Re St Peter, Chailey
Chichester Consistory Court: Hopkins Dep Ch, 18 January 2019
[2019] ECC Chi 2
Re-ordering – costs – objections – reasonableness

The petition concerned the second phase of a re-ordering of this Grade II* listed mediaeval church. The proposals included the removal of a recently introduced Victorian screen to allow for the creation of a glazed room to serve as a chapel, children’s area and meeting space, and the removal of pews, save for the retention of a block of five rows of shortened pews. The proposals relating to the pews and the screen/chapel were opposed by a local party opponent, who requested an oral hearing. Applying the Duffield test, the court found that the removal of pews would harm the significance of the building, but that this was outweighed by the justification, being the provision of a more flexible space for certain community activities. As far as the screen and proposed chapel/meeting room was concerned, the removal of the screen would cause a very low degree of harm to the significance of the building, and the new glazed construction none at all. The party opponent’s criticism of the proposal related to the use rather than construction of the space.

The party opponent had sought to introduce new evidence at the hearing, in the form of a poll he had carried out in the village. The court found that the material was inherently unreliable, that the leaflet produced by the party opponent was tendentious and misleading, and that numerous voting slips appeared to have been completed by the same individual. The court held that the evidence was inadmissible, but in any event of no assistance to the court. The party opponent’s conduct in requesting an oral hearing of the petition insofar as it related to the pews was reasonable. However, his approach to the screen/chapel issue was unreasonable. Further, his conduct of matters before and at the hearing was unreasonable. This included failure to comply with court directions, reliance on irrelevant matters, repeated use of inflammatory and denigrating language on paper and in court, and culpably misleading and inaccurate communications. He was ordered to pay 50 per cent of the court costs attributable to the oral hearing, and 50 per cent of the petitioners’ costs. [David Willink]

R (Haq) v Walsall Metropolitan Borough Council
Administrative Court: Singh LJ and Carr J, 22 January 2019
[2019] EWHC 70 (Admin)
Municipal cemetery – Muslim burial – kerbing – discrimination – Articles 9 and 8 ECHR

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