



***Faculty application** — Churchyard — Grade II listed church — Unopposed application for a faculty seeking retrospective permission for the alteration of two pews and their installation in the church porch — No objections were received — DAC not objecting to the retrospective application — Whether faculty to be granted — Whether any sanction to be imposed for the deliberate alteration and installation of the two pews without faculty permission — Whether the court should make an excluded matters order under s.78 (3) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018*

Reference: 2023-090677

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Sunday, 19 July 2026

Before:

THE WORSHIPFUL DAVID HODGE KC,
CHANCELLOR

In the matter of:

St Mary-le-Moor, Cadmore End

THE PETITION OF:

Mrs Tanya Sims (Church Secretary)

Mrs Nora Hayes and

Miss Carolyn Lambourne (Churchwardens)

Unopposed faculty petition determined on the papers and without a hearing.

No objections were received to the application.

The following cases are referred to in this judgment:

Re St Alkmund, Duffield [2013] Fam 158

In Re St Mary, Stalbridge [2024] ECC Sal 1 & 2, (2024) 26 Ecc LJ 349

Re St Mary the Virgin, Stevington [2024] ECC StA 1, (2025) 27 Ecc LJ 143

JUDGMENT

Introduction

1. This is my judgment on an unopposed, online faculty application, dated 13 April 2026, by Mrs Tanya Sims (the church secretary) and Mrs Nora Hayes and Miss Carolyn Lambourne (the churchwardens) of the Grade II listed church of St Mary-le-Moor, Cadmore End, which is part of the South Chiltern Team Ministry in the Archdeaconry of Buckingham. The village of Cadmore End lies just to the south of the M40, and to the south-east of Stokenchurch. The volume of *Pevsner's Buildings of England for Buckinghamshire* (2nd edn, 1994) describes the church, which was built in 1851 by Rhode Hawkins, as “a plain, aisleless country church”, with original furnishings and tiling. The petition seeks retrospective permission for the alteration of two pews and their installation in the church porch. The petition was duly advertised between 7 September and 7 October 2023, and no objections were received. However, the certificate of publication was only filed on 13 April 2026.

The Statements of Need and Significance

2. The uploaded illustrated, Statement of Need was prepared by the church's steering group (a sub-committee of the District Church Committee) as long ago as 5 March 2022. It records that the 2018 quinquennial inspection report had reiterated the need to undertake significant repairs to the nave roof. However, the church wanted to take that opportunity to make wider improvements to the church building, to make it more fitting for use by all potential visitors, and to make sure that this 170-year-old church remained in use for generations to come. Proposed improvements included enlarging the space at the rear of the church by removing two pews so as to provide a display and meeting area and a quiet space.

3. The contemporaneous, illustrated Statement of Significance does not, in terms, address the history of the pews. It implies that they are original, since it states that the church building has changed little, except for the vestry, which was extended to include a small kitchen and toilet in 1989. “Therefore the church is a charming example of a small rural place of worship, with many of its 19th century fixtures and fittings intact.” This Statement notes that two pews had previously been removed at the rear of the nave, behind the font, to create more room for baptismal parties. There the parish had created a small, multi-functional space, which had become a gathering point for families with children during services who wish to utilise the children's resources; and then, afterwards, as a place to serve refreshments, and for those who wish to stay and chat together. The parish had proposed that three further pews should be removed at the rear of the nave, on the north side, to match the existing space where the pews had already been removed on the south side. All the pews were said to sit on wooden floorboards. All of the pews are needed to provide seating at larger services, so additional chairs from the church hall (in excess of 20) would need to be put in place for large services and events, as and when the church should require them. The additional space at the rear of the nave would allow for more spacious, and inclusive, use, enabling more people to sit and gather there for refreshments, meetings, and small events. The space would create the opportunity to develop the church's heritage display. It was envisaged that some of the pews would

be reinstated in that area to create seating, whilst the wood from the other pews would be used to create aspects of the display area and storage.

