

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 under the said Measure on the 11th day of June 2019 the church of Saint Andrew (“the building”) being a chapel of ease in the parish of Kirkby Fleetham with Langton on Swale and Scruton in the diocese of Leeds was declared closed for regular public worship.

NOW, it is provided as follows:-

Future of the church building and annexed land

1. The building and part of the land annexed or belonging thereto shown edged in red on the annexed plan (together referred to as the property) shall be appropriated to residential use and for purposes ancillary thereto, together with the rights granted by Schedule 1

Disposal

2. The Commissioners are hereby empowered to sell the property 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.

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 and different provisions of the Scheme may be brought into operation on different dates and the Commissioners shall not be obliged to bring the Scheme or any part thereof into operation until such time as they are satisfied that the conditions specified in Schedule 2 have been complied with but may do so if they so determine.

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

Schedule 1: Grant of Rights of Way

To enable the property to be used for the purpose specified in the Scheme, the following rights shall vest in the Commissioners for the benefit of the property: -

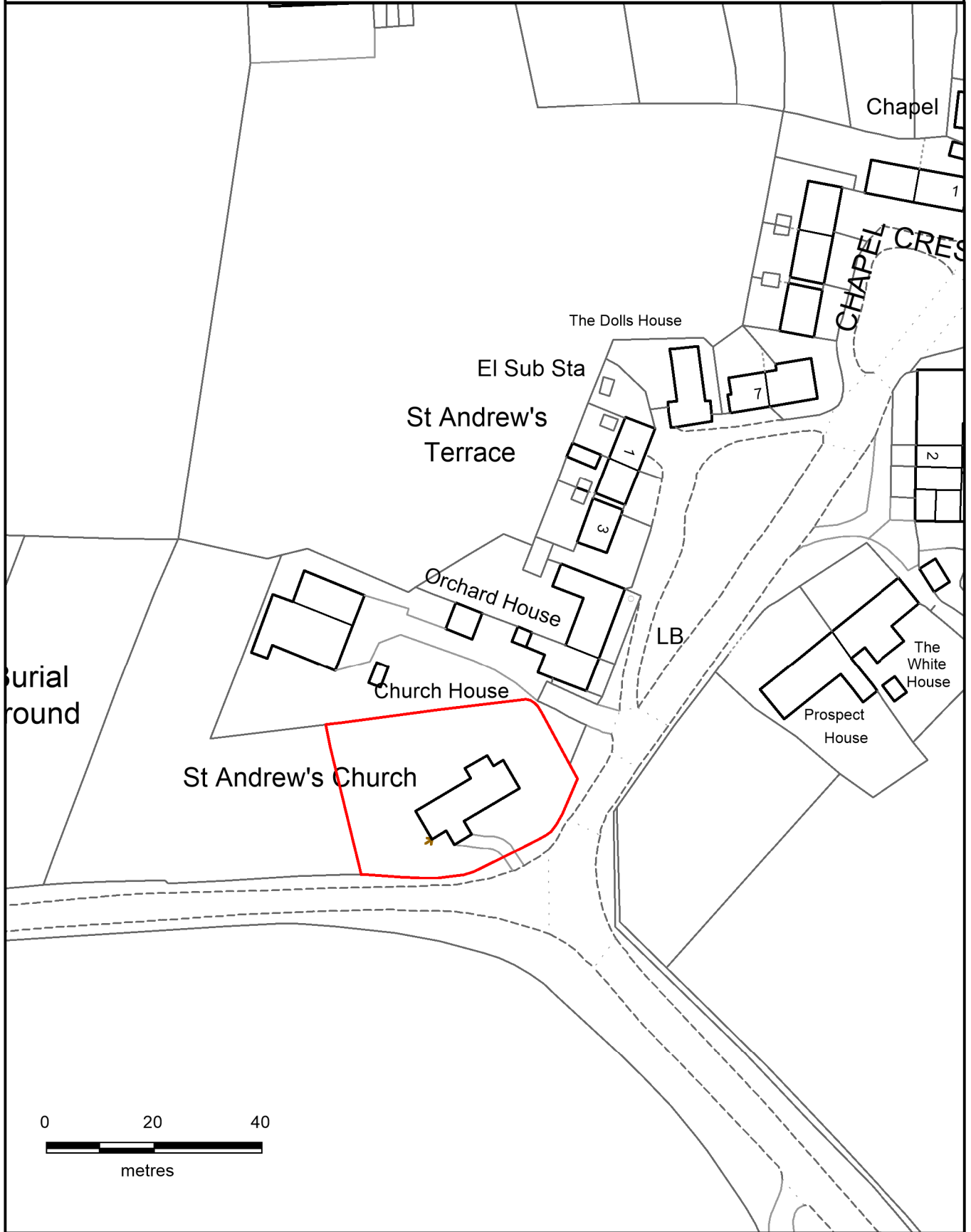
(i) the right to the passage of water, soil, gas, electricity and telecommunication services (if any) through any drains, sewers, pipes, wires, cables and other conducting media (“the services”) now laid or to be laid under, upon or above the remaining part of the said churchyard; and

