

the church, hall and vicarage adjoining the burial ground had been demolished and the character of the area in which it stood had changed dramatically. The family had felt an increasing sense of alienation and anguish in relation to these changes. They were intending to bury the remains of the deceased's wife elsewhere and wished to bury the remains of the deceased in the same place. The chancellor found that circumstances existed that justified making an exception to the norm of permanence in Christian burial. [RA]

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### **St Michael and All Angels, Bexhill**

Chichester Consistory Court: Hill Ch, November 2011

*Lead theft – interim faculties – dispensation from faculty*

The chancellor gave a judgment in consolidated proceedings relating to four petitions and one application for a dispensation from faculty. Each matter concerned the replacement of stolen lead on listed church buildings and the chancellor sought to provide guidance for future cases throughout the diocese. In each case the chancellor had already permitted the works to proceed on the basis of urgency but had directed that full consultation should take place with the amenity societies, English Heritage (EH), the local planning authorities, the Church Buildings Council (CBC), the churches' insurers and the diocesan advisory committee. The chancellor summarized the evidence and advice tendered by the various bodies and then set down guidance for the future conduct of similar cases. He acknowledged that the theft of roof coverings can create an emergency situation, as the integrity of the building is often compromised. Given the urgency that often arises, the chancellor noted that a dispensation from faculty or an interim faculty might be appropriate. He listed circumstances in which a dispensation from faculty may be suitable, namely:

- i. Where the church is unlisted or, exceptionally, where the affected part of a listed church is of no particular significance;
- ii. Where the church has been subject to repeated thefts or is at significant risk of future theft;
- iii. Where the affected area is not visible from the ground and/or forms no part of the historic or aesthetic importance of the church;
- iv. Where the cost of the work (excluding scaffolding) does not exceed £7,500.

He went on to set down a non-exhaustive list of cases that might be suitable for an interim faculty, namely:

- i. Where the church is unlisted or, exceptionally, where the affected part of a listed church is of no significance or where EH, the CBC or any relevant amenity society has indicated its consent to the works;
- ii. Where the church has been subject to repeated thefts or is at significant risk of future theft;
- iii. Where the affected area is not visible from the ground and/or forms no part of the historic or aesthetic importance of the church;
- iv. Where the damage or risk of damage to the interior of the building is such that immediate intervention is deemed expedient.

The chancellor made clear that each case should be determined on its own merits and encouraged EH and the CBC to put in place procedures to deal speedily with cases of genuine emergency. [RA]

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### **Re St Mary, Stafford**

Lichfield Consistory Court: Thomas Dep Ch, November 2011

*Reordering – replacement of church door*

A faculty was granted for the re-ordering of a Grade I listed church that included the replacement of the main church door, which dated from a restoration of the church by Gilbert Scott in the 1840s. The proposals as a whole were supported by the diocesan advisory committee (DAC), the Church Buildings Council and English Heritage (EH). Objections from the Victorian Society and parishioners were confined to the proposal to remove the door. Applying the *Bishopsgate* questions, the deputy chancellor held that a case of necessity had been made out: replacement of the door was necessary in terms of mission, including the accessibility of disabled people and those with young children. Although its replacement would adversely affect the character of the church, the proven necessity was such as to outweigh such adverse effect, particularly in the light of the detailed assessment of the proposals by the DAC and EH. A condition was attached to the grant of the faculty requiring that the door be retained and that consideration be given to its being displayed in the church. [Alexander McGregor]

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