Draft Pastoral (Church Buildings Disposal) Scheme

This Scheme is made by the Church Commissioners (“the Commissioners”) this ……..
day of …………. 20…. under the Mission and Pastoral Measure 2011.

Background

By a Scheme of the Commissioners made pursuant to the Mission and
Pastoral Measure 2011 on the 13th day of December 2012, the church of
Saint Mary, being one of the parish churches of Kenderchurch in the diocese
of Hereford, was declared closed for regular public worship.

NOW, it is provided as follows:-

Future of the church building

1. The building shown edged in red on the annexed plan shall be appropriated to
use as a monument and for occasional worship, services, and other religious
activities in accordance with the rights and customs of the Church of England
or any other Christian body designated by the Bishop for the time being of
Hereford and for purposes ancillary thereto together with the rights granted by
Schedule 1.

Disposal

2. The Commissioners are hereby empowered to give the building for the said
use, together with the benefit of the rights granted by Schedule 1.

Contents

3. The contents of the building shall be disposed of as the Bishop shall direct
subject, so far as it is required, to listed building consent being granted.

Coming into operation of this Scheme

4. This Scheme shall not come into operation until such date or dates as the
Commissioners shall determine following the making of this Scheme.

In witness of which this Scheme has been duly executed as a deed by the Church
Commissioners.

Executed as a Deed by the Church Commissioners for England
acting by two authorised signatories:

-------------------------------------------------------------------------
Signature of Authorised Signatory

-------------------------------------------------------------------------
Signature of Authorised Signatory
Schedule 1: Grant of Rights of Way

(i) a right of way with or without vehicles over and along the existing pathways in the remaining parts of the churchyard annexed or belonging to the building subject to the Commissioners’ successors in title paying a fair and proper portion of the cost of keeping the same in good and substantial repair to the reasonable satisfaction of the parochial church council of the parish within the area of which the property is for the time being situated; and

(ii) the right to the passage of water, soil, gas, electricity, and telecommunication services (if any) through any drains, sewers, pipes, wires, cables, and other conducting media ("the services") now laid under, upon or above the remaining part of the churchyard annexed or belonging to the building; and

(iii) the right (upon reasonable prior notice in writing to the said parochial church council) to enter with or without vehicles, equipment and apparatus upon such parts of the said churchyard as may be necessary for the purpose of inspecting, repairing and maintaining the building and for the purpose of laying, connecting into, inspecting, repairing, maintaining or renewing the services subject to the person exercising such right causing as little damage as possible to the said churchyard or any graves, tombstones, monuments and memorials therein, and subject to the Commissioners’ successors in title making good any damage so caused to the reasonable satisfaction of the said parochial church council or other the person for the time being responsible for the care and maintenance of the said churchyard and subject to the grant of any necessary faculties by the Consistory Court to authorise the said works; and

(iv) all rights and easements over land other than the said churchyard appertaining or reputed to appertain to the property in common with all others entitled to the like rights.
EXPLANATORY NOTE

MISSION AND PASTORAL MEASURE 2011
DRAFT PASTORAL (CHURCH BUILDINGS DISPOSAL) SCHEME
KENDERCHURCH ST MARY
DIOCESE OF HEREFORD

This note accompanies a draft scheme under the Mission and Pastoral Measure 2011 which makes provision for the future of a closed church building. The Church Commissioners provide this information so that individuals and interested parties can understand the background to the proposals, make a reasoned judgement on the merits of the draft scheme and, if they see fit, a reasoned expression of support or objection to it.

The Current Proposals
The Commissioners have agreed to publish a draft Pastoral (Church Buildings Disposal) Scheme providing for the closed church of Kenderchurch St Mary (registered Title number HE59385) to be gifted for use as a Monument and for occasional Christian worship, services and other religious activities.

It is proposed that the building will be transferred to the ownership of The Friends of Friendless Churches; a registered charity which rescues, repairs and campaigns for historic churches in England and Wales.

Background
The church building was closed for regular public worship in January 2013. Since then the Diocese of Hereford and the Church Commissioners have been working together to settle its future.

The buildings setting in an elevated isolated location in an open churchyard with potential archaeological and ecological significance adjacent to an ‘industrial’ sawmill site with a shared private access road has undermined the viability of any suitable alternative use.

Now, in recognition of the buildings significance, The Friends of Friendless Churches has expressed an interest in saving the building and has now agreed, in principal, access and parking easements with the owners of the adjoining sawmill to enable The Friends of Friendless Churches to take ownership and maintain the church building.

