

Closed church of Frosterley St Michael & All Angels: Statement of Significance and Needs
Faculty Petition OFS Application Ref: 2024-095663
Dedication of footpath, easement and parking bay lease

SCHEDULE OF WORKS OR PROPOSALS:

- i. Parish to enter into a “dedication agreement” with Durham County Council to formally register the footpath as a public right of way - as per schedule as set out: [Frosterley PROW Details] and [Proposed letter of submission to Durham CC].
- ii. Parish to enter into a deed of easement with the purchaser of the closed church in respect of access rights, services and other covenants, as set out: [Draft Deed of Easement and Plan].
- iii. Parish to enter into long lease with the purchaser of the closed church in respect of two parking spaces on Church Lane, located closest to the churchyard, as set out: [Parking Bays Draft Lease and Plan].

Context to the petition and submission of draft documents:

The church of Frosterley St Michael & All Angels was closed for worship 1st June 2019 through a scheme made by the Church Commissioners under the Mission and Pastoral Measure 2011. A pastoral (disposal) scheme made on 23 October 2023 provides that the closed church and part of the annexed churchyard land is to be appropriated for residential use. Planning permission [DM/20/02182/FPA] and Listed Building Consent [DM/20/02183/LB] have been secured for the proposed change of use.

After marketing and public consultation, the Church Commissioners and Durham DBF seek to complete on the sale of the church to a motivated buyer who promises to put the church to its agreed new use. For the Church Commissioners to bring the disposal scheme into effect the three legal agreements, as stated above, must be entered into. As there is presently no Incumbent to the Benefice of Upper Weardale, the PCC of Stanhope, Frosterley and Rookhope request grant of faculty in order to enter into these legal agreements.

The Faculty Jurisdiction Rules require submission of key documents with this petition and to be made available for public inspection. To allow the notice period to run in parallel with final negotiations with the buyer’s solicitor, the petitioners request we submit to the Chancellor the draft documents as attached in this petition on the basis that no material changes are subsequently made. The petitioners hope for grant of faculty which would allow the PCC to enter into the PROW dedication agreement and progress with agreed contracts of lease and deed of easement without causing preventable delays to the disposal scheme.

Statement of Significance – The Church:

The closed church of St Michael and All Angels (Title DU383456) is grade II listed ([1231459](#)) and lies within the Frosterley Conservation Area. The 2018 CBC report (PM 2455 - attached) describes the church:

“Parish church, 1868-69 by G E Street replacing chapel of ease of c1830 on a different site... a mature and highly attractive work... a fine and intact example of the revived early Decorated style by one of the leading architects of the Gothic Revival, G E Street; it exemplifies his more purist manner, as opposed to the freer and more adventurous style he had adopted in the previous decade or so; the result is a harmonious and satisfying composition, well integrated to its environment by the use of local materials and making a dramatic impact on the village scene and wider views by virtue of its elegant spire while, close to, forming the main accent to the green centre of the village... Of moderate significance overall”

The Church building is vested in the Durham Diocesan Board of Finance for care and maintenance. With the Church Commissioners, Durham DBF has taken the professional advice of agents in seeking an appropriate and alternative new use for the building. Prior to making the scheme for disposal for residential use, the property has been publicly marketed and undergone public consultations through the planning process and through the Mission and Pastoral Measure. This has included two drop-in sessions provided by the Diocese and Church Commissioners for parishioners and local residents. There is support in the village and parish for the new residential use and, in preparation for this, many of the contents of the closed church, including the organ, altar and marble font, have been removed under the provisions of faculty and listed building consent.

Statement of Significance – The Churchyard:

The consecrated churchyard which surrounds the church (Title DU380382) belongs to the incumbent of the benefice and was closed for burials in 1983 and is maintained by Durham County Council. It contains a number of graves including three CWGC memorials. An additional (detached) piece of burial ground was added to the east of Church Lane and further Council cemetery land lies to the east of that. The churchyard gate piers hold their own separate grade II listing ([1231470](#)). The CBC report describes the churchyard:

“The church stands in the centre of the churchyard, which is rectangular and aligned N-S, effectively dividing it in two. It lies between Front Street (the principal street of the village) to the N and the railway line and River Wear to the S. The general lie of the land slopes down to the riverbank but the church exploits a gentle prominence which the river and road skirt either side. This rise, coupled with the height of the spire, means that the church can be glimpsed over the roofs of the village houses from various points in the village. Better views can be had along the road from the NW and N where there are breaks in the building line.

The church contributes considerable value to the character of the village and major value to the largely green area behind Front Street. The churchyard is medium-sized. It is roughly rectangular, the long side oriented N-S with the church in the centre. On the S side, a wedge-shaped area is sliced off the rectangle by a footpath which runs alongside the railway line. There is a pedestrian gate at the SW corner of the churchyard giving access to this path but the principal entrance is at the NE corner.

Boundaries are marked by a rubblestone wall with a half-round stone coping. Both gates have dressed stone piers. The gate piers to NE of the church are separately listed grade II. The gates themselves were redecorated in 2009 and the paths have been resurfaced relatively recently. The stone boundary wall at NE corner breaking up, partly due to tree roots.”

