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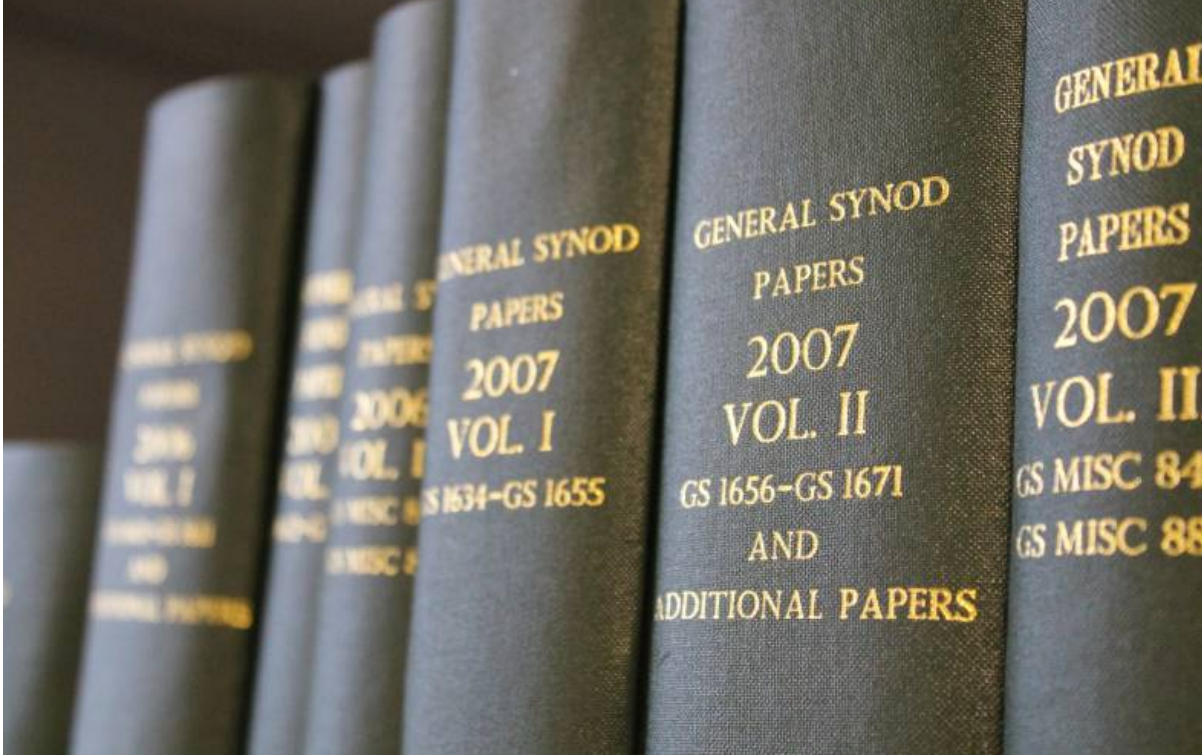
Our churches exist to help us worship God, and to show His love to everyone in England.

They are also often historic, important places, and most of them are listed buildings. Because of this there are laws that govern how we manage and care for our buildings.

We can help you understand the rules and get the right permissions to support your worship and mission.

Download our guidance

- [The role of the DAC chair](#)
- [A Brief Guide to the Role of DAC Advisers](#)
- [A Note for DAC Members and Advisers Regarding Conflicts of Interest](#)
- [DAC Delegated Advice](#)
- [Faculty Rules 2022](#)
- [Simple faculty flowchart](#)
- [DAC designation order April 2020](#)
- [Other places of worship subject to faculty jurisdiction - List of church buildings](#)
- [Other places of worship subject to faculty jurisdiction - Guidance for applicants](#)
- [Other places of worship subject to faculty jurisdiction - Application form](#)
- [Other places of worship subject to faculty jurisdiction - Background note for applications](#)
- [Church Building Management Partnerships Summary](#)



The Ecclesiastical Exemption

The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) England Order 2010 gives us an exemption from:

- Listed building consent: including separately listed structures within the curtilage (e.g. churchyard walls, railings and monuments)
- Conservation area consent
- Building preservation notices
- Compulsory acquisition of buildings in need of repair
- Urgent works notices

It recognises that church buildings are places of worship. And it allows us to balance mission, worship, and wider community use, with care and conservation.

We only have the exemption on the condition that we maintain our own, equivalent, heritage protection system.

For churches this is the Faculty System, and for cathedrals it is the Care of Cathedrals Measure.

