

Neutral Citation Number: [2016] ECC S&N 1

IN THE CONSISTORY COURT OF SOUTHWELL AND NOTTINGHAM

Petition numbers: 17853, 17852, 17880

IN RE HOLY TRINITY, KIMBERLEY

JUDGMENT (1)

BACKGROUND

1. The petitions relate to the Church of Holy Trinity, Kimberley in Nottinghamshire. The petitioners in all three petitions are The Rev'd Canon Barbara Holbrook, Incumbent, and Mr David Lambton and Mr Nick Tennant, Churchwardens. The first two, submitted in August 2015, seek permission respectively for (1) the loan of tubular bells to the Bell Foundry Museum in Loughborough and (2) the removal of a redundant organ and its replacement with a modern instrument.
2. These petitions are opposed by Mr Gordon Banksby.
3. The third petition, submitted in October 2015, seeks permission for a major re-ordering scheme. The proposals, in summary, are for the extensive renovation of the church and provision of community facilities within the building. In detail this includes: the removal of the pews, choir pews and platform area and leveling of the floor; the installation of under-floor heating; the creation of toilets (including a disabled access toilet) at the west end; the creation of a kitchen area, social space and meeting room under the west end balcony, which is to be extended; the creation of storage areas and better access to the balcony (which is to remain a storage area, not an area in regular use); the removal of the 1950s choir vestry and its replacement with a new entrance lobby; the introduction of a new doorway on the south side and the replacement of the west end entrance doors; the provision of a new path to the new entrance lobby; the rewiring and re-lighting of the church; the removal of the redundant brick chimney from the exterior of the west end; the return of the pulpit to its Victorian location; the moving of the font to the South side of the church; the re-use of the oak paneling from the 1930s choir pew area to provide (1) paneling around the font and (2) movable units to separate the areas used for worship and those for community use; redecoration; and the provision of new chairs.

4. There are other elements to the overall re-ordering scheme, mainly relating to the outside areas of the churchyard, in respect of which no faculty application has yet been made. Further there are plans with regard to the sale of the Church hall and its associated land that is used for car-parking which will not come before the consistory court as this is unconsecrated land and hence not subject to the faculty jurisdiction but to secular planning control. This forms part of the background to the applications and to the objections voiced by the parties opponent.
5. This petition is opposed by Mr Banksby, Ms Susan McEntee and Mr Darren Warner. Ms Theresa Davies has also added her name to a document objecting to the proposals dated 17th September 2015 prepared by Mr Banksby and/or Ms McEntee. She has however not become a party opponent, and, so far as I am aware, did not attend the hearing.
6. A letter from the Town Clerk of Kimberley Town Council was received dated 8th March 2016 requesting the delay of the faculty and proposed works until further public participation was conducted. Ms McEntee and Mr Warner are members of the Town Council. They are also members of the local civic society. Ms McEntee is in addition a member of the Kimberley Residents Association. At the request of Ms McEntee and Mr Barksby I admitted this letter into evidence.
7. I heard evidence from Canon Holbrook, Mr Banksby, Ms Entee and the Archdeacon of Nottingham, the latter appearing as the Court's witness. Mr Lambton, a churchwarden, provided a written document setting out his personal feelings, which was admitted into evidence by agreement. Mr Warner did not attend the hearing. He sent an email to the Registry dated 9th March 2016 stating "I would like to point out that I, along with others from the Greasely and District Civic Society will be unable to attend the hearing due to the fact that it is held during working Hours, I would like this to be a feature and taken into account". Ms McEntee left the court after the lunch adjournment as she had a prior engagement.
8. No detail was given of attempts made to take time off work to enable attendance the hearing. Nor was any request received from any person prior to the date of the hearing for the hearing to be moved to another more convenient date. I do note however that, save for exceptionally urgent matters, all law courts sit during the working week and the Consistory Court is no exception. This will of course limit the ability of both supporters and opponents to attend the hearing if they are at work at that time.
9. Holy Trinity Church is an unlisted building in a conservation area. It was built in 1847 and extensively re-ordered in 1937. No consultation with Historic England nor any amenity society is required under Rule 8.3 and Schedule 1 of the Faculty Jurisdiction Rules 2013 in respect of the proposals, (nor would be

required under Rule 9.3 and Schedule 2 of the Faculty Jurisdiction Rules 2015). Because the re-ordering proposals involve some external works planning permission has been sought and granted by Broxtowe Borough Council in August 2015.