Footpath: The footpath, which is illustrated on the PRWO plan, starts at a pedestrian access through the churchyard wall near the southwest corner of the churchyard, runs north past the west tower and porch entrance of the church and continues south east to the listed gatepiers at the northeast of the churchyard. The footpath then continues north along Church Lane to Front Street. The path is well used by villagers as an access route and by walkers and those visiting the churchyard. The footpath is not currently designated as a public right of way. The Church Commissioners’ disposal scheme (copy and plan attached) provides to appropriate the churchyard gatepiers and the section of churchyard path (shown hatched in blue) for sale for residential/ancillary use. The scheme reserves rights of access to the incumbent and all persons lawfully visiting the churchyard as well as rights of access/ passage of services and media for the buyer of the church. The planning permission for the change of use will require the buyer to undertake widening of the churchyard path to provide a driveway up to the church, using appropriate materials.

Church Lane: The lane which provides access to the church and churchyard from the A689 (Front Street) is referred to as ‘Church Lane’ and is seen as a necessary extension of the church site. The title (DU380383) confirms it belongs to the incumbent of the benefice. The title also includes unconsecrated benefice property in the form of a grassed strip of land and nine tarmac parking bays, set back from the lane and located north of the churchyard. Seven of these bays are leased out by the PCC, with two currently reserved for use with the church and churchyard. Existing easements pertain to the lane which itself provides access to the Old Vicarage (a privately owned dwelling) and to the ‘new’ churchyard and cemetery. Maintenance of Church Lane is currently shared: 1/3 PCC, 1/3 Durham County Council and 1/3 owner of the former vicarage.

Statement of Needs:

In order to progress and complete on the conveyancing of the church property and to bring the disposal scheme into effect, the following three needs must be met:

Public Right of Way:

- i. Parish to enter into a “dedication agreement” with Durham County Council to formally register the footpath as a public right of way - as per schedule as set out: [**Frosterley PROW Details**] and [**Proposed letter of submission to Durham CC**].

Neither the change in ownership of the hatched land, to be effected in the disposal scheme, nor the material alterations and widening of the path as required by the LPA, were to have impact on the continued public access rights for use of the path through (and into) the remaining churchyard. However, a representation was made against the Church Commissioners’ scheme following the mistaken concern that the disposal scheme sought to remove the footpath. This was not the case, but given that the footpath does not currently have formal designation, it was agreed that the Parish of Stanhope, Frosterley and Rookhope would enter into a dedication agreement with Durham County Council to dedicate the footpath as a Public Right of Way. Faculty is requested for the PCC to enter into this agreement - *please refer to the documents attached*. There will be no impact or harm to the stated significance; the dedication will preserve public access. Also, formal PROW dedication will not be impacted by, nor have impact upon, the subsequent change of ownership of the section of churchyard footpath or the works to widen that section as a driveway.

Easement:

- ii. Parish to enter into a deed of easement with the purchaser of the closed church in respect of access rights and covenants, as set out: [Draft Deed of Easement and Plan].

In order for the disposal scheme to be brought into effect, the buyer of the closed church must be provided with grant of access, rights of easements and reservations over Church Lane. These are set out in the attached documents which highlight the private roadway which passes between the points marked A and B on the Plan and is shown coloured brown on the Plan. This gives the buyer of the church (the Grantee) the rights to pass, with or without vehicles, over the accessway and to conduct services and media to the church property, and also to comply with the covenants and reserved rights as set out (including paying a fair and reasonable proportion of the costs of repair). There will be no impact or harm to the significance of the site. Although not party to the contract, the owner of the Old Vicarage is being kept informed of progress.

Lease of 2no. Parking Bays:

- iii. Parish to enter into long lease with the purchaser of the closed church in respect of two parking spaces on Church Lane, located closest to the churchyard, as set out: [Parking Bays Draft Lease and Plan].

The LPA’s planning requirements for the change of use and the proposed sale of the church property include for the two parking bays (currently reserved for use in connection with the church) to be given as additional car parking for the residential use. This unconsecrated benefice land cannot be appropriated under the Mission & Pastoral Measure (disposal) scheme and therefore it is requested the PCC are given authority to enter with the buyer into a 999 year lease of the two parking spaces, under provisions of s.33 and s.34 of the Church Property Measure 2018. Whilst an annual peppercorn rent has been proposed the DBF will, from the proceeds of sale, seek to provide the Parish reasonable compensation for the lease of the bays in perpetuity. It is to be noted that provisions have been drafted to ensure rights are reserved for the Incumbent and owners of the cemetery (Durham County Council) to park their vehicles for the purposes of maintaining and repairing the churchyard and cemetery, and for works to memorials and in respect of digging new graves. This is to ensure provisions for continued local authority and parochial operations as well as the continued upkeep of the churchyard and the care of its character and significance.

12th March 2024

Dan Spraggon
Church Buildings Support Officer
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