

Neutral Citation Number: [2021] ECC Swk 7

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST PETER'S CHURCH, LIMPSFIELD

AND IN THE MATTER OF A PETITION BY JANE TOZER, ELEANOR STONEHAM AND DAVID STEWART

JUDGMENT

1. This is a petition dated 2 December 2021 by Jane Tozer, Eleanor Stoneham and David Stewart, respectively the Churchwardens and Treasurer of the parish of St Peter, Limpsfield. At the time of the petition, the parish had no Rector following the resignation of Revd James Perceval. On 13 December 2020 Revd Helen Cook was instituted as Rector. Sadly, since the lodging of the petition Mr Stewart has died. It is appropriate to begin this judgment by recognising Mr Stewart's great contribution to the life of the parish over the years. I know that he is greatly missed. By the petition, permission is sought for the following:

Demolition of existing single storey link to the current Millennium Room Annexe and the construction of a replacement enlarged link (infill extension, between the main church building and the Millennium room) to provide meeting room facilities (one larger room or two subdivided rooms), an accessible WC cubicle and two further WC cubicles, kitchen facilities and fitted storage units.

2. The PCC resolved, unanimously, at a meeting held on 23 June 2020 to petition for a faculty. There are 19 members of the Council.
3. St Peter's, Limpsfield is a fine mediaeval church which is listed Grade I. It has an outstanding musical tradition, happily emphasised by the fact that a number of well-known musicians (including Delius, Sir Thomas Beecham and Beatrice Harrison) are buried in the churchyard.
4. At the turn of the last century, the church built an extension on the north side. This contained a meeting room – known as the Millennium Room – and in the space between the meeting room and the existing church, a kitchenette and two WCs (one a “disabled” WC). The kitchenette comprises a sink, worktop, urn and associated cupboards and is open to the lobby that provides access between the church and the meeting room.
5. The Millennium Room has proved a great success. On Sunday mornings it provides space for the choir to robe and for children's groups. It is valuable space that can be used generally in connection with services and events in the church as well as independent events.
6. The Church (I am confident I can speak generally here) would like a proper kitchen; additional meeting room space; an additional WC and a “disabled” WC that meets current standards (the present one does not). The provision of a better kitchen would also remove difficulties which arise by virtue of the kitchenette being within the lobby so that those preparing refreshments are not separate from those moving from the Church to the Millennium Room and back.

7. To meet these needs it examined schemes for enlarging the extension. Ideally it would have liked a scheme which provided more space than the current scheme but, apart from anything else, this would have been too expensive. What is now proposed is to “infill” the space between the Millennium Room and the church to the west. This enables
 - a proper kitchen to be provided within the Millennium Room;
 - the Millennium Room to be extended southwards into the infill, with the capacity to use it as two rooms (by means of a fold away partition);
 - a lobby to be created which will not have a shared use;
 - an additional WC;
 - a WC for those whose mobility is impaired (and including baby changing facilities) which meets current standards¹.
8. The existing Millennium Room space will be made smaller by the installation of a kitchen within it but the additional space to the south will enlarge the total meeting room space available by 58 square metres. It is difficult to explain without looking at a plan but the new room with additional area provided to the south does not entirely achieve a replication of the existing area of the Millennium Room and I am not sure whether the additional area will all be truly usable space. In broad terms it can be said that the size of the new meeting room is of the same order of size but not configured as well.
9. The new arrangements will facilitate the service of coffee after the service. At present coffee is taken from the kitchenette and served in the south chapel; it will be possible to encourage people to enter the enlarged meeting room space to take coffee served from the new kitchen.
10. There was never an in principle objection from a listed building point of view to an extension along these lines, although it was always recognised that the detail would require close attention. The DAC was involved in the design and, as always, I am grateful for their involvement and subsequent advice. The CBC has also given advice for which I am grateful. The relevant amenity societies have been consulted and have no concerns. Planning permission has been granted.
11. The proposals have attracted eight objections on behalf of eleven people, evidently all loyal and supportive members of the congregation. None has opted to become a party opponent: they ask me to take their objections into account in making a decision on the petition.
12. At root their concern is that the proposals do not represent value for money, a particular concern at a time when (as we all know) Covid is presenting all churches with financial challenges. A procedural issue however arises this way. The proposals have been a number of years in development. The process came to head just before lockdown, the PCC approving the Statement of Need on 28 January 2020. This followed a congregational meeting late in 2019. The details were sorted out in the period leading up to a meetings in May and June 2020 when the decisions were made by the PCC to petition for a faculty and submit the final plans to the DAC. These meetings were, I think, on Zoom and services were not being held at this time. On top of that, the Rector, Revd James Percival, resigned with effect from June 2020. I think that the current Rector, Revd Helen Cook was in charge during a Covid affected interregnum; as noted, she was collated on 13 December. The congregation was kept informed about what was happening but was obviously not able to meet to discuss the proposals among themselves or very readily speak to PCC members. The PCC did not carry the objectors with them. They feel that matters should have been put on hold until after Covid and the new Rector had had the

¹ The WCs are achieved by re-provision not by improvement of the existing facilities *in situ*.

opportunity to find her feet. I am not sure where the 2020 APCM (whether on Zoom or otherwise) would have fitted in to all this: I have not been told that the proposals were discussed at it. The 2021 APCM will have post-dated the objections.

