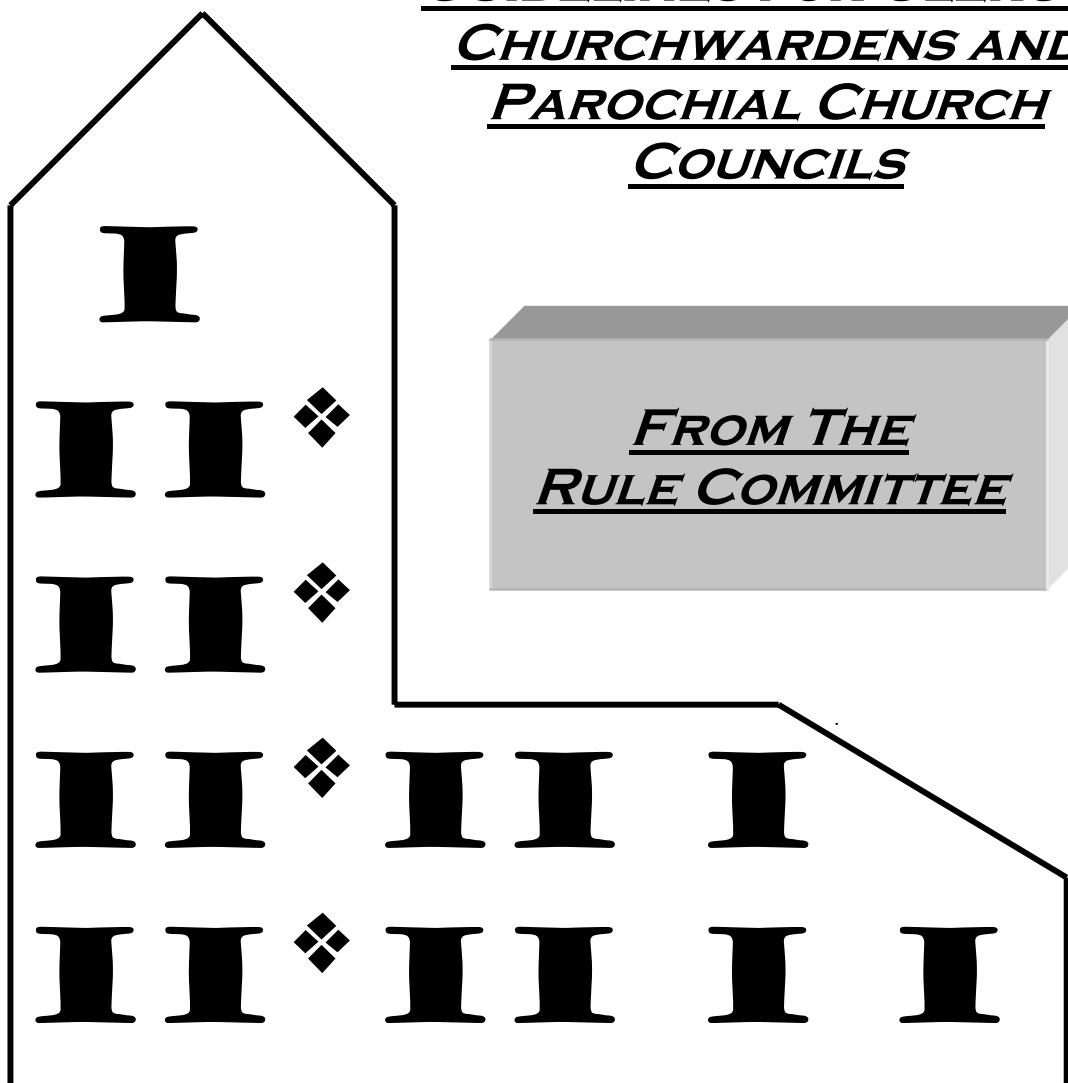


MAKING CHANGES TO A LISTED CHURCH

 THE CHURCH
OF ENGLAND
THE GENERAL
SYNOD

GUIDELINES FOR CLERGY,
CHURCHWARDENS AND
PAROCHIAL CHURCH
COUNCILS



Making Changes to a Listed Church

Preface by the Dean of the Arches

This booklet which deals with making changes to a listed church is important. It is designed to give and gives essential information about your responsibilities towards the church that you love and serve. You should keep the booklet with your church books and papers.

Your church is a House of God and a place of worship. If your church is listed, this means that it has been identified as a building of special architectural or historic interest and, therefore, it forms an important part of our national heritage. So when you are thinking of making changes, it is important to be aware and take account of the characteristics which have justified its listing and to think carefully about whether making changes is appropriate.