10. The Diocesan Advisory Committee has considered all three petitions and has no objection to any of them. It recommends some conditions to the re-ordering petition.
11. The congregation at Holy Trinity is small. Average Sunday attendance is 33.8 adults and two children. There are 15 members of the PCC, which is around half of the regular congregation. It is financially struggling. It has not paid its modest diocesan quota in full for the past 3 years.

TUBULAR BELLS - 17853

12. As I indicated at the beginning of the hearing, I considered that the loan of the bells to the museum is a matter in respect of which advice from the CBC is required under rule 8.6 of the Faculty Jurisdiction Rules 2013. This is because of the historic significance of these instruments. I have therefore issued a direction for that advice to be requested, and if any advice is received within the appropriate time, it will be sent to the petitioner and party opponent for them to make further representations in the light of that advice if they wish to do so.
13. Therefore, although I have heard evidence on the matter of the tubular bells, I will reserve making any decision in respect of that petition until the advice of the CBC is received, and the parties have had opportunity to respond. A second judgment will therefore be prepared once that information is available.

ORGAN - 17852

14. The organ was installed as part of a major refurbishment of the church in 1937. It is integrated into the raised platform area and its casing is of a piece with the other 1937 oak paneling and choir pews. The organ was described by the Diocesan Organ Advisor Paul Hale as of 'significant interest'. Unfortunately it does not work because the motor that drives the organ has broken. At present a borrowed electric organ is used for worship. However, this organ was described by Canon Holbrook as inadequate for the task because it is too quiet and does not contain sufficient voices. This was not disputed. The temporary organ also takes up a significant amount of space on the platform, alongside the pulpit.
15. Originally, the plan had been for the repair and restoration of the 1937 organ, and a faculty was sought for that work. However, consultation with

the approved repairers confirmed that the only way to repair it was to completely replace the motor unit with a new one. The original motor is no longer manufactured and parts are not available for it. The replacement of a new motor of a different specification required extensive remodeling of the interior of the organ. The cost of all this was estimated at £40,000. This was beyond means of the parish, so external funding was sought from the appropriate grant making bodies.

16. Sadly the extent of the re-modeling necessary to restore the organ to use would have destroyed the historical significance of the organ. As a result the various grant making bodies were not prepared to make any grant towards the restoration of this instrument.
17. Reluctantly, and again acting on the advice of the Diocesan Organ Advisor, the petitioners obtained quotes for a new instrument. They have found one that they have been advised will meet their needs at a cost of around £23,000. They hope to be able to fund-raise this relatively modest amount either separately or by using some of the funds from the intended sale of the parish hall.
18. The Organ Advisor also recommended that the best use of the redundant organ was to remove it from the church and make the re-usable parts available for use in the repair of other organs, in particular the pipes.
19. Mr Barksby confirmed both in writing and during the course of the hearing that he did not object to the introduction of the new instrument (although he queried the cost of it at the hearing). His objection was to the removal of the old organ.
20. The reasons for the objection to this petition were largely an extension of his objection to the main re-ordering petition. He took the view that removing the old organ was unnecessary if the re-ordering was not to go ahead.
21. The view of Canon Holbrook was that if the re-ordering did not go ahead the petitioners would nevertheless want to remove the redundant organ console so that the new instrument could be put in the location of the current organ. If the re-ordering does go ahead the plan is to place the new organ in the south-east corner of the nave.
22. Mr Barksby's objections to the removal of the organ appear to be (1) that it could be repaired and (2) it was dedicated to past members of the congregation and (3) it matches the rest of the furniture in the raised area.
23. In my judgment the petitioners have shown good and sufficient reason for the removal of the organ. Firstly it is redundant as it does not work and the cost of repairs is beyond the modest means of this parish. It is not capable of performing its essential function of leading the music that forms part of the

worship offered in the church. Attempts to obtain grant funding for repairs was frustrated by the nature of the repairs needed, which would destroy the historic significance of the instrument.

