

Neutral Citation Number: [2022] ECC SEI 1

IN THE CONSISTORY COURT

DIOCESE OF ST. EDMUNDSBURY & IPSWICH

In the matter of SS Peter and Paul, Hoxne

And in the matter of an application for a confirmatory faculty

#### JUDGMENT

1. This church contains a Victorian screen depicting the martyrdom of St Edmund, but for many years it had lain dismantled under dust sheets. Originally, it was the tower screen before the organ was moved to below the tower arch. The church also has a Lady chapel at the east end of the north aisle.
2. In autumn 2019 the parish wanted to repair the steps to the Lady chapel, shorten a couple of pews and convert the Lady chapel into a new chapel of St Edmund, simultaneously repairing and reassembling the dismantled screen and installing it at the foot of the steps.
3. The then acting-archdeacon, Jeanette Gosney, granted list B consent for the repair and reassembly of the screen and the repair of the steps only. She did not allow for the re-erection of the screen or alteration of the pews.
4. In autumn 2019, alongside the list B application, the parish formally applied for a faculty covering not only the work in the list B consent, but also the creation of the St Edmund chapel, the re-erection of the screen in its new location in the chapel and the shortening of two pews (retaining their pew ends). Although recommended for approval by the DAC and after consultation with the appropriate heritage bodies, a formal objection was lodged by Claire Whiting who lives in the parish, who wished to become party to the proceedings.
5. This put the faculty application 'on hold' and the petitioners tried to negotiate with the objector. Whatever approach was made to her, it was unsuccessful and at the beginning of February 2020 Mrs Whiting informed the registry that she was maintaining her objection and still wished to be party to the proceedings.
6. In February 2021 it became clear that the parish had re-erected the screen in the new location at the steps of the old lady chapel claiming it was impossible to

complete the repair without doing so. The new chapel had been blessed by the Bishop of Dunwich on 20 November 2020 after the repairs to the steps and the shortening of the pews. Fortunately, most of the unauthorised work was reversible - the screen could be dismantled again if necessary and the two pews returned to their original size, since the ends have been retained and the wood that was removed was not particularly old or special.

7. The petitioners applied to the then chancellor for his authority for the screen and the shortened pews to remain in place on a temporary basis for 12 months to allow for further consultation with Mrs Whiting and further development of the plans for other work. After the year had elapsed, it was proposed that the screen would be removed and put into storage, and the pews restored, unless a further licence or a faculty was granted in the meantime. They also asked for permission for the faculty application to remain pending, but not be determined or withdrawn, except on the parish's application or on the chancellor's orders after notice to the parish.
8. The then chancellor's directions, as reported to the petitioners by the registry were:

1. *He will grant an interim faculty for 10 months (i.e. to take account of the time that has passed since the request was made) allowing the status quo to remain.*

2. *Anything which was removed during the installation of the screen and the work to the chapel must be retained and carefully stored.*

3. *The PCC must give an undertaking in writing to pay the costs of returning the church to as it was prior to these works being carried out.*

4. *The present petition for a faculty will not be considered further; a fresh petition needs to be submitted well before the period of 10 months has elapsed so as to allow the petition to be considered by the chancellor before the interim faculty has expired. If no further petition is received, then at the end of the 10 months the works carried out are to be reversed.*

5. *Save in exceptional circumstances, the interim faculty will not be extended; this matter must be resolved through the submission of a fresh petition and the opportunity being given to anyone who wishes to object to do so.*

6. *Any action against anyone for carrying out work without a faculty will be considered by the chancellor when the interim faculty expires or on the determination of a fresh petition, as the chancellor considers appropriate.*

*He hopes this will avoid "creep" and allow the whole process to start afresh. He believes his approach gives the parish a chance to settle its differences with Claire Whiting and may result in her deciding not to oppose the new application. He comments that whilst Hoxne is somewhat on the back foot because of the way they have handled the whole position, it gives them a fair shot at redemption – which is always a good Christian aim!*

9. In this case the petitioners now apply for a confirmatory faculty to:

*1) Re-assemble and repair the St Edmund timber screen and for its erection in front of the steps leading to the east end of the north aisle.*

*2) To shorten two pews while retaining their pew ends.*

10. The petitioners' explanation for proceeding without a faculty and in the face of an objection is as follows:

Our enthusiasm to celebrate the 1050th anniversary of the martyrdom in the presence of Bishop Mike had very wide support in the village and we were very anxious to be ready. We simply had no idea that an objection had been raised and we let our excitement get the better of us.

11. Mrs Whiting objected to the permanent re-erection of the screen only. She felt that there had been insufficient consultation locally and that the petitioners had not consulted the amenity bodies adequately (I summarise her very measured and full objections but assure her that I have read and considered them in detail and mean her no discourtesy with my summary). It is clear that she feels very aggrieved with how she has been dealt with by the parishioners.

12. Mrs Whiting now no longer wishes to become a party opponent, partly because she has felt 'vilified' by those representing the petitioners. She feels she has been treated in this way on the basis that she has no proper locus to object as she is not, to use her phrase, a 'church goer per se'. She does however want her objection to be considered by me. I have read her thoughtful objection with care.

13. I have seen no evidence of this 'vilification' but it is clear that there is a degree of pastoral breakdown here within the parish that needs to be mended.

14. I have had the benefit of seeing all the input from the relevant amenity bodies and I have read Mrs Whiting's submissions. The amenity bodies all approve the application. I am therefore persuaded that the petition should pass the seal. However, the petitioners must pay all of the costs of the registry and any costs Mrs Whiting has incurred.

28<sup>th</sup> January 2022

Justin Gau,  
Chancellor