(ii) 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

Schedule 2: Conditions

(i) That Planning Permission has been obtained for the proposed use.

GREAT FENCOTE ST ANDREW



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EXPLANATORY NOTE

MISSION AND PASTORAL MEASURE 2011 DRAFT PASTORAL (CHURCH BUILDINGS DISPOSAL) SCHEME GREAT FENCOTE ST ANDREW DIOCESE OF LEEDS

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 Great Fencote St Andrew, and part of the churchyard, to be appropriated to residential use.

Background

The church was formally closed for regular public worship on 1st October 2019. The building was a chapel of ease in the parish of Kirkby Fleetham with Langton on Swale and Scruton. The same congregation alternated between this building and the parish church, the Grade I listed St Mary's at Kirkby Fleetham. The parish wished to concentrate their resources on one building and decided to retain the more historic of the two.

The Building

St Andrews was built in 1847. It is a small, simple single cell chapel that sits at the junction of Todd Lane and Fleetham Lane on the south side of the hamlet. It is not listed.

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 merits preservation by conversion to a suitable new use that will protect its character and interest.

Planning and Access

Access to the site is direct from the public highway. A planning application for the conversion of the building to residential use has recently been submitted to the local planning authority (Hambleton District Council, ref 22/00924) by the prospective purchasers.

Burials and the Churchyard

It is proposed that a section of churchyard, as shown edged in red on the plan that accompanies the draft scheme, will be sold with the building.

The planning application submitted by the prospective purchaser includes proposals for a small new outbuilding, parking, patio and driveway. These will be constructed without the need to disturb any burials, but some tombstones will need to be relocated to facilitate this.

Section 78 and Schedule 6 to the Mission and Pastoral Measure 2011 outline the procedures both for dealing with human remains interred within land to which a scheme applies, and for the disposal of tombstones, monuments and memorials. These procedures must be completed prior to disposal of the property. In this case this will involve consulting the Ministry of Justice and publishing further newspaper notices.

If the scheme goes ahead the Bishop's directions as to the future of any affected tombstones, monuments or memorials will also be required.

The remainder of the churchyard will continue in use as a burial ground and does not form part of the proposals.

If the scheme proceeds the property will be sold subject to several standard restrictive covenants. One of which will require any new owner to provide access to anyone who wishes to visit graves within this area, provided they have applied to them in writing first.

Making the Draft Scheme

Before they allow the Scheme to proceed the Commissioners will need to be satisfied that planning permission has been granted for the new use.

Correspondence

Further information about the proposals may be obtained from the Case Officer, Emma Cosgrif by e-mail at emma.cosgrif@churchofengland.org or by telephone at 0113 353 0269

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:

**Representations
Closed Churches Division, Church Commissioners
Church House
Great Smith Street
London SW1P 3AZ**

Or by e-mail to: closedchurches.reps@churchofengland.org

Any communication received after **22nd July 2022** 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.

Emma Cosgrif
10 June 2022