24. Secondly, it is a better use of the remaining, usable parts of this organ that they are used to repair other organs and so continue to provide music for worship, than that they are stored unused by this parish, where lack of use would cause further deterioration. (That is without consideration of the practical difficulties of such storage). I do recommend that the parish seek to receive payment for the re-use of the parts elsewhere if that is possible. I do not make that a condition of the faculty.
25. Third, even if I were not to grant permission for the main re-ordering proposals, it would be necessary to site the new organ console in the location of the existing one.
26. Fourth the proposed new organ was chosen with the advice of the Diocesan Organ Advisor and the advice of the proposed supplier as a suitable instrument to enhance the public worship in the space provided by this church.
27. Mr Barksby's objection that the organ could be repaired does not resolve the difficulty as there was no evidence that it could be repaired at a reasonable cost. So far as he was able to explain, his own investigations revealed that the motor needed to be replaced and the large expense was because it was being replaced with a new motor. This was in line with the evidence of Canon Holbrook. However, Mr Barksby could not believe that there were no second hand 1930s organ motors available to repair this organ. However, I am content to accept the evidence of Canon Holbrook on this point. She and the other petitioners have been advised by the relevant specialists. It also, in my view, seems very plausible that as a hard-working moving part of an organ the motor would be particularly likely to wear out such that they would be rarely available second hand. I also take into account that even with a replacement modern motor the organ would remain a 'very fragile instrument,' which the parish could not afford to maintain.
28. Mr Barksby's objection that the organ was dedicated to the memory of the Hanson family (whose family members are also recorded in stained glass windows in the chancel) is not a reason to prevent the disposal of this redundant instrument. I was heartened to hear Canon Holbrook plans to retain all dedication plaques from items removed from the church and ensure they are properly displayed in a new location. That strikes me as a suitable and sensitive arrangement and, whilst I have no doubt that Canon Holbrook will ensure that this will take place, as it does not expressly form part of the written faculty application I will include a suitable condition in respect of this when granting the faculty.

29. Mr Barksby's third written reason for objecting, that the casing of the organ matches the rest of the furniture in the raised area would have greater strength if the faculty for the re-ordering were not granted. As I intend to grant that faculty also, this objection loses its weight. However, even if the re-ordering does not go-ahead - due, perhaps, to financial difficulties - in my view it remains necessary to remove the old organ so that a new, functioning one may be installed in that location. I will therefore direct that in that eventuality further advice be taken from the DAC as to the integration of the new instrument into the layout of the existing furniture on the raised platform.

RE-ORDERING

30. The plans for re-ordering relate to a Victorian church that underwent significant remodeling in 1937. Sadly over many years the condition of this building has deteriorated. The choir vestry is unsafe and needs to be demolished. This was identified in the most recent quinquennial report in 2012. Indeed, large cracks in the brickwork are visible inside and out. The church is damp and very cold, even with the heating on, as was plainly evident to all sitting through the hearing of this matter. Paint is peeling from the walls and there is evidence of mold on the walls. The only toilet in the building is in the choir vestry and is utterly inaccessible to wheelchair users.
31. Some rear pews have been removed pursuant to an earlier faculty to create some very limited flexible space for noticeboards, a children's corner, food provision etc. The font is currently sited in the south west corner providing a cramped and unattractive location for baptisms and limiting the use of that space for other purposes.
32. As this church is not listed, strictly speaking it is sufficient simply for the petitioners to show that there is good enough justification for change to overcome the presumption that there should not be change unless an adequate reason is shown. However given the age of the church and the deeply felt nature of the objections I will assess the petitioners proposals against the more restrictive guidelines laid down in *In re St Alkmund, Duffield* [2013] Fam 158. I invited the parties to consider that stricter test when addressing me at the hearing.
33. The first question I therefore ask is whether the proposals, if implemented, would result in harm to the significance of the church as a building of special architectural or historic interest. This is a very tired looking unlisted church. It has little special architectural interest, but clearly does have some historic interest for the people of Kimberely.
34. The majority of the proposals cause no harm to the architectural or historic interest of the church. It is clear to me, and broadly accepted by the parties opponent, that the building desperately needs proper heating, relighting,

better toilet facilities, a new pathway, resolution of the dampness in the cellar, disabled access, the replacement of the condemned choir vestry the removal of the redundant chimney and redecoration.