We are not exempt from:

- Planning permission
- Dangerous structure notices
- Advertising consent
- Buildings regulations
- Other secular legislation (e.g. Health & safety)

Find out how the exemption operates

Faculty Amendment Rules 2022 (Net-Zero)

The [Faculty Jurisdiction Amendment Rules 2022](#) require churches to have due regard to the Church Building Council's advice on net-zero carbon on which proposals for net-zero carbon apply. For these Rules, the following guidance must be given due regard when relevant to your proposal. These links are specific to particular types of proposals, and only relevant guidance needs to be taken into account. The practical path to net-zero is included in the guidance and this must be given due regard for all proposals, as it provides the context to show that the proposal is part of a wider understanding by the parish of its route to net-zero carbon

- [The practical path to net zero carbon for churches](#)
- [Heating Principles](#)
- [Heating Checklist](#)
- [Heating Options Appraisal](#)
- [Electric Vehicle Charging](#)
- [Solar Panel And Faculty](#)
- [Biomass](#)
- [Lighting](#)
- [Floodlighting](#)

Although not a document required by the Rules, you may find helpful our [Fundraising for Net Zero Carbon and the Environment](#) webpage helpful

The Diocesan Advisory Committee

Your Diocesan Advisory Committee is the first place to ask for advice about works to your church building.

The secretary will be able to advise you:

- If you need permission for the works you want to do
- How to get it

Contact [your diocese](#) for advice

Faculty Rules 2019

New faculty rules formalised by the Rules Committee were submitted and passed by General Synod in July 2019. These new rules amended the 2015 Faculty Rules and with their introduction, saw changes to the works allowed under [List A and B items](#), as well a slight change in how Faculty cases are processed.

An updated flowchart below shows the new faculty process for any case submitted to the courts from the 1st of April 2020.

A more detailed outline of this flow chart is available [here](#)

A PDF copy of the new legislation is available [here](#) and a Word version is available [here](#)

The new items under List A and List B are available [here](#)

An overview of diocesan additional matters orders are available [here](#)

Step one: Agree what you want to do

Before seeking advice the PCC should have a clear basic idea of what it wants to do and why. It should be clear how it helps the mission of the church.

Step two: Develop your idea (for major projects)

Understand the core purpose - consultation, honing vision. If the proposal is significant consider a parish away day to refine your vision, or consult the community before you have made up your mind what you want to do.

Step three: Identify professionals to work with

You will need to work with people with the right technical and professional skills for all but the most basic works.

This might include:

- [Architects](#)
- [Surveyors](#)
- [Conservators](#)
- [Building contractors](#)

You may also need professional support with developing your ideas and proposals.

Step four: Find out what permissions you need

Some proposals for routine maintenance and repair will not need permission. And like-for-like- repairs will need permission from the Archdeacon.

But other types of works might need a faculty or permission from the secular planning authorities.

[Your Diocesan Advisory Committee](#) will guide you.

Step five: Take advice from your DAC and others

If you are making changes to your building, then you will need to take advice from [your Diocesan Advisory Committee](#).

Your DAC may ask you to get the advice of others too.

This will probably include at least one site meeting. It's your opportunity to make sure that your ideas are understood. And for you to ask questions.

Step six: Consultation with other

If your proposals will involve the demolition of or change in the character of a listed building consultation with Historic England, one or more or the National

Amenity Societies or the Church Buildings Council may be required.

Step seven: Listen to local views

Where substantial changes such as a reordering or extension are being considered it is important for the PCC to consult regular worshippers and the local community at a stage when proposals are at an early stage when local views can be taken into account

Step eight: Consider and take account of that advice

Your proposals may attract advice from a wide range of people, and the advice may not all agree. You should reconsider the project in the light of the advice and re-consult if you have been asked to do so. The final choice of what you ask permission to do is with the PCC.

Get help with [making your decision](#)

Step nine: Ask your DAC for its final advice

The DAC response will be a formal notification of advice. It will come with a public notice. It is not permission to start work. Occasionally it will include a requirement to consult, if this has not been done.

Step ten: Display the public notice

Your DAC will send you a Public Notice form or tell you to fill it in online.

You must display the form inside and outside your church for 28 consecutive days (inclusive).

You also need to make your plans available for the public to see and comment on.

Step eleven: Apply to the chancellor for a faculty

After 28 days:

1. Take the notice down and sign the Certificate of Completion on the back
2. Send it to your diocesan registrar with all your plans and statements

*If you are using the Online Faculty System, the plans and drawings will already be attached to your application.

Your chancellor will look at your application and decide whether to grant a faculty or not.

If your project has attracted opposition, then the chancellor may ask to hold a consistory court hearing before making a decision.

How will your chancellor make their decision?

If your project causes the loss of historic parts of a listed church, then your chancellor will use a set of questions to decide whether to grant you a faculty or not.

They are called the Duffield questions. They help your chancellor see:

- The impact your plans will have on the building
- The benefits to the mission and worship of your church

If the benefits to your mission are more than the harm you will cause to the historic parts of the building, then the chancellor will usually grant you a faculty.

The Duffield questions are:

1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
2. If the answer to question 1 is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.
3. If the answer to question 1 is “yes”, how serious would the harm be?
4. How clear and convincing is the justification for carrying out the proposals?
5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?

In answering question 5, the more serious the harm, the greater the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed.

