to a Consistory Court Hearing, it will involve both sides in considerable work to prepare for the hearing. That is inevitable. However I shall do my best to ensure that the proceedings, whilst formal, are not intimidating. As I said when the Court sat to hear these proceeding,

“...although these are formal proceedings and by their nature adversarial, because there are two sides that have the right to be heard, we should all do our best to stop them becoming either personal or hostile... I am in no doubt that each side genuinely believes that they are right about what they say and that no one has come here to try and hoodwink the court. And when these proceedings are over and I have delivered my judgment, whatever it might be, All Saints Church will continue to be the Parish Church of Cottenham and will continue to be a place of worship for the whole village and will continue to be a place of worship which everyone here today would want to see grow in strength and in its mission to bear witness to the Gospel.”
10. The proceedings were conducted without hostility and each side had the opportunity to express its views. That is a tribute to the way in which both the Petitioner and the Party Opponent put their cases. I have no doubt that such a hearing is a strain on those involved. I know that the Registry will always assist with points of law and procedure if they are asked for help.
11. All that I have set out in the Postscript is designed to ensure that no Church is dissuaded from pursuing the Bishop’s exhortation in “Imagining the Future” to find creative ways of breathing new life into church buildings as community assets and his encouragement to rediscover the use of Churches as public community spaces.
12. Each application will be fully considered on its merits.

His Honour Judge Leonard QC
Chancellor of the Diocese of Ely
13th December 2013