35. The harm to be considered is the removal of pews and platform area with its furniture, and the creation of a flexible community and worship space, meeting room and kitchen area.
36. There was some dispute whether the nave pews were Victorian pews the ends of which were cut down in the 1920s, or whether they were installed in the 1920s. Canon Holbrook referred to old pictures of the church, which were not before me, that showed very different pews. (I was shown one picture from shortly before the 1937 remodelling but, so far as it was possible to tell, the nave appeared to have the current pews.) Ms McEntee was not able to provide evidence to support her assertion that the current pews were Victorian. I do not need to decide the vintage of these pews. They are unremarkable. Red fabric cushions, now faded, have been fixed to them more recently. Some have been cut down to install the present heating system. The experts on the DAC do not consider these pews to be of any particular value or significance. As I have stated above, this is an unlisted church. The secular heritage authorities also do not regard it, or any items within it, as worthy of listing. I consider the harm to be caused by the removal of these pews to be slight.
37. There is a raised platform at the east end of the nave. That was installed in 1937. This contains the organ console, choir pews, a lectern and the Victorian pulpit that has been moved forward to the front of the platform, from its original location in the north-east corner of the nave. It also currently houses the temporary organ. The oak paneling in this area is simple, attractive and seems well made. There is more decorative paneling in the same wood and in a matching style in the sanctuary. The plan is to retain as much of this wooden paneling as possible and reuse it to create the furniture for the moveable barrier between the proposed new worship space and community space. It is also planned to use some of this wood as paneling around the relocated font. I consider the harm to be caused by the removal of this platform and its furniture as limited.
38. Similarly the creation of small rooms under the balcony will also change the layout of the space. I consider any harm to the architectural and historic significance of the building caused by that to be minimal also.
39. So against my findings of limited harm to the architectural and historic significance of the church building, what are the justifications for carrying out these proposals?
40. The extensive re-ordering will provide a renovated, warm, dry multi-use space. The chancel will be largely unchanged (save for a new radiator and

re-decoration). The nave will then be of a single level, with level access through the new entrance lobby. This will be divided into a worship space close to the sanctuary and a community space between that and the rooms under the balcony. The barriers between the worship and community spaces are designed to be moveable so that different configurations may meet different needs, such as occasions when the church is full for a large service or when a baptism takes place outside a main service, so that the whole congregation can face the font rather than the sanctuary.

41. Meeting space, food preparation space and social space will be provided. Proper toilet facilities to modern standards, including one that is suitable for wheelchair users, will be provided. Level access to the whole of the building (save for the chancel) will be provided improving access for wheelchair users, pushchairs and others with reduced mobility.
42. The Archdeacon of Nottingham set out very helpfully the priorities of the Church of England both nationally and within the Diocese of Nottingham. These are for church buildings to be used in ways that set the stewardship of the building in the context of the wider challenge of mission and ministry to the people of England. That is, church buildings should be used to serve the common good and stimulate the spiritual and numerical growth of the church.
43. The greatest harm to church buildings is for the living, worshipping community using them to decline to a point where there is no need for that building as a place of worship. That is a threat facing the church in Kimberley if mission and ministry is not revitalized and there is no sustained numerical growth.
44. The diocese does not regard the church in Kimberley as effectively or efficiently used. It is open for worship on a Sunday and one other short period each week for private prayer. The evidence of Canon Holbrook, informed by the church architects, is that this is part of reason for the deterioration of the building. In particular the damp and mold on the walls, is due to the building being left unheated for most of the week, with a change in temperature each Sunday. This is exacerbated by the previous use of the wrong type of paint on the internal walls – but will not be resolved simply by repainting.
45. The Archdeacon was concerned not only about the unattractiveness of the church building in its present state to potential new members, but also the lack of flexibility for creative worship and community use that will provide the potential for encouraging growth. She was able to give examples of other churches in the diocese that have sensitively combined the primary purpose of worship with service to the community in the provision of community space.