The Court of Arches has also made four observations on the Duffield Questions which assists in understanding how the questions are used.

These observations are:

- Question 1 cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church.

That is why each of those matters was specifically addressed in Duffield paras 57-58, the court having already found in para 52(i) that “the chancellor fell into a material error in failing to identify what was the special character and historic interest of the church as a whole (including

the appearance of the chancel) and then to consider whether there would be an overall adverse effect by reason of the proposed change”.

- In answering questions 1 and 3, the particular grading of the listed church is highly relevant, whether or not serious harm will be occasioned.

That is why in Duffield para 56 the court’s analysis of the effect on the character of the listed building referred to “the starting point...that this is a grade I listed building”.

- In answering question 4, what matters are the elements which comprise the justification, including justification falling short of need or necessity (see Duffield paras 85-86). That is why the document setting out the justification for the proposals is now described in rule 3.3(1)(b) of the FJR 2013 as a document “commonly known as a “statement of needs”” (italics added), in recognition that it is not confined to needs strictly so-called.
- Questions 1, 3 and 5 are directed at the effect of the works on the character of the listed building, rather than the effects of alteration, removal or disposal on a particular article.

For more information on these questions please [contact us](#)

The two judgements on which this guidance is based are [St Alkmund Duffield \[2013\] Fam 158](#) and [St John the Baptist Penshurst \[2015\] Court of Arches \(Rochester\)](#)

Remember:

The more serious the harm, the greater the benefits need to be.

This is especially true for grade I and II* listed churches.

Secular controls

The Ecclesiastical Exemption exempts you from listed building consent. But there are other planning and legal controls that you might need to apply for.

Scheduled monument consent

Archaeological sites and monuments of national importance may be protected as scheduled monuments.

Your church building, if in use, cannot be scheduled.

But archaeological sites in your churchyard and under your building can be.

Any work affecting them requires scheduled monument consent in addition to a faculty.

Planning permission

You will probably need planning permission from your local authority for:

- Works to the exterior of your church (e.g. extensions)
- New noticeboards
- A new roof

Buildings regulations

Building works will involve the need for building regulations approval. Your architect or surveyor will usually deal with this.

Tree preservation orders

You may need to notify or obtain permission from your local authority if you are planning works to trees in a conservation area or protected by a tree preservation order.

Find out more about caring for trees

Sites of special scientific interest

Some churchyards are designated as Sites of Special Scientific Interest.

This may prohibit site-specific operations and require permission from Natural England.

Bat licences

Bats are a protected species.

You may need to ask Natural England for a licence before doing any work to your church.

Find out more about bats

The National Amenity Societies

You may need to consult national amenity societies if your project involves any form of demolition to your listed church. This includes:

- Making new openings in the walls
- Removing historic fixtures and fittings

You should consult them when you have:

- Written your statement of significance and needs
- Taken some initial advice from your Diocesan Advisory Committee
- Put together some early plans

They will want to see how many changes you are planning to the building and how strong your need is to make those changes.

It will be easier to work with them if you think of your early plans as drafts and not as complete.

The relevant national amenity societies are:

- The Ancient Monuments Society: they look at historic monuments and buildings of all periods
- The Council for British Archaeology: they focus on archaeological features in historic buildings of all periods
- The Society for the Protection of Ancient Buildings: they mainly look at buildings prior to 1700, but have an interest in all periods
- The Georgian Group looks at buildings and features of between 1700 to 1837
- The Victorian Society looks at buildings and features of between 1837 and 1915
- The Twentieth Century Society looks at buildings and features of after 1915

Other places of worship subject to faculty

It is possible for some buildings used for Anglican worship to opt into the faculty jurisdiction process.

The “list of places of worship” is set out in paragraphs 38-44 of the [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#).

It was previously known as the Care of Places of Worship Measure 1999.

They include:

- Buildings used for worship according to the rites and ceremonies of the Church of England
- A chapel which forms part of an Episcopal house of residence
- A chapel or other place of worship owned, leased by, or held in trust for a religious community
- A building which is part of a university, college, school, hospital, Inn of Court, almshouse or other public or charitable institution, and is used for Anglican worship
- A building used for worship, which is subject to a sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969

Resource Church

The Church Buildings Council wants to support dioceses with proposals for resource churches. It understands that they are an important part of delivering the vision for the ministry of a diocese and that there are particular requirements of the building where it is based. It encourages early engagement of the choice of a building and any necessary proposals to suit it to its new role.

More information on Resource Churches can be found [here](#)

Want more help?

[Is your church listed?](#)

[Search the Church Heritage Record](#)

[Apply for faculty](#)

[Access the Online Faculty System](#)

Also of interest



[Make changes to your building](#)



[your project](#)

[Make your building sustainable](#)

[Find out how you can act to help the environment](#)

Source URL: <https://www.churchofengland.org/resources/churchcare/church-buildings-council/how-we-manage-our-buildings>