The Notification of Advice

4. The Diocesan Advisory Committee's Notification of Advice was issued on 20 March 2026. The DAC does not object to the works being approved by the court. It explains that it was not possible to obtain any information about the significance of the pews before the works were carried out to them. The DAC advises that the works are not likely to affect the character of the church as a building of special architectural or historic interest. Prior to issuing the Notification of Advice, the DAC had asked the parish for information about the date of the pews, what they were made out of (i.e., whether oak, or pine), whether they were designed by any known architect or contractor, and whether any other pews had been removed and, if so, when. The DAC indicated that it would also be helpful to have some large, well-lit photographs of the pews concerned, showing some details of them, as well as of the space from which they had been removed.

The history of the petition

5. This faculty application was first sent to me on 21 May 2026. It was accompanied by a note from the Head of Church Buildings who informed me that at the end of May 2022 the parish had applied to the Archdeacon for a temporary minor re-ordering licence (2022-073155) to permit the alteration of the pews and the relocation of two of them to the church porch. At the end of June 2022, the Archdeacon had informed the parish that a full faculty application would be required for these works because of the irreversible nature of the proposal, but that he would support the faculty as a useful project. In July 2022, the case officer had spoken to the parish by telephone; and she had subsequently created an application for a temporary minor reordering licence to permit the parish, temporarily, to unscrew three pews in the north-west corner of the church so as to allow the parish to experiment with the creation of an additional space for displays and for gatherings. At the end of October 2022, the Archdeacon had approved the temporary minor reordering licence. At the end of June 2023, the parish had asked about the next steps for the pews as the temporary minor reordering licence was due to run out in October. The parish wished the pews to be modified so that they could be placed in the church porch. Early in July 2023, the case officer had advised the parish about the faculty process, and the documents the parish would need to supply in support of their faculty application. She advised the churchwarden, very clearly, that a faculty would be required for the work to be made permanent. In October 2023, the parish submitted the present application for a full faculty. This was referred to a delegated sub-committee of three members of the DAC. Two of them proceeded to raise concerns that the significance of the pews had not been properly established; and it was this that had led to the request for further information from the parish about the pews to which I referred earlier in this judgment. One of the sub-committee members undertook an independent visit to the church on 25 March 2024. He found that the proposed alteration of the pews, and their relocation to the church porch, had already been carried out. Judging by the dust and the dry leaves on the pews, he considered that they had been in the porch for some time. He was satisfied that the temporary reordering licence could not have authorised this work. He also noted that the faculty application was both (a) to make the temporary removal of the pews permanent, and (b) for permission to cut down the two pews so that they might fit into the porch. He was therefore of the view that the parish had acted illegally in proceeding without waiting for the faculty to be issued. He noted that there was no reference to this in any of the documentation submitted by the parish. When challenged, the parish admitted (in April 2024) that the work had been done in February 2024. In fact, paragraph 5c of

the minutes of a DCC meeting held in the church on 30 November 2023 indicate that by that time the pews had already been removed from the back of the church and had replaced the original benches in the church porch, at a cost of £90. An email from the churchwarden to the DAC's heritage consultant on 24 March 2024 had failed to mention this fact. Rather, it had referred to the work in the future tense: *"The church ground plan shows all the church's pews, with the two removed pews after they will have been altered to allow them to be placed in the church's porch or used in the newly created space."* In an email of 21 April 2024, the churchwarden claimed that the relevant case officer had been consulted before the work was commissioned. I am advised that, in fact, the case officer had been very clear in correspondence that a faculty was required.

6. On 25 May 2026, I returned the faculty application to the Registry through the online faculty system with the following observations:

From the uploaded photographic images, these pews would not appear to be particularly distinguished. The listing entry for this Grade II church describes the interior as 'simple', with 'contemporary fittings'. The pews would therefore appear to be mid-C 19th pine pews. However, I am concerned that the two pews have been permanently adapted without faculty approval. I note that item 5c of the minutes of the DCC meeting held on 30.11.2023 records that 'the pews removed from the back of the church have replaced the original benches in the church porch', at a cost of £90, so this must have been done before this date. Please ask the parish for an explanation as to why this was done without prior faculty approval, and why it has taken so long for them to apply for retrospective faculty consent.