46. In my view the proposed re-ordering will provide increased liturgical freedom and significantly enhanced opportunities for mission. It will very significantly improve access to all, including those with reduced mobility. These proposals are very widely supported by both the church and the wider community, although opposed by a few strong voices. The community petition with 200 signatures evidences this and the letter from Mr Lambton provides a particular example. Pastorally, there are good reasons for enabling such a widely supported project to proceed.
47. These proposals have the potential to secure the viability of this worshipping community into the future. The proposals will also provide important community facilities, which will be lost when the church hall deteriorates such that it can no longer be used. It is already living on borrowed time having a life-span of 40-50 years when built in 1957. The walls are disintegrating. The parish simply does not have and cannot raise the funds to restore and maintain two badly deteriorated buildings. There is some suggestion from Mr Barksby that it should be the church hall that is prioritised. I reject this and confirm the petitioners in their prioritizing of the church building itself. The church may have limited architectural merit but it is obviously of very much more merit architecturally than a 1950s concrete pre-fabricated hall. The church itself is far more significant historically and, most importantly, spiritually for the people of Kimberley.
48. The parties opponent set out various objections to this re-ordering petition in the documents set out in the bundle. These can be summarised as follows:
- a. The loss of the church hall and parking would be a major permanent loss of parish facilities.
 - b. The cost of the works is excessive and wasteful.
 - c. The petitioners are unlikely to raise sufficient funds from the sale of the church hall and land.
 - d. Various proposed works are unnecessary:
 - i. Heating is recently installed and adequate
 - ii. New toilets are unnecessary if the parish hall is retained
 - iii. Making the building water tight, repainting and replacing the vestry is sufficient.
 - e. The public consultation and notice for the proposed works was insufficient.
 - f. The architects brief should have included consideration of a new worship and community building on the site of the church hall.
 - g. Midweek funerals and weddings will not be possible if the church let out to playgroup that currently uses the hall.
 - h. The petitioners should have requested/accepted the assistance of a team from the Built Environment Department of Nottingham University.

49. During the hearing the matter that appeared to most concern the parties opponent was the perceived lack of adequate communication and consultation with the wider community.
50. It was quickly established that there was no allegation that the required notice under the Faculty Jurisdiction Rules had not been provided.
51. Proper notice having being given, the level of consultation is not strictly a matter to which I need have concern when considering the test set out in *Re St Alkmund Duffield*. Nevertheless it is appropriate that I address it as it is a matter that has clearly exercised the parties opponent and was referred to in the letter from Kimberley Town Council, of which two of the parties opponent are members.
52. I refute entirely the suggestion that insufficient efforts have been made by the petitioners to publicise the plans and to consult the public about them. The first point is that PCC decisions to pursue these petitions were unanimous in each case. So there is clearly strong support from within the worshipping community. Plans for the future of the church building and church hall were discussed at APCMs in 2007 (prior to the arrival of the present incumbent), 2008, 2009, 2013, 2014 and 2015.
53. Communication beyond the church community has also taken place. In June 2009 a family fun day was held in the church which included opportunities for those attending to reflect upon what they wanted from the church. The conclusions drawn from those reflections were presented to the whole church community. Members of the church were specifically requested to discuss the issues with members of the wider community.
54. In 2012 the first architects' plans were drawn up. A leaflet describing the proposals was printed and made available to the public. Those plans have been pinned on notice boards in the north west corner of the nave since January 2013 and remain there now. A questionnaire was undertaken in 2013, involving the congregation, the wider community and church hall users. Further leaflets were distributed to visitors at the Christmas Tree festival in December 2014. I have seen a copy of the latest leaflet which sets out the intention of selling the hall to fund the refurbishment of the church to provide both worship space and community facilities. It is clear and accurate and freely available in the church and church hall.
55. In April 2013 Canon Holbrook visited Kimberly Town Council to discuss the proposals with them. In 2013 and 2014 there were site visits from the local planning authorities. In 2014 there was a letter of support from Kimberley Town Council. In 2015 there were further discussions with the Town Council and further updating leaflets distributed. A public consultation at the farmers market took place in June 2015. This was alongside a similar consultation commissioned by the Town Council in respect of local development plans. In

July 2015 Canon Holbrook also spoke to the Kimberley Residents Association. Planning permission for the external works was granted in August 2015. Canon Holbrook attended the Town Council meetings again in November 2015 and March 2016.

