

CASE NOTES

EDITED BY RUTH ARLOW
Chancellor of the Diocese of Norwich

Re St Augustine, Tonge Moor

Manchester Consistory Court: Tattersall Ch, 1 May and 23 July 2012
Costs

In a judgment granting a faculty for the installation of, inter alia, two sets of railings in the churchyard, the chancellor observed that he had detected a degree of hostility between the petitioning incumbent and the objectors that was both unnecessary and unfortunate. He commented that the good will to be expected between Christian people who worship together had been conspicuously absent during his site visit to the church. The petitioners subsequently applied for an order that the objectors should pay the additional costs occasioned by their objections, suggesting that the objectors had behaved in a vexatious or unreasonable way. In refusing to make a costs order against the objectors, the chancellor noted that there had been many others who had objected to the proposed works, although they had not chosen to become formal objectors. He further noted that there had been no additional costs incurred as a result of the site visit at which he had detected the hostility between the parties. The chancellor stated that he was not prepared to conclude that the objectors had behaved unreasonably even though he had not accepted the submissions that they had made. [RA]

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Re St Mary, Mallerstang

Carlisle Consistory Court: Tattersall Ch, 7 May 2012
Church extension – lack of community support

The petitioners applied for a faculty for the construction of an annexe to the small Grade II listed church located in a small village. The annexe was to house a meeting room, toilet and kitchen facility and its size was more than three-quarters of the size of the church. During the course of the application it became clear to the chancellor that the proposed works did not have the