In a following email, I asked the Registry, to run the petitioners' comments, when received, past the Head of Church Buildings for her response before referring them back to me.

7. My request for further information was duly conveyed to the parish by way of email from the Registry dated 27 May 2026. The immediate response from one of the petitioners (Miss Lambourne) was that she had only been a churchwarden for less than one month and she had not been living in Cadmore End when these decisions were taken so she was afraid that she could not answer the questions I had raised. She indicated that there was to be a meeting of the church council on 3 June so she would ask if anyone at the meeting knew the answer to my queries; but she personally could not provide any information about this. In a later email, Miss Lambourne pointed out that at the recent three yearly inspection, both inspectors had been very impressed with the space at the rear of the church that had been created by moving the pews. This area is used for tea, coffee, and chat with various communities; and many people are now coming to the church who would not usually have done so. I note that two of the petitioners (Mrs Sims and Mrs Hayes) are recorded as having attended the DCC meeting on 30 November 2023 at which the removal of the pews from the back of the church and the replacement of the original benches in the church porch had been noted. I note also that Miss Lambourne's apologies were recorded in the minutes of this meeting.

8. This further information was duly conveyed to the Head of Church Buildings. On the basis of the case history, she expressed some concerns about the extent to which the parish had addressed the questions I had raised. The timeline prepared by the Church Buildings team showed that the parish had been discussing works to the pews since at least 2020. They had been advised that a faculty would be required for any permanent or irreversible alterations. A temporary licence had been issued in October 2022 to allow a limited, experimental, removal of the pews. But the permanent alteration and relocation of the pews to the south porch had been carried out without any prior faculty approval. The parish had been asked to confirm what had been done, and under what authority, in April 2024; and the matter had been progressing as a retrospective faculty application since that point in time. The current response from the parish provided no explanation

as to why: (a) the parish had undertaken the works without any faculty permission, despite earlier advice about the need for this; or (b) there had been such a long delay in seeking to regularise the position following the completion of the works. Miss Lambourne asserted that she had not been involved at the time the relevant decisions had been taken; and that might explain the lack of detail in the parish's response. However, the parish had now had multiple opportunities to provide a full account; and it remained unclear why due process had not been followed. The additional information that the parish had provided about the use, and perceived benefits, of the space that had been freed up at the rear of the church was said to be helpful context in understanding the outcome of the works; but it did not address the procedural concerns which had arisen in relation to the retrospective nature of the application.

9. Having considered the matter further, I indicated to the Registry that I was considering whether to make an excluded matters order under s. 78 (3) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 (the **2018 Measure**). Such an order would have the effect, for a specified period of time (which I proposed should be two years), of depriving the parish of the benefit of List B authorisations. Any works falling within List B which would ordinarily require only the authorisation of the Archdeacon would, during the specified period, instead require a full faculty. As the making of such an order was not urgent, I was required by s. 78(4) to seek the advice of the DAC before making such an order. I therefore asked for their advice, both as to the principle of making any order, and as to its suggested duration. I indicated that my final decision would follow upon receipt of that advice.

10. In due course, I received emails from the Head of Church Buildings (and Secretary of the DAC), the Chair of the DAC, and the Archdeacon of Buckingham. All three supported my proposed route forward. The Head of Church Buildings expressed the view that "*it is important that there is a consequence when the rules, which are clearly understood, are ignored, and this would signal that this is not acceptable*". The Chair of the DAC indicated that on the basis of the timeline provided by the Church Buildings team, it sounded very sensible to inhibit the parish's freedom a little in order to regularise their behaviour. He therefore had no objection at all to my proposal, which seemed very well judged. The Archdeacon also indicated that she was content with my suggestion.

