

MAKING CHANGES TO CHURCH BUILDINGS AND CHURCHYARDS

An introduction to procedures, permissions and working with the DAC

A. Introduction

The process of making changes to Church of England church buildings and churchyards, and carrying out repairs, is subject to strict legal controls, which become more complex when the church is a listed building. For some works planning permission will also be required from the local authority. This note outlines the Church's legal procedures and refers to legal guidance available elsewhere on this website. It also gives advice on working with the Diocesan Advisory Committee (DAC), which has a formal role in the permission process and provides informal advice to parishes wishing to make changes. The DAC Secretary should be contacted if parishes need further information. *But this guidance will answer many questions and should be consulted before any approach is made to the Secretary.*

B. Permissions

When is permission needed?

The law governing this is set out in the *Faculty Jurisdiction Rules 2015 (as amended by EJCCM 2018) Schedule 1* (copy available on this website). It distinguishes three categories of work:

- Minor/routine works, for example repairs in parts of buildings that are not heritage-sensitive, routine maintenance of bells, clocks and organs, routine repairs to church paths. A full list of works in this category is provided in List A. These works may be undertaken without any need to seek permission, but require a PCC resolution agreeing to the work to be kept in the church's Log Book.
- More significant works, for example repairs to historic fabric, the introduction or modification of audio equipment, the introduction of furniture into churchyards. A full list of works in this category is provided in List B. These works require the permission of the Archdeacon, who may consult the DAC. These Lists can be found [here](#)
- All other works not covered in Lists A or B require a faculty (ie permit) granted by the Chancellor, the judge who presides over the diocesan Consistory Court.

Lists A and B cannot detail precisely every possible item of work a parish may wish to carry out. Where there is doubt, the DAC Secretary should be consulted.

The List system covers some work in churchyards, for example the maintenance of walls and the management of trees. However, issues related specifically to burials, memorials and gardens of remembrance are covered by a separate diocesan set of rules, the [Churchyard Regulations 2022](#) which also have the force of law.

How to seek permission

Parishes are required to use the Church of England's national **Online Faculty System (OFS)** which enables them to conduct the whole formal permission process online. The system helps you determine whether the work envisaged falls under List A or B or requires a faculty, and makes clear exactly what information is required, who needs to be consulted and where the process has got to. Those wishing to register can do so [here](#).

Seeking List B permission

Once you have established that List B permission is required, you will need to submit a statement (commonly known as Statement of Needs) describing what work you wish to do and why you need to do it. The details of the works need to be clearly described and illustrated, with plans or photographs as necessary. If an architect or other professional has drawn up a schedule of work it should be included, as should any estimate or quotation from a chosen contractor. It is not, however, necessary for a contractor to have been selected before permission is applied for; nor is it necessary to indicate how much the work is expected to cost or how it is to be paid for unless the sum is very large. Also, consideration should be given as to how the proposals will affect your neighbours, and in order to avoid upsetting them it is advisable to inform them of the proposals before making your application.

Before making a decision, the Archdeacon may invite a DAC member to comment on the application, but the full DAC will not be involved.

Seeking faculty permission

This process is more complex and will take longer, especially if the church is listed. For almost all projects involving structural change it will be essential to engage a suitably qualified architect/surveyor and other professionals may also be involved. There may be extensive informal consultation with the DAC and other bodies before a formal application is made. Architects/Surveyors and other professionals experienced in church work will be able to advise on managing the process. The Online system will also help applicants navigate it. The faculty application (the 'petition') is made to the Diocesan Registry (legal office) for onward submission to the Chancellor. A list of the documentation required can be found at the Annexe below and there is further guidance on the role of the DAC in Section C below. With minor exceptions the legal costs involved in processing applications are borne by the diocese.

Quality of documentation

The documentation required, especially for faculty applications, may appear formidable but in many cases can be provided simply and briefly. It is, however, essential that the information provided is **clear, concise and complete.** More time is spent between parishes and the DAC in getting this right than on anything else. It is important to understand that the Chancellor will not be familiar with most of the churches for which applications are made and will rarely be able to visit. The Archdeacons and DAC members will have greater but still incomplete knowledge. *Applications should be written on the assumption that those who read them have no first-hand knowledge of the church.* The documentation must be clear and comprehensive enough to take them from a standing start to a position where they feel comfortable enough to make an informed assessment of the effect on the building of the proposed works. The Chancellor, the Archdeacons and the DAC will wish to know exactly what any new or altered structure, furnishing or equipment will look like, what impact it will have on the appearance of the building as a whole, whether any interference with historic fabric is involved and whether the design details have been produced by practices or individuals with the requisite technical competence. The Church of England is exempt from the requirement to seek Listed Building Consent from the local authority for changes to its listed buildings but this is on the understanding that its own procedures offer comparable protection to historic buildings. *This is a stringent requirement and demands great attention to detail.*

It is good practice to have the following documentation permanently available in the parish office in digital form:

- A site plan of the church, churchyard and immediately surrounding roads/features
- Ground plans of the church and church hall if separate
- A set of general photographic views of both the exterior of the church buildings in their setting, and the interior of the church / hall
- If the church is listed, a Statement of Significance detailing briefly the age of the building, its architectural style and history, and internal or external features of particular interest, especially any that are individually listed. Guidance can be found on the ChurchCare website – link to page can be found in the Annexe below.

