

the 28-day notice period. Only one objection to the works was received by the prescribed deadline; many others came after the expiry of the notice period. The objections related to the consultation process and health concerns about the masts. In response to the campaign against the masts the local authority requested a further 28 days to consider the proposals, well outside the statutory notice periods. They then proposed to lodge an objection in the faculty proceedings arguing that the works required planning permission as they would detract from the external appearance of the building. Considering whether the works would materially affect the external appearance of the building and thereby its character, it was found that viewed from street level the replacement louvres 30 feet above would have no material effect on the church's appearance. The plan to reinstall the original louvres would guard against the risk of the appearance changing because of different weathering of the GRP. It was also found that the same authority had previously allowed precisely the same works to other churches with no objections or requirement for planning permission. They had only been able to object to the works out of time because of the extended notice period necessitated by the faculty process. Both secular and ecclesiastical cases were considered in concluding that there was no evidence to substantiate fears about health risks from the masts. The faculty was therefore issued on the basis that the works were exempt from the planning authority's jurisdiction. [Catherine Shelley]

doi:10.1017/S0956618X13000677

Re St George, Benenden

Canterbury Commissary Court: Ellis Com Gen, 2 April 2013

Ringling chamber – handrail – emergency faculty

Access to the ringing chamber of this church was up a narrow, uneven, spiral staircase with only a rope down the central column of the staircase to hold onto for support. The bell tower housed a twelve-bell peal that attracted visiting ringers. The tower captain installed – on an 'experimental basis' and without a faculty – a polypropylene handrail, masked by whipped rope, round the outer edge of the staircase. The design of the handrail was contentious within the parish. No agreement could be reached between the rope handrail and a cast iron alternative. A fixing of the handrail came loose and the Archdeacon petitioned for the emergency removal of the handrail for health and safety reasons. Granting the emergency faculty for removal of the unauthorised rail the chancellor recognised that the design of the rail remained contentious. She directed that a faculty petition be lodged and that if an alternative petition were also to be lodged the applications would be considered

together. The parochial church council (PCC) resolved by a majority, though not unanimously, to petition for a polypropylene rail masked by whipped rope. An objection was received from a PCC member who argued that an iron rail would be more secure, last longer, be less likely to become slippery if wet, give more space for knuckles and be more aesthetically appropriate. The chancellor found that the proposed rail would not harm the church's significance as a listed building as the staircase was 'essentially functional'. All parties agreed that a handrail was needed for the safety of ringing teams and other visitors to the church tower, an aspect of the church's mission which it was hoped would expand. The issues for decision were therefore the handrail's fitness for purpose and its appropriateness for a historic church. It was found that the tube and rope handrail would be fit for purpose and less liable to be slippery if damp than an iron rail. The appropriateness of the design was supported by the Diocesan Advisory Committee's experts. Accordingly a faculty was granted. [Catherine Shelley]

doi:10.1017/S0956618X13000689

Re Christ Church, Bacup

Manchester Consistory Court: Tattersall Ch, 3 April 2013

Exhumation – church closed for public worship – exceptionality

The cremated remains of the petitioner's sister and parents had been interred under the floor of a church which, by a pastoral church buildings scheme made under section 42 of the Mission and Pastoral Measure 2011, was declared closed for regular public worship with effect from 31 August 2012. Future uses of the church building were still being investigated. The petitioner sought a faculty authorising the exhumation of his sister's and parents' remains and their re-interment in a family grave in the consecrated part of a municipal cemetery. The chancellor observed that, in the event of the building being disposed of, section 78 of, and Schedule 6 to, the 2011 Measure would provide a statutory mechanism under which the petitioner would be entitled to remove and re-inter the remains (unless the Secretary of State made a dispensing order). Accordingly, it was not currently necessary, as a matter of law, to deal with the issue of the remains. Nevertheless, it was understandable that the petitioner should wish to remove them from a building that was now closed for regular public worship to re-inter them elsewhere. Applying the test in *Re Blagdon Cemetery* [2002] 1 Fam 299, the chancellor considered that the facts justified an exception to the general presumption of the permanence of Christian burial and that there were