

THE RESTORATION OF LISTED RURAL CHURCHES TO THE COMMUNITY: A PERSONAL VIEW FROM SUFFOLK

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The parish church is:

held upon trust for the parishioners. The abiding theme is one of temporary custodianship. Today's generation holds on trust its inheritance from former generations for the glorification of God in the present and in the future.¹

Occurring today are at least two profound changes which the law, over the centuries, could hardly foresee and allow for—the secularisation of society, and the change in the basis of the Church's finances from 'endowment' to 'pay-as-you-go'. Today, where a local community ceases to attend its church,² the primary purpose for which the building is held fails, and it should be restored to the local community.

The present beneficiaries of the trust referred to are the current generation of parishioners, but at any time, the parishioners' interest is limited, since the beneficial interest is to be enjoyed for a single purpose—the glorification of God. What if that purpose fails, when the unforeseen happens, and the parishioners for the time being decide to cease to worship in the church and desert it? What then is the duty of its trustees?

Some trustees may deny that the desertion of the parishioners frustrates that purpose. Preserved, the building may yet continue to glorify God, as a sacred place, perhaps hallowed by centuries of worship and prayer, and standing as a *symbol* of the faith that has been proclaimed in it. Others may claim that a disused church remains a sacred place, indelibly marked, and having an *intrinsic value* which survives the whims of fashions of thought. The site, its history and the building presently erected upon it (or perhaps the ruin presently standing there) combine to confer sacredness.³

*The views expressed are those of the author, who will be glad to hear both from those who agree with them and those who disagree. His e-mail address is gio28@dial.pipex.com

¹ A deliberately broad statement, made for the purposes of comparison with other systems. See M Hill, 'The Fabric and Contents of Church Buildings in the Anglican Communion' in J Fox (ed) *Render unto Caesar— Church Property in Roman Catholic and Anglican Canon Law* (Pontifical University of St Thomas Aquinas Rome, 2000) at p 94.

² The word 'redundant' has acquired the special meaning in this context—a state of affairs decided upon, and declared to exist, by the Church. In reality, the operative decision is that of the parishioners, taken when they decide not to attend a church, or desert it for some other reason.

³ See T G Gorrings, *A Theology of the Built Environment* (CUP, 2002); John Inge, *A Christian Theology of Place* (Ashgate, 2003); and Dr Michael Brown's appendix to GS1528 (see below) at p 107.

Each claim is strong, and it is painful to attempt to quantify (or verify or falsify) either. Yet it is often practically necessary to do so, as where some alternative use is proposed—perhaps the building of an airport runway. Sanctity of place is not a *property* (like its geology, climate or map-reference), but an *attribute*, inhering not in the place, but in the society which venerates it. It is to be evaluated by that society.⁴ For the State, it is value to tourism, education and ‘social growth’ which must be ascertained. For the Church, it is value to mission. For both Church and State, where quantification is needed for decision-making, the number of visitors per annum will usually be the first factor to be determined.⁵ Furthermore, the claim that a disused church remains a symbol of faith is hard to support. The secular commentators suggest that the world may very well see it rather as a symbol of the *death* of faith.⁶

In addition to the churches which are at present disused there are those which would become disused if PCCs had the power, at any time, to move to more suitable premises when mission so requires. It is simply wrong that youth work (for example) should yield to historical or architectural importance. A way out of that error is suggested by the question raised above— what is the duty of the trustees when the primary trust fails?

Under present arrangements, a disused church is usually dealt with within a pastoral scheme, and transferred to the Diocesan Board of Finance,⁷ as was certain other parish property, under section 15 of the Endowments and

⁴ An example is the Alamo; the site is unimpressive, but it is enormously venerated by Texans.

⁵ See the annual reports of The National Trust, English Heritage, The Churches Conservation Trust, etc., where carefully recorded visitor-numbers are prominently quoted in any general report upon a property.

⁶ For example, Mr Simon Jenkins states that, contrary to what he so often reads in churches, they are museums. See *England's Thousand Best Churches* (1999), p viii. See also Mr Nicholas Roe, on East Anglian churches: ‘...local merchants joined the Church ... in an orgy of conspicuous piety. The legacy is grandiose and poignant, a contradictory combination of wonderful church buildings that emerged from too much spare loot ... Their hope of resurrection and local approval is immortalised here in stained glass ...’ (The Times, 4 October 2003). See also The Churches Conservation Trust: ‘So too do the Trust’s churches speak loudly of the pride and respect [not, it should be noted, ‘faith’] of the many hundreds of thousand worshippers and parishioners for whom they have been a central part of their local as well as national identity over the centuries’, (Crispin Truman, Director, Review and Report 2002-2003, p 4). See also *The Historic Environment: a Force for Our Future* (DCMS & DTLR, 2002) where tourism, education and ‘social growth’ are identified as the goals of conservation. In 58 pages, the word ‘church’ appears twice—once as a kind of building fit for inclusion among the 360,000 ‘defining images’ of England, and again with reference to Christ Church, Liverpool, which took the diocese ten years to dispose of. Christians may disagree; but in engaging with a ‘confused and floundering secularism’ (Rowan Williams), the Church needs to speak the language which the world will hear.