This guidance booklet is designed to help you as clergy, churchwardens and parochial church councils on how best to set about the process of formulating a scheme for making changes to your listed church, bearing in mind that each of you has a legal as well as a moral responsibility for your church.

If you follow the recommendations in this booklet you will avoid misunderstanding and delay and will have a better understanding of the responsibilities of the various bodies with whom you will be in contact. If you understand from the beginning what is required, both legally and from the point of view of good practice, you will be able to put forward proposals for change which are more likely to be approved.

However, if you fail to follow this guidance you are likely to experience frustration, annoyance and expense, which can and should be avoided.

Use of this guidance booklet, which has been prepared in consultation with English Heritage, is therefore strongly recommended. From now on, if you fail to follow this advice there can be no acceptable excuse.

The Honourable and Right Worshipful Sir John Owen – a churchwarden

January 1999

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1. INTRODUCTION

- 1.1. Churches "exist for a purpose - the worship of God and the mission of His Church - and they have a vital role to play in the life of the Church both now and in the future. They should be living buildings, which fulfil and are seen to fulfil that role."¹ Those who minister in churches and those who have responsibilities in relation to the maintenance of churches and their contents, should rightly be conscious of their part in ensuring that churches are indeed "living buildings". This may often result in a desire to alter the interior of the church in some way to make it more suited to modern worship. You may also seek to add facilities, such as toilets, kitchens or meeting rooms, either within the building or by extending it.
- 1.2. **It is the duty of the minister and churchwardens to obtain a faculty before making any alterations, additions, or removals affecting the fabric or furniture of the church (Canon F13).** Consequently, it is necessary for these parties to be well informed about the steps that they should take in order to obtain a faculty. The parochial church council, which has responsibilities in respect of the fabric of the church and its contents and has an interest in the financing of any changes in or to the church building, should also be fully informed, so that time and money are not spent wastefully.
- 1.3. This guidance is supplementary to that contained in the *Code of Practice* (see page 11) and deals only with certain schemes that propose changes to listed buildings. It does not apply to every change to a listed building (see section 8). Rather, it applies to changes that would require listed building consent if they could not be permitted by a faculty. It is intended to help you systematically approach matters that you will have to take into account.

2. WHAT IS THE EFFECT OF LISTING?

- 2.1 The effect of listing is to draw attention to the fact that your church, like many others belonging to the Church of England, is of special architectural or historic interest. Works which may affect the character of a secular listed building, as a building of special architectural or historic interest, require listed building consent. Because of the so-called "ecclesiastical exemption", this requirement does not apply to Church of England churches which are in use for ecclesiastical purposes and subject to faculty jurisdiction.

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- 2.2 The listing does not preclude changes to the building, but it does mean that applicants for a faculty must be able to justify their proposals. In the Church of England, we recognise that we have a responsibility to look after our listed churches and, consequently, ecclesiastical law and practice run parallel to the secular equivalent in attaching importance to protecting listed buildings from unsuitable and insensitive alterations. Because a listed building is of national importance, there are other people, in addition to the congregation and parishioners, who have a legitimate interest in the conservation of such a building.
- 2.3 It is right that a wider public should be consulted at an early stage and their views taken into account when works affecting the character of a church of special architectural or historic interest are being considered.
- 2.4 If, after carrying out the process of consultation recommended in this guidance, you decide to apply for a faculty to make changes to your church, it is important that you have in mind the questions which the Chancellor of the diocese will be required to address in considering your petition. The Chancellor will have to consider all the evidence and ask the following questions.
 - (i) Have the petitioners proved the necessity for some or all of the proposed works, either on the ground of the pastoral well being of the church, or for some other compelling reason?
 - (ii) Will some or all of the works adversely affect the character of the church as a building of special architectural or historic interest?

If the answer to both these questions is ‘yes’, then the Chancellor has the discretion to grant a faculty, if satisfied that the necessity proved by the petitioners justifies it.² A balance has to be struck between meeting the needs of the present generation of worshippers and the desirability of conserving the building and any special features of architectural or historic interest within it.

