



CASE NOTES

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Deputy Chancellor of the Dioceses of Salisbury, St Albans and Rochester

Re St Michael and All Angels, Bampton

Exeter Consistory Court: McFarlane Ch, 17 April 2023

[2023] ECC Exe 1

Reredos – architectural and historic interest

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This Grade 1-listed mediaeval church had a substantial Georgian reredos. It dominated the east end of the church, hiding three-quarters of the plain-glazed east window. In 2012 a faculty permitted its temporary removal to another location in the church while essential works were done to the chancel. Following this, the consequent increase in light coming from the windows was welcomed by petitioners, and fragments of medieval wall painting were discovered behind plasterwork which the reredos had previously protected. The petitioners now wished to make the temporary removal of the reredos permanent, relocating it to hang above the west door.

The proposal was not supported by Historic England, the Georgian Society or the CBC, and the DAC did not recommend it. There was said to be strong heritage arguments for reinstating the fine, and now rare, reredos; the proposed replastering of the chancel and improved lighting would better address the light issue. However, the influx of natural light, the reinstated mediaeval simplicity of the chancel and the revealed wall paintings commended the proposal.

Adopting the *Duffield* framework, the court considered the reredos within the context of a church building that was essentially mediaeval. Contrary to the views of Historic England (whose views focused largely on the reredos itself, rather than the building), its removal would be of overall benefit to the special

architectural interest of the building. However, it would cause some harm to its special historical interest, as the removal of a historical reredos from its proper place; but it would remain intact and in the church. On balance, the architectural benefit outweighed the historical harm.

While little weight was given to the petitioners' arguments against considering alternative means of achieving light in the chancel, the court found that there was a clear and convincing justification for the proposal. However, detailed plans for hanging the reredos at the west end, and for the conservation and restoration of plaster in the chancel, must be developed before a faculty could issue.

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Re St Michael le Belfrey, York

York Consistory Court, de Mestre Ch, 18 August 2023

[2023] ECC Yor 2

Large-scale re-ordering – reinstatement of open worship space – Canon F1

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St Michael le Belfrey ('the Belfrey') is a 16th century parish church in the shadow of York Minster. It sits in the charismatic evangelical tradition of the Church of England. With a large, young and vibrant congregation, the Belfrey is a Resource Church and plays a significant role in the life of the Diocese of York, the Northern Province and, more broadly, the Church of England. Through a petition described as 'of the highest quality', it sought a faculty for a dramatic re-ordering of its interior, proposals that had been at least 14 years in the development.

Although the Belfrey's re-ordering plans were controversial, no formal objections were made under public notice, and none of the numerous consultees wished to become parties opponent, despite the Victorian Society describing the plans as 'probably the most comprehensive and destructive scheme of reordering of a Grade I listed multiphase church interior on which the Society has been consulted for many years'. Because there had been much opposition from consultees, and in light of the scale and impact of the proposed works, the court took the unusual step of preparing an extremely full and detailed judgment, running to nearly 100 pages.