

of the required funding in place before the funding condition could be varied. The device of permitting a modest start to the work was not a proper way for the court to, in effect, extend the secular planning permission. Therefore, and save with respect to the boundary wall, amendment of the funding condition was refused. [DW]

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Re St Michael and All Angels, Berwick

Chichester Consistory Court: Hill Ch, 30 November 2021

[2021] ECC Chi 9

Stay on petitions pending appeal

It is axiomatic that, as a general rule, where permission to appeal has been sought in respect of the dismissal of a petition, no further petitions concerning the church in question should be considered by the consistory court until that application has been determined and, if permission is granted, until judgment has been given in the subsequent substantive appeal. In this case, the petitioners had applied for permission to appeal a decision of the deputy chancellor and in the meantime brought a further petition. The chancellor had stayed the second petition, with liberty to apply to lift the stay; the petitioners had now made such an application.

The present petition (for an extension for lavatory facilities) was discrete from the petition under appeal (for the removal of pews), it was uncontroversial and it would be compromised by the loss of Lottery funding if delayed until the conclusion of the appeal. These were sufficient reasons to depart from the general norm, in the interests of justice. Accordingly, the stay would be lifted. [DW]

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Re A redundant church bell

Oxford Consistory Court: Hodge Ch, 29 December 2021

[2021] ECC Oxf 11

Faculty – church bell – amendment – risk of theft

This petition concerned a 1630s treble bell in a Grade I listed mediaeval village church. A previous faculty had authorised remedial works to a ring of three bells. It was subsequently discovered that the treble bell was irreparably cracked and unfit for use; however, a replacement 1760s bell had been sourced.