C. Working with the DAC

The DAC is a statutory body appointed by the Bishop's Council. Its Secretary is a member of Diocesan central staff but its Chairman and members serve on a voluntary basis. It has wide expertise in matters relating to the design, construction, conservation, maintenance and use of church buildings in the ministry of today's Church. By law, with minor exceptions, the Chancellor must seek the advice of the DAC when considering an application for a faculty. This formal advice is usually offered by the DAC at the final stage before submission for faculty when planning, design and any necessary consultation with other bodies are complete. In practice, an application is unlikely to succeed if the DAC recommends against it.

The DAC also offers informal help earlier in the planning process. It may be able to identify other sources of advice, for example other churches that have carried out similar work. It may be able, subject to resources, to visit parishes to discuss proposals *in situ*. In many cases parishes will need to engage an architect or other design or construction professionals to help guide their planning. *Early consultation with the DAC is strongly advised especially where larger works are contemplated.* The DAC Secretary will be able to talk through the permissions process and offer further help if needed; perhaps where a parish knows broadly what it wishes to achieve but see various options for achieving it and needs a steer; or where it has developed a preferred outline design but is unsure whether, on conservation grounds, it is likely to receive approval. Where a proposed scheme is straightforward, and especially where the parish has the services of an experienced architect or other professional, the scheme may not be seen by the DAC until it is fully developed and ready to be submitted for faculty. But in many cases it will make sense for the DAC to offer a view on plans at an earlier stage.

Parishes seeking such advice should contact the DAC Secretary. *Before any advice on specific plans can be offered or visits arranged, the parish should provide a note outlining what they need advice on, with sufficient sketches and photographs to enable DAC members to understand the issues in advance.*

The DAC meets monthly (apart from January) to consider proposals, whether at the informal stage or immediately prior to faculty application. It is also able to handle smaller cases by sub-committee. The dates of DAC meetings are published on the Diocesan website, together with cut-off dates for the submission of material by parishes. *These dates are strictly observed. The DAC*

will not consider material submitted late, and preparatory work for the monthly meeting means that the Secretary is unlikely to be able to address other issues between the cut-off and meeting dates unless there is a genuine emergency, for example a major fire or theft.

The DAC does not maintain lists of “approved” architects, craftsmen, contractors or other professionals (except in respect of quinquennial inspections – see separate note) and does not recommend specific practices, firms or individuals. Parishes are free to engage whom they choose. The DAC will, however, sometimes suggest that a parish contact churches that have completed works similar to those contemplated and seek their advice on whom to engage. It may also sometimes provide details of a range of practices or firms known to have carried out satisfactory work in this Diocese, without making a specific recommendation. Where work on listed buildings is planned, parishes are advised to assure themselves that practices or firms have the requisite conservation skills and the DAC will comment where these appear to be lacking.

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ANNEXE

Information required for a faculty petition

The documents listed below are required. In some cases, as indicated, standard forms are available for completion – they appear automatically on the OFS.

- A summary of standard information about the church (Form 1A)
- The petition – the formal request for permission to proceed together with a number of questions that need answers including, if the building is not listed, an explanation of why the changes are needed (Form 3A)
- *If the building is listed*, A Statement of Significance describing key architectural and historical features of the church building and its contents (the finer the building and the more the proposed works may affect its heritage value, the greater the detail needed here). Guidance on how to complete this is found on the ChurchCare website [here](#).
- A Statement of Need describing what changes are needed and why and, if the changes would result in any harm to the conservation significance of the building, justifying them in terms of public benefit. Guidance on how to complete this is found on the ChurchCare website – same link as for Statement of Significance.
- Plans of the church site and of the church itself, together with photographs illustrating the church and its setting, with emphasis on interior or exterior features as appropriate to the proposed works.
- Plans, drawings, photographs etc illustrating exactly what it is proposed to do, together with method statements and particulars of materials to be used, the amount of detail depending on the extent to which historic fabric is affected and the visual impact of changes.
- *If the building is listed*, consultation with Historic England and/or the relevant amenity societies indicating their support or otherwise for the proposed plans will need to take place. The DAC Secretary does this on your behalf via the OFS.
- *If planning permission is needed*, written confirmation that the local authority has granted it needs to be provided.
- The formal advice of the DAC, which must be either that the proposals are recommended, or that they are not, or that the DAC has no objection to them (Form 2). The Chancellor is obliged by law to seek this advice from the DAC before deciding any application.
- For major works, an estimate of the costs together with a financial plan if the entire sum is not yet covered by parish funds.
- Completion of the Net Zero Carbon Checklist needs to accompany all faculty applications as part of the Diocesan strategy to get to Net Zero by 2030. The link to the checklist on the ChurchCare website can be found [here](#).
- Confirmation that public notices (Form 4A) have been displayed in the church and outside the church detailing the works and inviting anyone who wishes to object to contact the Diocesan Registry.