



DEPARTMENT
OF THE

ENVIRONMENT

WILLIAM E CHAPMAN
PLANNING POLICIES DIVISION
PLANNING DIRECTORATE

4/HS
BLAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

To all Planning Officers (PINS)

DIRECT LINE 0171 890 3861
FAX 0171 890 3949
GIN CODE 3533

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Dear Sir/Madam

MATERIAL PLANNING CONSIDERATION - CHURCH OF ENGLAND CANON LAW

We gave an undertaking to the Church Commissioners to bring the following information to the attention of all Planning Inspectors

The revised version of PPG2 in January 1995 removed references to institutions standing in extensive grounds as appropriate development in the Green Belt. This meant that applications for development of such sites would be considered inappropriate in the Green Belt and would have to demonstrate very special circumstances before permission could be granted

The Church Commissioners met representatives of the Planning Directorate (PD) in late 1996 to discuss their concerns about having to demonstrate very special circumstances for rectories or vicarages in the Green Belt

The Church Commission accepted at the meeting that there is no special exemption from the tests in PPG2 for such applications. However, as the Commissioners were anxious about reconciling the restrictions in PPG2 with the obligations of Canon Law in the Church of England, we agreed to seek legal advice on whether Canon Law could be a material planning consideration in such cases. Canon Law imposes a legal duty on a Bishop to provide a place of worship in every parish in his Diocese; this duty is carried out in each benefice by a vicar or rector, who is in turn required to reside in his or her benefice for the care of all the people.

The legal advice we have received is that it is possible for Canon Law to be a material planning consideration in a particular case. Case law indicates that legislation, other than planning legislation, may be relevant when considering a planning application. I enclose copies of the various Canons, together with an explanatory letter from the Church Commissioners for your information.

I am copying this letter to Regional Directors, Richard Jones in PD3, Nigel Mayhew in Legal, and to the Church Commissioners.

Yours faithfully

WILLIAM E CHAPMAN