

# **NEW USES FOR CLOSED CHURCH BUILDINGS**

## **Guidance from the Church Commissioners for purchasers and lessees**

*This leaflet guides you through the process of acquiring a Church of England church building closed for regular public worship. We welcome proposals for new uses and are happy to discuss your queries.*

### **What happens when a church is closed?**

Churches no longer required by the Church of England for public worship are formally closed under legislation known as the Mission and Pastoral Measure 2011.

The Mission and Pastoral Measure 2011 also sets out procedures for settling the future of these buildings. The main emphasis in the case of listed buildings or those in a conservation area is on finding suitable alternative uses.

Each diocese (the Church of England territorial unit roughly equivalent to a county) is responsible for seeking new uses for churches closed for regular public worship in its area. This work is carried out by a Diocesan Mission and Pastoral Committee (or a sub-committee thereof) in conjunction with the Church Commissioners. A firm of agents is usually appointed to conduct a marketing campaign.

### **Examples of alternative uses**

Many suitable new uses have been found for closed churches including:

- places of worship for other Christian bodies
- civic, cultural or community use
- arts and crafts, music, drama centres or museums
- sports use
- storage
- office or light industrial use
- residential

Most proposals sensitive to the setting and history of each building will be welcome in principle.

### **Finding a closed church**

If you have no particular building in mind please see details of closed church buildings available for disposal on the [Church Commissioners' website](http://www.ccpastoral.org) (<http://www.ccpastoral.org>) or contact the Church Commissioners.

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### **Making an offer**

Contact the local agents, the Diocesan Mission and Pastoral Committee (DPMC) Secretary or the Commissioners' regional caseworker (details are available on their [website](#)) if you are interested in acquiring a particular building. They provide your main link throughout the ensuing process.

The DMPC do not have power of disposal but will report to the Commissioners, who are responsible for settling the future of closed churches. Conditional acceptance of your offer will be subject to:-

- a process of consultation by public notice
- completion of a pastoral (church buildings disposal) scheme to authorise disposal of the property (including perhaps part or all of the surrounding land) for an agreed use
- compliance with the remaining legal procedures
- Church approval of detailed plans for any proposed structural alterations
- planning permission and listed building consent if required.

### **Role of Church Commissioners**

The Commissioners decide the future of a closed church building, including the suitability of a proposed use. They also prepare a draft pastoral (church buildings disposal) scheme to authorise the proposed new use and will consult you or your solicitor about its contents.

They will then publish a notice in a local newspaper and make the draft scheme available for inspection over a 28 day period. They will adjudicate on any objections received (in practice these arise only occasionally).

Any resulting scheme will usually be made when planning permission and listed building consent, if required, have been granted. This allows the Commissioners (for sales) or the Diocesan Board of Finance (for leases) to enter into a formal contract and complete the remaining legal requirements. Every effort will be made to ensure early completion.

The scheme usually removes the legal effects of consecration.

### **Planning considerations**

In drawing up conversion plans you will need to consider how these will fit in with the character of the building and its environment.

Closed church buildings are subject to most normal planning, listed building and conservation area controls. Planning permission is usually required for a change of use and

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listed building consent for any significant alterations to a listed building. You are advised to contact the local planning officer to discuss your proposals as soon as possible.

The local planning authority may already have agreed a development brief on likely permitted uses or planning consent for change of use may already be in place. Check with the agents or DMPC Secretary for details.

### **Structural alterations**

You will also need to submit to the agents or DMPC Secretary any plans involving structural alterations and the Commissioners will obtain expert advice on their suitability. You may, understandably, not wish to go to the expense of preparing detailed plans before acceptance of your offer is confirmed. Sketch or outline proposals are welcome at an early stage but more detailed plans are preferred before you submit your proposals for planning permission or listed building consent.