56. This is undoubtedly a high level of consultation and I am quite satisfied that anyone interested in the future of the church building has had ample opportunity to discover the details of what is proposed. Indeed I was told that there was a petition in support of the proposals which now has 200 signatures. Ms McEntee suggested the text of this petition was misleading. I do not accept that allegation. It reads "Holy Trinity Refurbishment Project: We the undersigned support the project to refurbish Holy Trinity Church and provide better community facilities". There is an opportunity to indicate if the person signing is a current user of the church hall. It is clear that this petition refers to the whole project of selling the church hall and transferring the community facilities to the church. This is particularly if taken in the context of the widely available leaflets and the long term display of the plans. The consistory court is not the intended recipient of this petition. It was not referred to in any of the petitioner's paperwork, and was only mentioned in passing in evidence. I infer that the intended audience for this petition is the local planning authority in respect of the planning permission application for the development of the site of the church hall.
57. There is no merit in the allegations of inadequate consultation, nor in the suggestion that the decision should be delayed for more consultation.
58. I now turn to the objections that can be found in the case papers.

Loss of Church Hall and car parking

59. Whilst it is sad that the parish cannot afford to maintain two deteriorated buildings, that is the reality and there is nothing I can see that will change that. The plans made by the parish will enable one building to be restored and be better used. As set out above, the church is the one that should be saved. For these plans to go ahead extensive grant funding is required. This will not come from heritage grant givers in light of the limited architectural and historical significance of the church. It is hoped and planned that funds will be raised from funding bodies that donate for the provision and renovation of community space. However, these grant making bodies need evidence of an initial contribution from the applicants. Further the grant givers will not donate for the provision of worship space. The church hall and its land provide a potential source of funds for this. It is hard to see how the project can go ahead without the sale of the land.
60. Loss of parking particularly seemed to concern Mr Barksby. Canon Holbrook was able to confirm that there are further plans to provide alternative car-parking. The Archdeacon of Nottingham gave evidence of other churches in

the Diocese without their own car-parking that have living and growing congregations.

61. Ultimately it is not a matter for the consistory court as to whether a sale should take place. The land is unconsecrated. The parish may do as they wish with it, subject to local planning law. Whether planning permission should be granted for the development of this land is a matter for Broxtowe Borough Council. However, it does appear to me that if the sale of this land is not achieved for the best price possible due to the provision of planning permission, the continued viability of the church building is in significant doubt.

The cost of the works

62. I have seen the detailed specification of works. This has also been scrutinized by the DAC. The price is reasonable for the work proposed. The evidence of Canon Holbrook was that the maintenance work alone to the church building is likely to cost around £350,000, even without the re-configuration to provide community space.
63. It is clear that the funds to be used for the renovation and re-ordering of the church will come primarily from grant-making bodies who give to such projects. It is not a case of whether the money for the project could be used for a more pressing objective. The money is not available for anything other than community buildings. The question is whether that money is used in Kimberley or elsewhere for that purpose.

Insufficient funds will be raised from the sale of the hall and land

64. Again, this appears to be an objection to the proposed sale of the hall and land rather than the re-ordering project itself. It is accepted by the petitioners that the sale alone is insufficient, but that it is the necessary 'seed money' that will attract the other donations.

The proposed works are unnecessary

65. I do not accept this. In order to fund the essential maintenance work, the provision of community space is necessary. More importantly, the proposed works are necessary for the church building to have the best chance of continuing to a place of living Christian worship and service in the future.

A new worship and community use site should have been considered in the location of the church hall.

66. For all the reasons given above, the prioritizing of the existing church building over the hall is the right decision. Funds should not be wasted investigating unrealistic alternatives. It was indicated by the Archdeacon, that if the

decision was made to give up on the church building and move to a different site, the worshipping community should consider moving to the centre of the town.

Midweek funerals and weddings will not be possible if the church let out to playgroup that currently uses the hall.