3. WHAT IS THE LISTING OF YOUR CHURCH?

- 3.1 It is essential to have details of the listing of your church. Churchwardens and the secretary of the parochial church council should keep the details amongst their papers and ensure that they are passed on to their successors. If you do not know the current listed status of your church and/or its ancillary buildings, you should ask your local planning authority (District Council, Unitary Planning Authority or London Borough Council), not only for the **grade** but also for a copy of

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- the **list description**. If you already know the **grade**, but do not have a copy of the **list description**, you should ask the local planning authority for it.
- 3.2 If your church is listed Grade I, it is amongst the small number of listed buildings (only 6,000 in all, nearly half of which are ecclesiastical buildings) which are regarded as of the highest quality.
- 3.3 If it is listed Grade II*, it is a very important building and may well have interior features of particular note, whereas if it is listed Grade II (which is the category containing most listed buildings), it is still regarded as being of special architectural or historic interest. In all these cases, any changes you propose will need to be examined carefully in the context of their effect upon the building and its character.
- 3.4 Your church or churchyard (either in whole or in part) may be a scheduled ancient monument. It may also be known to contain items of archaeological importance or be situated where there may be archaeological remains below ground. A scheduled ancient monument may lie below the church or churchyard. Any details of these matters should be kept with the listing of your church and must be considered when changes affecting the fabric of the church, or involving excavation in the churchyard, are being contemplated. If in doubt, you should consult your diocesan archaeological adviser or the local planning authority or county archaeologist.
- 4. WHAT IS THE SIGNIFICANCE OF YOUR CHURCH?**
- 4.1 No doubt you will be very familiar with the important features that contribute to the appearance of your church and its fittings, but have you ever attempted to analyse their significance?
- 4.2 It is strongly recommended that you prepare a separate paper that summarises the significance of your church. Once done, this will be of permanent value as an information base and should be updated if new information comes to light.
- 4.3 This **Statement of Significance** need not be lengthy or elaborate, but it should summarise the historical development of the building. It should draw attention to features of special importance and record the introduction of fittings and furnishings such as pews, the font, chancel screen and organ, which may have particular historic or aesthetic merit in their own right.
- 4.4 In compiling this document, you will be able to gain assistance from your own church guide or handbook, the **list description**, and your

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- own parish records. Your architect or surveyor, as well as the Diocesan Advisory Committee and any local historical or amenity societies, may also all be able to help you, as will guidebooks for the area.
- 4.5 The objective of the **Statement of Significance** is to identify the important features that make major contributions to the character of the church. The implications of any changes can then be assessed against this base information.
- 5. WHY DO YOU NEED TO MAKE CHANGES?**
- 5.1 Before approaching the Diocesan Advisory Committee or consulting any other bodies, it is essential that the minister, churchwardens and parochial church council set out to identify the needs of the worshipping congregation (and/or the parish at large) which have necessitated a consideration of making changes to the church building.
- 5.2 A **Statement of Needs** should be put in writing and agreed by the parochial church council, after discussion with the Archdeacon. It should set out the needs and reasons why you think that changes (for example, re-ordering or partitioning the church to create meeting areas) are necessary to assist worship and mission in your church. You should also explain the reasons why you consider that your needs cannot be met at present and, consequently, why you believe changes are required.
- 5.3 Once prepared, your **Statement of Needs** will be a core document, not only for your architect or surveyor, but also for the Diocesan Advisory Committee, English Heritage and the other parties consulted. It will enable these persons and bodies to make constructive and realistic suggestions as to ways in which your needs could be met, whilst still having regard to the importance of the character of the building.
- 5.4 At this stage, it is recommended that you consult the secretary of the Diocesan Advisory Committee who can provide information about other churches in the diocese and how they have addressed similar needs.
- 6. WHAT IS THE ROLE OF YOUR ARCHITECT OR SURVEYOR?**
- 6.1 Your choice of architect or surveyor will be important because changes to a listed building require sensitive handling.³
- 6.2 When you engage an architect or surveyor to prepare drawings for a scheme to meet your needs you should:

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- (i) remind him/her of the **grade** of listing of your church and give him/her copies of the **list description**, any scheduled ancient monument description and details of any known items of archaeological interest;
 - (ii) provide him/her with a copy of the **Statement of Significance** and the **Statement of Needs**;
 - (iii) remind him/her of the date of your church and the groups which you believe may need to be consulted (see sections 7.2 to 7.7 below);
 - (iv) ask him/her to consider the alternative ways in which some or all of the needs can be met in a cost-effective way whilst minimising, so far as practicable, the effect on the character of the building.
- 6.3 Once the parochial church council has considered your architect or surveyor's preliminary sketches or drawings, you should carry out informal consultations with the Diocesan Advisory Committee, English Heritage, the national amenity societies which are likely to have an interest in your church, and also the local planning authority.
- You or your architect or surveyor should send to each body:
- (i) a copy of your **Statement of Significance** and **Statement of Needs**;
 - (ii) your architect or surveyor's preliminary sketches or drawings, prepared in response to the **Statement of Needs**;
 - (iii) a summary of any alternative ways of making changes, which would meet your **Statement of Needs**;
 - (iv) a request to attend a meeting at the church between representatives of the church, your architect or surveyor and representatives of the bodies referred to above. The Archdeacon should also be invited to attend.
- 6.4 Experience has shown the benefits that this early consultation can provide. It enables the church architect or surveyor to take comments from the Diocesan Advisory Committee, English Heritage and others into account at an early stage and before the cost of preparing fully detailed plans has been incurred. **This procedure is therefore strongly recommended as having the potential to save both time**

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and money, whilst also ensuring that the church's objectives are met and conservation issues are being properly addressed.

