

In the Consistory Court of the Diocese of Leeds

In the matter of Holy Trinity, Rothwell

Judgment

1. This petition concerns a proposed reordering of Holy Trinity Church, Rothwell, a grade II listed building, medieval in origin.
2. Although there is no party opponent, the Victorian Society and the Church Buildings Council have each invited the Court to take into account various matters raised in correspondence. Historic England and Leeds City Council had previously written to say they had no comments to make on this petition.
3. In its Notification of Advice, the DAC recommended approval the works for approval. Its principal reasons for doing so, notwithstanding the objections of the Victorian Society and the CBC (as required under r 4.9(9) of the Faculty Jurisdiction Rules 2015), is the public benefit of enhanced accessibility, and the minimal impact on the interior.
4. In June 2021, the parish's inspecting architect prepared a full response to the observations of the CBC and the Victorian Society. I afforded the petitioners the opportunity of making representations on the material before the Court, but they declined to do so, presumably on the basis that document from their architect was sufficient. They have indicated they consent to the matter being determined on written representations.
5. The CBCs initial comments were largely procedural and not substantive. It pointed to the lack of an options appraisal and to shortcomings with the statement of significance. But the CBC was satisfied with further documentation provided by the parish and was content to defer future decision making to the DAC.
6. The Victorian Society's objections were more focussed on the specificity of the proposal, suggesting less intrusive means of achieving the parish's objective.
7. I can apply the *Duffield* framework relatively shortly in this. The proposed works would result in measurable, but not significant, harm, to this grade I listed church. The justification for the works is well-made and not disputed (improved access, a servery and lavatory facilities). In my assessment the resultant public benefit outweighs the harm, and the balance comes down in favour of granting the faculty.
8. In considering alternative, less intrusive, means of achieving the parish's wishes, I give considerable weight to the helpful document prepared by the parish's inspecting architect, considering and rejecting various alternatives, for reasons which I consider reasonable and sound.

9. It therefore follows that a faculty will pass the seal subject to the following conditions:
 - i. That the work is carried out under the direction of the parish's inspecting architect;
 - ii. That the work is completed within 18 months or such extended period as the Court may direct.
 - iii. That natural timber boarding is used for the flooring instead of oak engineered boarding for the flooring.
 - iv. That works are not to commence until the court costs have been paid in full.

10. Finally, an apology. These proceedings stalled on the Online Faculty System in September after I had directed special citation of certain interested parties. I failed to pick up the notification that the matter was ready for further directions and it therefore languished until the petitioners chased the registry yesterday. The oversight was mine and I offer my unreserved apology to the parish for the delay and inconvenience. It is my usual practice to aim to transact all Consistory Court business within two working days. Anything not determined within a week is either complex and/or contentious or unfortunately may have been overlooked. Parishes should not be hesitant in chasing matters up if they have not had a response within these timescales. I trust that my delay in this instance will not prejudice or frustrate this worthy project.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Leeds

10 December 2021