11. I also invited the Church Buildings team to provide me with the full email trail relevant to the parish's knowledge that they should not have proceeded to carry out the works without a full faculty. This revealed the following:

(1) An email, sent on 29 June 2023, by one of the then churchwardens and a petitioner (Mrs Tanya Sims). This principally addressed a proposal to replace the nave roof and to carry out stonework repairs. However, this email concludes:

Finally the 2 pews, for which the church has a temporary faculty (that runs out in October of this year) are now waiting to be modified so that they can be placed in the church's porch. We have a local craftsman ... ready to make the alterations at a cost of £90. What would you suggest the next steps should be?

(2) On 4 July 2023, one of the church buildings officers replied:

In respect of the pews, a faculty will be required for alteration and relocation of the pews to the porch. A shop drawing showing the proposed alterations to the pews prepared by the local joiner should be included with the faculty application along with photographs of the pews as existing and photographs of the proposed location in the porch. Statements of significance and need will also be required. Guidance on the preparation of these statements can be found on the DAC website: ...

A link to the relevant section of the website was provided.

(3) A later email from a heritage consultant working with the Church Buildings team to Mrs Tanya Sims. thanked her for her “*application to remove some pews at Cadmore End*”. It recorded that she had forwarded the proposals to a subcommittee of the DAC for consideration, and that they had requested clear photographs of the pews, an assessment of their historic significance and their age, and an existing floor plan to show how many were left and where they were.

(4) Mrs Tanya Sims’s response is dated 24 March 2024. It is headed: “*Re Cadmore End church’s faculty application for permanently moving 2 pews, from the back of the nave, into the church’s porch.*” The email reads:

*Attached are 6 images showing the condition of the 19th century pews. I’m afraid we have no record of when they were installed but assume it was after the church was consecrated in 1852. The NADFAS document that the church holds describes the pews as being made from pine (see attached image below). The church ground plan shows all the church’s pews, with the 2 removed pews **after they will have been altered** to allow them to be placed in the church’s porch or used in the newly created space. [My emphasis]*

(5) On 8 April 2024, the diocese’s heritage consultant wrote to Mrs Sims. She asked her to

... clarify for me whether or not this work has already been done? A member of the DAC visited the church at the back end of the month and has sent photographs of two pews already in the porch. I cannot find any record of such works having been authorised recently.

(6) On the following day (9 April 2024), Mrs Sims responded to this email as follows:

To clarify the work was completed in February of this year which must have been after the 8th February as there’s no record of their return in the DCC minutes. You are correct, the DAC member who visited did see the 2 refurbished and altered pews in the church porch. I also hope that as the building should have been open, that they took the opportunity to look inside to see the layout and how the church community is trying to make the building more useable.

My apologies, it would seem that the church has got a little ahead of the faculty system. The 2022/23 TMRO was due to run out so I submitted the faculty in October 2023 and had assumed that it would be straightforward. When your first email, asking for additional pew images, arrived on the 22nd March 2024 I was concerned but felt that was a routine procedure.

If I have misinformed you I can only apologise again. The porch pews are being to put to good use by walkers who are stopping for breaks and hopefully using the church and churchyard for quiet reflection. Perhaps the DAC member was doing something similar that day.

12. From this email trail, it is clear that the works to the two pews, and their replacement of the original benches in the church porch was undertaken both (a) without faculty permission and (b) in the full knowledge that such prior permission was required.

The legal framework

13. Since St Mary-le-Moor, Cadmore End is a Grade II listed church building, the court is required to have regard to what have become known as the *Duffield* guidelines when determining this faculty application. These are named after the decision of the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158; and they have been considered, and refined, in later cases. The court must first consider whether the implementation of these proposals would cause any harm to the significance of this church as a listed building of special architectural or

historic interest. If so, the court must then consider how serious such harm would be, and how clear and convincing is the justification for carrying out the proposals. The court must bear in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building. The court must also ask itself whether the petitioners have demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits which would outweigh any resulting harm.