7. WHOM SHOULD YOU CONSULT?

- 7.1 Your church may be old, in which case, it will probably have been added to from time to time over the centuries. Alternatively, it may have been built over a few years and to a single design. If you are not sure, it is important to check the **list description**, which will generally contain details of dates.
- 7.2 Certain organisations will have an interest in proposals affecting the character of your listed church, irrespective of the date when it was built. The Diocesan Advisory Committee has to be consulted in every case. In certain complex cases, the Council for the Care of Churches (CCC) may also become involved.⁴ English Heritage will have to be consulted in most cases. This is not least because either in the past, or nowadays through the Joint Grant Scheme for Churches and Other Places of Worship run with the Heritage Lottery Fund, English Heritage may have been (or may become), a source of financial assistance to your church. Even if there is no grant involvement (and before a faculty is granted), English Heritage will have to be consulted on works that would involve material alterations to the character of a listed church.
- 7.3 National amenity societies should also be consulted and will welcome your approach to them. Different societies will have an interest according to the age of your listed church.⁵ Relevant dates for the different societies⁶ are as follows:

Before 1715 -	Society for the Protection of Ancient Buildings
1700 to 1840 -	The Georgian Group
1837 to 1914 -	The Victorian Society
1914 onwards -	The Twentieth Century Society.

- 7.4 The other relevant bodies are non-period specific societies.⁷ The Ancient Monuments Society is particularly interested in sizeable extensions to churches of any date and proposals affecting features of importance by way of alteration or removal. The Council for British Archaeology will have a concern in operations that will affect the archaeology of the fabric of the church (or below the ground of the church) or in the churchyard.

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- 7.5 The local planning authority for the area in which your church is situated may also have an interest in being consulted, depending upon the changes proposed for your church. The ecclesiastical exemption means that listed building consent is not required in addition to a faculty, except where there is an external object or structure listed separately from the church building. But in deciding whether or not to grant a faculty for material changes affecting the character of your church, the views of the local planning authority are taken into account by the Chancellor, even though listed building consent is not required.
- 7.6 The above consultation is separate and distinct from any involvement with the local planning authority in relation to any necessary planning permission.
- (i) Where your proposal involves work to the exterior of the church requiring planning permission, you will need to obtain **both planning permission from the local planning authority and a faculty from the Chancellor**. In order to save time, it is sensible to proceed with both applications simultaneously, although in practice, planning permission will need to be obtained before a faculty can be granted.
 - (ii) Where your proposal does not need planning permission and does not need listed building consent, because of the ecclesiastical exemption, you will need **only a faculty**.

The Chancellor, in deciding whether or not to grant a faculty, will take into account the responses to consultation with the bodies mentioned above, namely English Heritage, the relevant national amenity societies (depending upon the age of your church) and the local planning authority.

- 7.7 In addition to the official consultations mentioned above, you may need to consider whether to consult any local amenity society for your area. This is particularly important if a society is well established and interested in the church building. Consultation and exchanges of ideas at an early stage in the formulation of proposals can be helpful, not only in the evolution of a well designed scheme, but also in the avoidance of confrontation and dispute at a later stage.

WHAT KIND OF CHANGE REQUIRES THIS WIDE CONSULTATION?

- 8.1 In general, changes that require a wide consultation are those that will make a significant difference to the interior or exterior of the church and, therefore, necessitate the use of this guidance booklet. There is no simple definition of what is a “significant difference”, because each

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listed church has its own characteristics. However, making alterations to distinctive parts of the fabric such as:

- the creation of a new window or door,
- the filling in of a window or doorway,
- the placing of a new wall between the nave and the tower,
- or the removal of a chancel wall or screen,

are all examples of changes that would warrant the wide consultation recommended in this guidance, yet this list is far from exhaustive. Removal of pews, or other items of furnishing, which have particular historic or aesthetic merit or were introduced as part of a composite scheme at some stage in the history of the church, would also be changes falling within this guidance.