The Building
St Mary is a small Grade II listed church building with considerable landscape value set within a nearly-circular ‘open’ churchyard (possibly of exceptional archaeological and ecological potential) on the knoll of a hill above the main road. It is visible from all directions.

The immediate locality is mixed in character with open, rolling countryside and scattered residential dwellings surrounding the majority of the boundary to the graveyard, whilst to the north, is a sawmill which comprises of a substantial industrial complex for timber processing.

St Mary is a simple and compact building of considerable charm. The church dates from the
C12, which is evidenced by the font and carving in the west wall, and also the nave and chancel which preserve considerable medieval fabric, particularly at low level. Notwithstanding this, the church is thought to have been completely rebuilt during a general restoration of 1870-2 by William Chick, of Hereford who restored several churches in the area.

Burials and the Churchyard
The churchyard which surrounds the church building will remain open and in the ownership of the PCC with continued access rights for those visiting graves and maintaining the churchyard.

The Views of the Statutory Advisory Committee
The Commissioners’ statutory advisors, The Statutory Advisory Committee of the Church Buildings Council (SAC) have indicated that the church building is of moderate significance overall with some scope for change and should therefore be preserved by conversion to an alternative use, but is not of sufficient quality for last resort vesting in the Churches Conservation Trust.

Planning and Access
Neither a planning consent or listed building consent are required as the proposed monument use falls within the current planning Use Class and no alterations are proposed to the building.

Existing access rights over the private access road to both the church building and churchyard will continue as existing. In addition, the Friends of Friendless Churches are in discussions with the sawmill about parking arrangements for visitors to the building.

Correspondence
Further information can be obtained from the Case Officer, Sarah Mellor at sarah.mellor@churchofengland.org or by telephone at 07824 581 491.

Representations against or in support of the draft Scheme
Anyone may make a representation for or against any provision of the draft Scheme.

Representations should be sent to:

Matthew Crowe, Pastoral and Closed Churches, Church Commissioners Church House, Great Smith Street, London SW1P 3AZ

Or by e-mail to: matthew.crowe@churchofengland.org

Any communication received after 11th August 2023 cannot be treated as a representation.

If we receive representations against the draft Scheme, we will send all representations, both for and against, to the Bishop, whose view will be sought. Individual representors will then receive copies of our correspondence with the Bishop (including copies of all the representations) and they may comment further in writing to us in light of the diocesan response if they so wish.

If no representations against the Scheme are received the Commissioners shall make the Scheme and bring it into effect as provided for in the scheme and explained above.

Information on the Mission and pastoral Measure 2011 and its procedures can be found on the Church Commissioners’ web-site at www.ccpastoral.org where there are also links to download copies of these notes and the draft scheme.
MISSION AND PASTORAL MEASURE 2011

Closed church building of Kenderchurch St Mary
Diocese of Hereford

How representations concerning a draft scheme are considered by the Church Commissioners

Anyone may make comments, known as representations, either in support or against a draft scheme to the Commissioners in writing or by email. A petition will be given proper consideration, but for administrative purposes it will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory.

If we do not receive any representations against the draft scheme the Commissioners will make the scheme, subject to any necessary consents being granted.

If we do receive any representations against the draft scheme we will seek the views of the Bishop about these, and those in favour. If you make a representation we will also share this with other representors and the Commissioners’ Mission, Pastoral and Church Property Committee. We will send you a copy of our correspondence with the Bishop and you will be able to comment further if you wish on any points relating to your original representation.

Once all the relevant information has been collated the Mission, Pastoral and Church Property Committee will meet to consider all representations in relation to the draft scheme. In making a representation you should indicate whether you also request the opportunity to speak to the Committee about your representation. Otherwise, if a hearing is not held, the case will be considered in private, and you will be informed accordingly. If the Commissioners’ decide to hold a public hearing into the case, you may attend the Committee meeting and you may have an opportunity to speak to your representation. When we acknowledge your representation we will let you know the dates of the Committee’s next couple of meetings. We will confirm the actual date, and if a hearing is to be held, nearer the time.

The Mission, Pastoral and Church Property Committee will decide whether the draft scheme should proceed. A full statement of reasons for the Commissioners' decision will be issued to all representors about 10 days after the meeting of the Committee. If they decide that the scheme should proceed, the Commissioners will make the Scheme, subject to the necessary consents being granted, if appropriate.

The scheme would be brought into effect at the appropriate time as it provides.

Please note that the procedures for considering representations only apply where there is at least one objection to the draft scheme. The Committee will not have to consider the case where there are only representations in support of the draft scheme and no outstanding objections. If you write in support of the scheme, we will let you know as soon as possible whether we have also received representations against its provisions that will require consideration by the Committee.