14. In the present case, I am satisfied that the removal of these two pews from the rear of the church, and their permanent alteration to enable them to be installed in the church porch, has caused no harm to the significance of this Grade II listed church building. Although part of the original church furnishings, the pews are of no great quality or design, and they have no particular inherent significance. Their removal has created a useful gathering space at the rear of the church building, and has created a greater appearance of symmetry at the rear of the church than was previously the case following the earlier removal of the pews around the font on the south side of the nave. The shortening of the pews was necessary to enable them to be fitted into the porch, where they provide a useful, and welcoming, facility where weary travellers may sit down and rest and reflect. The parish have therefore provided a clear and convincing justification for this proposal. I would therefore have had no hesitation in granting this faculty had the parish applied for it prospectively, before they had carried out the alterations to the pews. But they have not done so. Instead, they have carried out the works before obtaining faculty permission, And they have done so in the full knowledge that faculty approval was required. How should the court respond to this?

15. In a recent article at page 12 of the edition of the Church Times for 12 June 2026 entitled *Parishes should cherish church buildings officers*, the Reverend Deiniol Heywood (a member of the Oxford DAC, and an Assistant Archdeacon of Buckingham) has written about the importance of the *'ecclesiastical exemption'* from the requirement of obtaining listed building consent for works to church buildings. He writes:

This exemption ... is the foundation on which all our church building projects rest. Without it, it would be virtually impossible to justify harming (in the planning officer's use of the word) a church to improve its facilities.

The exemption exists because the government recognises that churches are not just relics to be preserved at all costs from the developer's wrecking ball. Churches have a purpose, a reason for being, which is more important than their beauty and their heritage value. A church must work as a church, first and foremost.

...

But this freedom comes with a heavy price. We are required to operate our own alternative planning system - and it has to be just as rigorous as the secular system. This is a legal requirement that dioceses must demonstrate to government. If we lost the exemption, all our development projects would cease, and our churches would become museums.

16. Section 77(1) of the 2018 Measure provides the statutory basis for the Faculty Jurisdiction Rules 2015 (the **FJR**) to specify (subject to conditions) matters within the jurisdiction of a consistory court which may be undertaken without a faculty. The table in List B of the FJR (as amended) prescribes a range of closely defined matters which, subject to any specified conditions, may be undertaken without a faculty if the archdeacon has been consulted on the proposal to undertake the matter and has given notice in writing that the matter may be undertaken without a faculty. The archdeacon may also impose additional conditions in the written notice.

17. Section 78(3) of the 2018 Measure provides that:

Where the chancellor of a diocese considers that there are special circumstances affecting a parish or church, churchyard or other building or place in the diocese which justify doing so, he or she may by order provide that a matter specified in the order may not be undertaken without a faculty even though it is a matter that is specified by virtue of section 77(1).

By s. 78 (4) the chancellor must seek the advice of the DAC before making such an order unless he or she is satisfied that the matter is sufficiently urgent to justify making an order without obtaining the committee's advice. By succeeding sub-sections, the chancellor is required to send each such order he or she makes to the registrar of the diocese, who is to file each order in the diocesan registry. Where an order is made under s. 78(3), the registrar is required to serve a copy of the order on (a) the minister and churchwardens of every parish affected by the order; (b) the archdeacon of every archdeaconry in which a parish affected by the order is situated; and (c) the secretary of the DAC. Any churchwardens on whom a copy of such an order is served must (a) keep it with the inventory maintained under s. 49(1) and (b) insert a copy of it in the log-book maintained under s. 49(2) of the 2018 Measure. By sub-section (8), the chancellor may by order vary or revoke an order made under s. 78(3). Corresponding provisions are to be found in FJR 3.6. In addition, FJR 3.6(4) provides that:

Where the chancellor has made an excluded matters order and it is proposed to undertake a matter specified in the order in respect of the parish, church, churchyard or other building or place in the diocese to which the order relates, a faculty (or an interim faculty under Part 15) must be sought.