- 8.2 Together with an experienced architect or surveyor, you should be able to form a view, on the basis of a common-sense approach, as to whether the change you propose will make your church significantly different from its condition and appearance beforehand.
 - 8.3 You should remember that conservation bodies will always aim at keeping interference with the fabric to a minimum and will be looking for potential reversibility of change wherever possible.
 - 8.4 If in doubt about the need for this consultation, you should seek advice from the Archdeacon and/or the Diocesan Registrar.
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9. **WHAT IF WE CANNOT REACH AGREEMENT WITH THE DIOCESAN ADVISORY COMMITTEE OR OTHERS WE CONSULT?**
 - 9.1 After the wide consultation that is recommended in this guidance, it maybe that the minister, churchwardens and parochial church council conclude that it is not possible to alter the proposals to accommodate all the views of those consulted. In that case, you are entitled to present a petition for a faculty to the Chancellor to decide the matter.
 - 9.2 The fact that a scheme contains controversial elements does not mean that it has to be abandoned. The Chancellor may allow it to proceed in whole (or in part) and grant a faculty accordingly. However, early consultation and a readiness to listen on all sides have the merit that they will nearly always reduce, if not eliminate, the areas of conflict. In terms of saving expense and delay it is a very worthwhile step in the process.

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10. FURTHER READING

This guidance booklet gives general assistance on how to enable a scheme involving changes to a listed church to progress as expeditiously as possible.

Further reading is recommended and, in particular, reference should be made to the following publications.

Available from bookshops or by mail order from Church House Publishing:

1. *Care of Churches and Ecclesiastical Jurisdiction Measure: Code of Practice* (ISBN No. 0-7151-3753-0, price £5.95).
2. *Church Extensions and Adaptations* (published in 1996 by the Council for the Care of Churches) (ISBN No. 0-7151-7567-X, price £6.65).

Also available:

3. *New Work in Historic Churches* (published by English Heritage), currently under revision.
4. *The National Amenity Societies: Their Role in the Conservation of Anglican Churches* (published by the Council for the Care of Churches and the National Amenity Societies in June 1998 and available from the Council). This is an important accompaniment to *Making Changes to a Listed Church*.
5. *Work on Historic Churches: the Role of English Heritage* (obtainable free from English Heritage).

Further copies of this booklet (or the text on disc) are available from the Secretary to the Rule Committee, Legal Department, Church House, Great Smith Street, London SW1P 3NZ (telephone 0171-898 1000).

Please arrange for a copy of this guide to be kept in the parish for future reference, alongside the already circulated National Amenity Societies guide (item 4 above).

REFERENCES

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1. *Care of Churches and Ecclesiastical Jurisdiction Measure, Code of Practice*, paragraph 3.
2. See *In re St. Luke the Evangelist, Maidstone* [1995] Fam 1 at p 8-9 (Court of Arches).
3. See Council for Care of Churches publication, *Church Extensions and Adaptations*.
4. See **Appendix** for Note to parishes about the function of the Council for the Care of Churches.
5. See *The National Amenity Societies: Their Role in the Conservation of Anglican Churches*, (see under Further Reading).
6. For addresses, see above guide.
7. See page 14 of above guide.

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APPENDIX

The Council for the Care of Churches (CCC) was founded in 1921 and is a national body that is answerable to the General Synod through the Archbishops' Council. The Council is situated at Fielden House, 13 Little College Street, London SW1P 3SH (telephone 0171-222 3793, fax 0171-222 3794).

The Council's principal duty is to assist parishes to maintain their church buildings, contents and churchyards, both recognizing their historic heritage and the requirements of contemporary Church life. The CCC also has to defend what is done to church buildings on the national stage. Through the media, the actions of one small parish can strengthen or tarnish the reputation of the whole Church.

The Council generally becomes involved in a faculty case if it involves major work in the building or the conservation or disposal of an important object. Its involvement is not a further barrier in the process but an opportunity to debate an important question in a sympathetic national forum, away from local pressures, and to give impartial advice to the Chancellors, an important element in satisfying the secular authorities that the Church system is fair. It also brings in high-level expertise to help parishes for free. So please welcome the Council as a useful critic and friend, not as an adversary.

The Historic Buildings and Monuments Commission for England (English Heritage)

English Heritage is the Government's statutory adviser on matters relating to listed buildings, conservation areas, and ancient monuments. Moreover, it has the power to grant aid towards the repair of outstanding listed buildings, including churches. The national headquarters is at 23, Savile Row, London W1X 1AB (telephone 0171-973 3000, fax 0171-973 3001). The regional teams dealing with church casework are moving to the regions that they serve and details can be obtained from the national headquarters.