### **Plans and drawings**

As a general rule plans and drawings should be of a quality required for listed building consent to assist a full understanding of the impact on the building. Usually they will include:

- a set of survey drawings of the building as existing
- floor plans showing proposed alterations
- elevations of the building or relevant parts of it after the proposed alterations, together with an indication of the materials and finishes
- sections showing the levels at which any proposed new floors will be inserted, the means of support, and the effect on windows, doorways, arches and arcades
- a site plan if new access and parking arrangements are intended, and any revision of the landscaping
- a plan showing the introduction of any mains services which will have a substantial effect on the fabric or archaeology of the building or site
- an initial archaeological report if there is to be any ground disturbance

All drawings should be to scale and the position of north shown.

Details, such as windows, doors, screens and galleries should be drawn to a larger scale. Supporting comments or photographs of the parts of the building affected by the proposals are helpful.

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### **Where there are human remains**

Where land containing burials is to be included in a sale or lease the law requires the human remains to be removed and re-interred elsewhere. However, if your proposals would not involve any disturbance of the burials, an exemption from removal and re-interment may be granted by the Ministry of Justice. For the purposes of seeking such exemption we will need:

- plans on a scale of 1:200 showing the precise route of the service pipes and exact position and dimensions of any septic tank to be provided; and
- confirmation that the local authority and utility companies have agreed the siting of the main services, and any septic tank, and that service pipes will be laid at the minimum depth permissible.

To minimise the possibility of disturbance, service lines (if not there already) should as far as possible be laid under existing pathways. Between exchange and completion you may need to carry out bore-hole tests for service runs.

### **Rights of next of kin and personal representatives**

The Bishop directs what will happen to any tombstones, monuments or memorials. Usually these are either left in place or removed prior to completion.

If necessary, the Commissioners or the diocese will issue further newspaper notices informing personal representatives of those buried or commemorated within the property of their own rights to remove any tombstones and (if disturbance is intended) human remains within two months of the date of the notice.

The sale or lease can be completed once these procedures have been carried out. If information required by the Commissioners or the diocese is provided without delay early progress will be facilitated.

### **What happens to the contents of a closed church building?**

Contents will usually be removed from the building prior to completion of the sale or lease and this may be specified in the contract.

Occasionally contents may remain in situ. This can be provided for in the sale or lease documents or by separate loan agreement. If you have queries about the contents you should consult the agent or DMPC secretary.

### **Covenants**

Covenants will be included when the property is disposed of.

These are designed primarily to:

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- ensure the property is only used for authorised purposes
- protect it from any unauthorised alterations or demolition
- reassure local people and, if appropriate, enable public access to tend or visit any graves at agreed times
- protect against disturbance of any human remains, tombstones, monuments or memorials.

### Changing circumstances

Through the covenants the church authorities retain an interest in what happens to the property. If in the future you wish to vary the authorised use, or carry out further alterations, your proposals will receive sympathetic consideration provided they continue to fit in with the character and setting of the property.

We want to work with you to ensure that the future of the closed church building is secure.

### Summary of organisations involved

The Church Commissioners make the final decision on the future use of a church building closed for regular public worship and are responsible for any freehold disposal.

Other bodies are also involved:

- **Diocesan Mission and Pastoral Committees** seek suitable alternative uses for church buildings closed for regular public worship in their area and make a recommendation to the Church Commissioners. A firm of agents is usually appointed to market each property
- the **Diocesan Board of Finance** cares for a closed church building while a use is being sought and is responsible for leasehold disposals
- the **Statutory Advisory Committee of the Church Buildings Council** advise the Commissioners on proposals affecting closed church buildings (such as architectural changes).
- the **Local Planning Authority** is responsible for planning permission for a change of use and listed building consent for structural alterations to listed buildings. The latter may also involve consultation with English Heritage
- the **Ministry of Justice** is consulted where burials are involved. It has responsibility for issuing instructions on what is to happen to any human remains potentially affected.

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These notes offer general advice. You should refer to the sales particulars or contact the Agent, the DMPC Secretary, or the Commissioners' regional case officer for more information about specific buildings.

Please contact the Church Commissioners if you have any general enquiries.

*Tel: 020 7898 1000 Fax: 020 7898 1873 Email: [mpmcode@churchofengland.org](mailto:mpmcode@churchofengland.org)*