18. In *Re St Mary, Stalbridge* [2024] ECC Sal 1 & 2, (2024) 26 Ecc LJ 349 (in the Salisbury Consistory Court), Deputy Chancellor Willink had to consider whether any penalty was appropriate for the deliberate disregard of the rules governing the faculty jurisdiction. Before an amendment to the Faculty Jurisdiction Rules in July 2022 removed the like-for-like replacement of an oil-fired boiler from List B, the PCC had resolved on such a replacement for their church's defunct boiler. Before the work was undertaken, however, and as part of the Church of England's aspirations to progress towards a 'net-zero' carbon fuel environment, the FJR were amended to require there to be a faculty for such a boiler replacement, and to require the DAC to advise the court on whether the petitioners' explanation of how they had paid due regard to the Church Buildings Council's net zero guidance was adequate. Whilst the petitioners had taken some steps to justify the decision they had taken by reference to the net-zero guidance, the DAC's pre-petition advice had been that the petitioners' explanation was inadequate, and the DAC did not recommend the grant of a faculty. Nevertheless, the petitioners had issued their petition; but before the petition could be considered, and in the knowledge that such a course was unlawful, the petitioners had procured the installation of the new fossil-fuel boiler. The court concluded that the parish had not followed the 'net-zero' guidance; but the particular chronology provided a cogent reason for that failure. Considering the matter afresh, with the benefit of additional material on the cost of alternatives which had not been available to the DAC, the court was satisfied that a new, oil-fired boiler was the only practicable, and affordable, heating solution available to the petitioners. It therefore granted a confirmatory faculty, subject to a condition that carbon emissions from fossil fuel must be subject to accredited offsetting.

19. In a separate judgment, the court went on to address the unlawfulness of the petitioners' actions. The petitioners had written to the diocesan bishop and others announcing their intention to proceed in the absence of lawful authority, and expressing frustration at the Church's lengthy legal processes. The incumbent's evidence was that, had the recipients responded to that letter

with advice as to what could or could not be done, there might have been a different turn of events. However, given that the letter had been written on the same day that the installation of the new boiler had been commissioned, the court considered that suggestion to be fanciful. The court also took the view that the contractors had not been entirely blameless since they had failed to ask for confirmation of the authority for the works they were about to undertake. The court concluded that, in the light of the sustained and serious way in which the conduct of the incumbent and the PCC had fallen short of what the faculty system required of them, some sanction was appropriate. Subject to the views of the DAC, the court proposed to make an excluded matters order under s. 78(3) of the 2018 Measure, depriving the parish of the benefit of any List B authorisations for a period of two years. At paragraph 26 of his second judgment, the Deputy Chancellor said this:

I cannot overlook the sustained and serious way in which the conduct of the incumbent and the PCC fell short of what is required of them by the faculty system. Some sanction is appropriate.

20. In *Re St Mary the Virgin, Stevington* [2024] ECC StA 1, (2025) 27 Ecc LJ 143 (in the St Albans Consistory Court) the petitioner sought a confirmatory faculty for the removal and replacement of an extremely rare and important Anglo-Saxon window head within a Grade I-listed church. The works in question had been carried out, on the basis of List B approval, as part of wide-ranging repair works identified as necessary in the church's quinquennial inspection report. It should have been apparent that the proposed works to the window head would go far beyond what could properly be permitted in that way. The DAC did not oppose the grant of a confirmatory faculty; but the Diocesan Archaeological Advisor had advised separately that a replacement more closely reflecting the original shape of the window head should be ordered. The court, of its own motion, considered the possibility of making a restoration order under s. 72 of the 2018 Measure.