⁷ What purpose of the Church is served by the transfer is difficult to see. But it serves the purposes of the conservationists by providing a defendant worth powder and shot—at least until some DBF defends itself, saying that the preservation of disused churches is not a purpose of the Church, and therefore *ultra vires*.

Glebe Measure 1976.⁸ Yet the object of the settlor's bounty was usually not the diocese, but the parish. It was for the parishioners—all the local inhabitants—that land was given, and buildings erected and maintained. Still today, often the local community, perhaps organised as an association of 'Friends', may be prominent among donors, for whatever reason.⁹ Fairness (to put it no higher) requires the building to be retained for the local inhabitants as (or as the successors of) all the parishioners, and put into the hands of a suitable trustee.

There may be some financial cost to the diocese in passing up its interest in a deserted church, though it is by no means invariably so, and a saving may result. But that is a poor reason for acting (as it is here suggested) unfairly. At present, the net proceeds of the sale of a deserted church are credited to capital account, where they can be invested to produce income, or applied towards the cost of some new building, or church-plant. But in either case, the profound change, from endowment to pay-as-you-go, reduces the fundamental importance of capital reserves, and healthily makes development dependent upon today's Church.

Among possible fresh custodian-trustees are the parish council and the 'Friends' (where such an organisation exists or can be established). But a better choice might be the local authority, elected by and, at election time, answerable to, the wider local community, and often already holding and looking after graveyards. The claim is frequently made that England's parish churches form part of the 'National Heritage', and its slightly proprietorial sound harmonises with that choice. Furthermore, local authorities have recently been empowered to act in partnership¹⁰ with local bodies to achieve locally desirable purposes. Such partnerships already provide local forums where the use and preservation of buildings are evaluated, and weighed against other desirable local purposes, so that resources can be allocated according to local priorities. The church being listed, the local (or listing) authority already has an interest (a legal interest, like a restrictive covenant) in it; it would be convenient to enlarge that interest to the whole interest, and for that whole interest to be held, in much the same way as a listed building (for example, a historic barn which has been compulsorily acquired), or a disused graveyard is held.

The power to make such a transfer should be vested in those best placed to judge the state of affairs in the parish, and who already carry the

⁸ The income whereof is now wholly inadequate to pay stipends—hence the change from 'endowment' to 'pay-as-you-go'.

⁹ A church is often a treasured visual amenity which adds to the attractiveness of the locality and supports property values.

¹⁰ See the Local Government Act 2000, s 2(1): 'Every local authority are (sic) to have power to do anything which they consider likely to achieve any one or more of the following objects ... (c) the promotion or improvement of the environmental well-being of their area. ... (4) The power under subsection (1) includes power for a local authority to ... (b) give financial assistance to any person, (c) enter into arrangements or agreements with any person, (d) co-operate with, or facilitate or co-ordinate the activities of any person ...'.

responsibility for the building's future—that is to say, the local parochial church council. Only they, in their strategic plan, can weigh the value of their church to their mission against the attaching cost of conservation, compliance, and administration.

Professor Toyne's Working Party¹¹ would substitute (in a proper case) 'replacement scheme' for 'redundancy', and allow (1) transfer to alternative use or (2) demolition.¹² But usually, 'alternative use' furthers the aims of society - tourism, education and social growth - rather than those of the Church, and most DBFs (and, certainly, Liverpool's) are familiar with the frustrations of pursuing society's aims by proxy. A more natural distribution of responsibility would be achieved by the restoration of the disused church to the community.

Practically, what is needed is some agreement between the Church and the Departments for Transport, Local Government and the Regions, and for Culture, Media and Sport, whereby the respective interests of the Church and of society can each be safeguarded - at the expense of the Church and of society respectively. In case agreement cannot be reached, the Church (and dioceses, DBFs, deaneries and PPCs) must prepare now, with some resolution, to disclaim onerous property which they are unable to restore to the community as suggested here.

¹¹ *A Measure for Measures: In mission and ministry* GS 1528; adopted by General Synod on 10th February 2004, with a call for draft legislation.

¹² *Ibid* p 62, in Recommendation 41.