13. I deal first with the concern about process. I begin by observing that it is never of course possible to ensure unanimity as regards any faculty proposal. However, those who disagree express their views and in due course the PCC makes a decision. Those who still disagree can object on the merits and the matter then be determined by the Chancellor. Where there is a concern about process, objectors are not saying necessarily that the proposals should not go ahead but the process for approving them is flawed. The flawed process should be corrected before the matter moves forward.
14. In the present case one can see that there would indeed have been arguments to put the proposals on hold. These of course are arguments which commended themselves to the objectors. However there would also have been arguments to press ahead and it is these arguments that commended themselves to the PCC, its members no doubt having in mind that there were those who had reservations about the project. It seems to me that it was for the PCC to decide whether or not to press ahead and it is not for me to second guess it. I am sure they had in mind the thought that it was not appropriate for everything to come to a halt during the pandemic and to hope that, at its end, they would be able, as the phrase is, “to hit the ground running”. No doubt communication among members of the congregation was impaired but I am satisfied that the PCC took reasonable steps to inform parishioners by electronic means of what was going on.
15. I turn to the substantive concern. Once again there are arguments either way. It would not be appropriate for me to intervene unless I were persuaded that a decision to go ahead with the project was clearly misguided or had overlooked material considerations. This is evidently not such an extreme case.
16. However what I shall direct to issue is a *faculty* – a permission for the works to be carried out. It does not **require** them to be carried out. It seems to me that in a case like this, a project can acquire its own momentum and, progressed incrementally, no-one ever stands back and objectively assesses it before making the final decision to go ahead. The risk of that happening is greater where, as in this case, a project has been progressed through lockdown and communications have been impaired. Before matters are progressed further it will be sensible for the PCC to examine once again the pros and cons of the project, having given those who have concerns an opportunity to express them. It would then make a decision whether or not to proceed.
17. How this is done is a matter for the petitioners. There might be a parochial meeting or it could be that parishioners are invited to express their views to the Rector and churchwardens. Sometimes exercises like those that I am suggesting are opportunities for entrenched views to be re-iterated and can lead to bitterness and ill-feeling. I am confident that this would not be the case here where the objections have been expressed in an intelligent and restrained way. What I hope is that, following a discussion which does not predicate any particular outcome, a decision will be reached that enables the parish to move forward in a united way.
18. It hope it will be helpful as someone not “on the ground” for me to articulate the issues as I see them.

19. Ideally it would be good if the Millennium Room were a bit bigger. It would be good to have a proper kitchen; to have a dedicated lobby between the church and the extension; to have another WC and a bigger “disabled” WC; to have additional cupboard space. However there are listed building constraints on extending the footprint of the building to achieve all these objectives and there are financial constraints also. Accordingly the current scheme represents a compromise. It achieves the kitchen by reducing the size of the existing Millennium Room but makes up for that loss of space by extending the building southwards to incorporate the space between the existing footprint and the church. The dedicated lobby, the improved WCs and the additional cupboard space are all achieved.
20. The Millennium Room was a compromise in the first place; more particularly it would have incorporated a dedicated kitchen. Nonetheless the compromise does work; and of course if the money for changing it were not available it would have to be continued with.
21. As noted, the proposals do achieve the dedicated kitchen, lobby and improved WCs. Accordingly the focus of discussion would seem to be on the Millennium Room vis a vis the other improvements. If its enlargement is important, one can see an argument that says that what is achieved by the proposals is not worthwhile; on the other hand an argument, that says that the benefit flowing from the new kitchen and other improvements is primary and that the constraint on extending the Millennium Room is secondary. Overarching all these issues is the question of stewardship of money; whether the improvements achieved over the existing compromise are worth spending the money on.
22. As I have said, I am not “on the ground” and it is possible that I have not fully understood all the issues. But evidently what is involved is a judgment about the acceptability of compromise. I emphasise that I am not expressing a view one way or the other about the outcome of that discussion. What I am seeking to emphasise is that either outcome can be rationally justified. It would be good if further discussion leads to a greater meeting of minds about the way forward. But of course I recognise that it may not do so. However I do not see that honest disagreement about a matter of this kind is anything wrong. The reason for writing this lengthy judgment is obviously, first of all, to explain why I am granting a faculty; but, in the light of the objections that have been expressed, I hope that it will also be helpful to the congregation at St Peter’s in dealing with the disagreement that has arisen. The parish evidently has (in the phrase) “a lot going for it” as it meets the post-Covid challenges. I am confident that it will do so and I pray for its success.

Decision

23. I direct that a faculty shall issue as prayed subject to the following conditions.

- (1) Before works begin, details of the following are to approved by the DAC
 - the western elevation of the building
 - foundation design (including formation levels)
 - the heating system
 - archaeological mitigation

In the event of disagreement, the matter is to be referred back to the Court.

- (2) The works are to be completed to the reasonable satisfaction of the Church’s Inspecting Architect.

I note that as regards the western elevation, the DAC are expecting revisions to the detailing of the junction between the junction of the eaves of the flat roof with pitched roof. I am not sure

whether these will require a minor amendment to the planning permission but here I just flag the issue.

PHILIP PETCHEY

Chancellor

4 October 2021