21. The court was satisfied that the deeply regrettable, and inexcusable, failure to identify, and to act upon, the need for care and specialist advice was the result of inadvertence, rather than a deliberate desire to contravene the law, or to subvert due process. In considering the petition for a confirmatory faculty, Chancellor de Mestre KC considered that the starting point was to assess whether a faculty would have been granted had it been sought prospectively. Any purely *Duffield*-based approach must, however, be modified to reflect the realities of the situation, especially in a case where the church had already disposed of original fabric, and restoration in its truest sense was impossible. In the instant case, the harm was substantial; and there was no countervailing public benefit. It was therefore unlikely that the replacement that had taken place would have received faculty permission had this been applied for prospectively. However, the court noted that the option of simply dismissing the petition would have the effect of neither legitimising the unlawful works, nor compelling their reversal. The court agreed that this was rarely a sensible solution. A restoration order was likely to be a necessary corollary of the refusal of a confirmatory faculty; and the practicalities of such an order should also be considered. A prospective *Duffield* assessment was therefore only part of the consideration that the court must bring to bear in deciding how to proceed in the case. Along with some lingering doubt as to the true date of the lost window head, the replaced stonework had been disposed of; and there was no consensus as to the design of any replacement should the court order the removal of the unlawful work. There was, in any event, a lack of proportionality in ordering a further, and new, window head to be created and installed when this would still not restore the status quo ante. Whilst “*strongly deprecating the shortcomings in the processes that have been involved leading to the unlawful works*”, the court decided - by the barest of margins - to grant the confirmatory faculty sought, on condition that any future replacement of the new stonework should be based as closely as possible on records of the lost original piece. At paragraph 66 (vii) the Chancellor observed:

... I note the argument that has been raised about 'signalling' and the message that it is thought might be sent to the wider world if a confirmatory faculty is granted, namely that it might be said that the Court condones what has happened here. This Court in no way condones the missteps and mistakes in this case.

The court also indicated that it would be inappropriate for the church to have any proposals considered under List B for a period of 12 months; and it reserved the right to make a formal excluded matters order in the event of any deviation from this approach. At paragraph 70 ii, Chancellor de Mestre KC said this:

Having regard to the mistakes and omissions in this case and the need to ensure consistency, I conclude that it would be inappropriate for proposals concerning St Mary's, Stevington to be considered under List B for a period of the next 12 months. Any such matters should instead be sent to this Court for consideration (and I will waive my fees for determining any matters which would ordinarily have been the subject of List B during that period). I will consider formally making an excluded matters order under rule 3.6 FJR in the event of any deviation from this approach.

Conclusion

22. In my judgment, the court should not make an excluded matters order merely in order to express the court's disapproval of the way in which a parish has proceeded in the past. The making of such an order is not intended to operate simply by way of sanction for past misbehaviour. The making of such an order should be related to a past misuse or abuse of the List A or List B system. I find that that such abuse has been present in the instant case. I find that in the knowledge that a full faculty was required as a pre-condition to the work of altering these two pews, and installing them in the church porch, the parish deliberately went ahead without any faculty. The parish then failed to disclose what it had done to the Church Buildings team or to the DAC until it was found out. The parish's subsequent explanation of how this abuse of the List B process had come about was neither full nor frank. Two at least of the petitioners had been fully aware of what had been going on; yet even now they have not explained themselves fully in response to the court's queries. In these circumstances, I am satisfied that there are special circumstances affecting this parish and church which justify me in making an excluded matters order under s. 78(3) of the 2018 Measure. That order will provide that for the period of two years from the date of this order, any matter specified in List B of the FJR may not be undertaken without a faculty, even though it is a matter that is specified by virtue of section 77(1).

23. Since no useful purpose would be served by refusing the retrospective permission sought by this faculty application, however, I grant the faculty as asked. Since the works have already been completed, the time specified for completing the works will be nil.

24. Despite the unacceptable way in which the parish has conducted itself, in accordance with my usual practice, I charge no fee for this written judgment. However, I give due warning to any parish that they should not expect me to adopt a similar, benevolent approach if I am faced with any future abuse of the List B process.

David R. Hodge

The Worshipful Chancellor Hodge KC

The Seventh Sunday after Trinity

19 July 2026

Pews before removal and shortening



The south porch before the installation of the pews



Bench on the east side of the porch



Bench on the west side of the porch