67. This is a reasonable concern. It is met however by the evidence of Canon Holbrook that the present playgroup is held 5 mornings and 3 afternoons per week and that any licence agreement for their use of the church building when re-ordered will be on similar terms. This would give two afternoons per week for funerals or other such uses. The number of funerals in previous years suggests that this is sufficient time. If the timing is more important than the location for a particular funeral the other church in the parish, St Patrick's in Nuthall, will be available at other times.

68. With regard to weddings, only one parish wedding has taken place in the church building in the last year, all the others opted to marry in St Patrick's. In light of the current state of the church building it is not hard to imagine why. The renovations will in my view make it more likely that marrying couples would chose Kimberley – but again if midweek timing is more important than location St Patrick's remains an option.

The petitioners should have requested/accepted the assistance of a team from the Built Environment Department of Nottingham University.

69. This was a particularly odd suggestion from Mr Barksby, who even, when pressed, confirmed that he wished the matter to be adjourned to enable this to take place. I refused that adjournment for a procedural reason and substantive one. Procedurally, no previous application for such an adjournment had been made despite ample opportunity. Substantively, members of the Built Environment Department are not the appropriate experts.

70. When Mr Barksby was pressed for clarification of his proposal, his view was that graduate students from Nottingham University should be given permission to undertake a project to come up with alternative proposals for the church and church hall sites. The project would form part of their course work and would take around a year to complete starting, he thought, in July 2015.

71. As I indicated when refusing the adjournment, with the greatest of respect to the University and the talents of their students, they are not the appropriate experts that should be relied upon by the petitioners in making their proposals for the future of their church building, or the Court in considering them. Rather, the petitioners are obliged under the Inspection of Church

Measure 1955 (as amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991) to appoint a qualified architect or building surveyor from a list maintained by the DAC of such persons with appropriate experience and expertise in dealing with church buildings. Holy Trinity appointed Peter Latham, one such approved expert. His firm has advised on the proposals and drawn up the plans before me.

CONCLUSION

72. I therefore grant permission for faculties to be issued as requested in respect of the organ and the re-ordering. I will attach the following conditions to the faculty relating to the organ:

- a. In the event that the re-ordering does not take place and the parish continues to wish to remove the redundant organ and replace it with a new one, further consultation with the DAC should take place as to how the new organ may be best integrated into the existing platform furniture.
- b. The plaque recording the dedication of the organ to the Hanson family shall be retained and displayed in a suitable location within the body of the church.

73. I will attach the following conditions to the faculty relating to the re-ordering.

- a. Any commemorative plaques placed upon or relating to fixtures or furnishings to be removed shall be retained and displayed in a suitable location within the body of the church.
- b. All electrical work shall be undertaken by an approved contractor registered with The National Inspection Council for Electrical Installation Contracting (NICEIC), Electrical Contractors' Association (ECA) or The National Association of Professional Inspectors (NAPIT) in accordance with the latest edition of the IEE regulations.
- c. The church shall appoint a new Church Architect (Derek Latham of Lathams having recently retired) and the new architect must be consulted and approve of the proposals.

74. Conditions b. and c. were recommended by the DAC and I accept they are appropriate.

75. Mr Barksby invited me to add a further condition that the project should not be permitted to commence until all the funding was in place. I have considered carefully whether this condition should be applied, or whether a condition requiring some proportion of funding be secured before any works commence. It would obviously be disastrous to start the project and not complete it. However, Canon Holbrook requested that such a condition was

not added as it may cause difficulties with the timing of obtaining the various grants required for the project. I was impressed with Canon Holbrook's mastery of the details of the proposals and fund raising requirements and I have no doubt that she will ensure that project will not go ahead until she is certain it will be completed. I am content to leave this in the hands of the petitioners, and not make any conditions in this regard.

76. For the avoidance of doubt the parish is free to sell the pews that are removed, if a market can be found for them.

77. I propose making the standard orders in respect of costs, namely that the petitioner shall pay the court costs and that otherwise each party will bear their own costs.

JACQUELINE HUMPHREYS
Acting Chancellor

17th March 2016

A handwritten signature in black ink, appearing to be 'JH', written in a cursive style.