

Church Buildings Guidance notes

Statement of Need Leading questions

These notes cover;

Brief background and guidance

Leading questions

Information on the Duffield (or Alkmund) questions

N.B. We recommend that these guidance notes are read in conjunction with the advice published by the Church of England and the Church Buildings Council. Their advice can be found on the following web pages:

<https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/statements-significance-and-needs>

https://www.churchofengland.org/sites/default/files/2022-02/CCB_Statements-of-significance-and-needs.pdf

Brief background and Guidance

The Faculty Jurisdiction Rules 2015 *as amended by the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Schedule 3, Part 2, the Faculty Jurisdiction (Amendment) Rules 2019 and the Faculty Jurisdiction (Amendment) Rules 2022*

The Faculty Jurisdiction Rules above are the legal rules by which the Church of England protects the integrity of the buildings in its ownership and care. A church can legally apply to get permission to work on their buildings from their diocesan Chancellor (court judge) via the Online Faculty System – which includes consultation with the Diocesan Advisory Committee (DAC) and the diocese Registrar (solicitor).

For larger projects and reordering, one of the documents that must be submitted is a Statement of Need. These faculty jurisdiction rules define a Statement of Needs as, “a document setting out the justification for the proposals” and stipulates that “If proposals are likely to result in harm to the significance of the church or other building as a building of special architectural or historic interest, the document setting out the justification for the proposals must set out the

basis on which it is said that the proposals would result in public benefit that outweighs that harm”.

So basically, a Statement of Need explains what you want to do and why, and how you can justify the work.

Your Statement of Need should be used to clearly set out what you are proposing. As it will be read by some consultees that never see your church, so needs to have enough concise detail for them to make an informed decision and give their views to the Chancellor who ultimately grants faculty permission. If you have a well written and clear Statement of Need alongside a well written Statement of Significance, it can make a big difference in helping the faculty application process run more smoothly.

The sooner you start writing your Statement of Need, the better. It is a document that can help you as a church define your project, and consider what you are planning and why. It will undoubtedly change as you work through the process of your project, and this is not a bad thing!

Please also think about the choice of language that you use to write about the elements of the project you are considering. The Church Buildings Council guidance notes 2021, ‘Equal Access to Church Buildings’ says this:

‘How we use our own language can also reveal our attitudes to people. Phrases like ‘accessible’ are much preferred to ‘disabled’ and sound less like they are singling out a particular user group. An accessible toilet sounds more like a positive provision than a disabled one, for example...’

[The CBC Guidance notes can be found here.](#)

Statement of Needs – Leading questions

Please use the following questions to help answer some of the points in your Statement of Need as you explain, justify, and rationalise your project plans. Some questions will be relevant to you and your project, whilst others may not be. Please read all the questions, but feel free not to include responses to any if they do not relate to your project and setting.

There is no defined way that a Statement of Needs should be set out, but clear sub-sections with headings can help you as you write it, as well as help those reading it find the relevant information they may need.

(See also the ChurchCare guidance notes here: [Statements of Significance and Need \(churchofengland.org\)](#))

Section 1: General information

Overview of the parish and the current use of the building;

NB: Concentrate on the church as you use it here and now. Don't go in to too much detail about the setting and history etc, as this will all be covered in the Statement of Significance.

How many are on the electoral roll?

How many services to you have?

How many attend each service?

What ages attend? Is there a mix?

What activities take place in the church in addition to prayer and worship?

Is the church open in the evening as well as the daytime?

Is the church left open for anyone to access during the day? (i.e. unlocked but unmanned)

What is the financial position of the church? Do you have the funds for the work, or are you fundraising and applying to grant givers?

What state of repair is your building in? Do you have a maintenance plan that is completed each year? Have you kept up to date with the cycle of QI inspections? Has the last QI shown any major issues?

Thinking of the parish as a whole;

Are you in a deprived area? (look at ONS statistics for help <https://www.ons.gov.uk/census/maps>)

Do you have members of the church representing all the different social demographic of your parish? Are any groups under-represented? Do you have any plans and ideas to address this imbalance?

Section 2: What do you need?

Explain your needs, not what you propose to do. Also make sure you differentiate between 'need' and 'want'. A 'need' is essential, a requirement, necessary, a demand, something you can't do without. 'Want' is a desire, an aspiration, something you can do without.

Give details of any brief given to your architect.

If necessary, break your needs down in to different areas of the building e.g. facilities (e.g. toilets, kitchen etc), access, liturgy, building systems (e.g. heating) and space.

If you need 'flexible space' say exactly why;What it will be for?

What benefit it will be to the life of the church?

Will it be used in missional activities and services, or just social groups?

Will it be available for use by, and therefore benefit, the local community?

Will any changes provide possibility for an unrestricted income stream? Is this income needed?

Section 3: The Proposals

Set out what you are proposing to do in order to meet the needs set out in section 2.

Stick to exactly what you plan to do – with the space, and with any fixtures or fittings that are currently in situ.

Are you going to need any new fixtures or fittings?

What will you do with any old fixtures and fittings?

Will new decoration or furnishings be needed?

Are any new fixtures, fittings and decoration accounted for as part of the whole project?

Will things like lighting, electrics, plumbing, drainage etc be affected? If so, will this change be positive or negative?

Section 4: Why do you need it and why do you need it now?

Why you need it - Justify your proposals by explaining why you can't meet your needs without making changes. What restrictions does the building present in its current layout?

Why you need it now - include anything which may have prompted the proposals.

Is there a reason that now is the specific time for you to continue with your project?

Has anything in the community affected the change that you need to make in your church now? (e.g. have other community buildings closed? Have other community groups stopped running so there is a greater need for your group to meet now?)

Has anything happened that has caused a change in the need now? (e.g. post Covid)

Will the proposals help the ministry of the church? Will it enhance the space used for services or just groups outside of the service times?

Will it enable meetings to take place? Or Bible study groups, or Small/ House groups etc?

Will the project affect the financial situation of your church?

Section 5: What is the evidence for the need?

How do you know that your project is actually needed? Explain who has been consulted – in the church, in different groups within the church (e.g. Sunday service attendees, weekday service attendees, youth group members, toddler group leaders etc)

How did you consult people?

When did you consult them?

Was it once, on one occasion? Was it several times?

Was it at different times of day and different days of the week?

Did you go out into the community to consult, or ask them to come to the church to respond?

Did you consult in person or using social media? Did you use local press or interest groups in order to get as full a result as possible?

Did you make a point of trying to consult those building users with additional physical or mental needs? Can you evidence this?

Section 6: How is the proposal contributing to the need for environmental sustainability?

How is your project reducing the carbon footprint, contributing to the Church's commitment to be 'net zero carbon emissions' by 2030?

Are you including anything in the proposals that will reduce your carbon footprint? e.g. improved insulation, led lightbulbs, double glazing, draught excluders, more efficient radiators.

Does your project meet any benchmarks, such as BREEAM? (Building Research Established Environmental Assessment Method) BREEAM is a sustainability assessment method which guides and informs architects as they design projects within the built environment. It guides standards of work to minimise carbon emissions and operational pollution, use smarter energy solutions, and use sustainable materials.

Are any building services going to be improved as a result of your project? e.g. reduced water consumption with dual flush toilets, reduced electricity use with LED lighting or adaptable targeted lighting design, reduction in heating demand as areas of the church or building can be warmed separately – by physical closing off of spaces, or by new heating controls.

Do your plans represent part of a long-term environmental strategy? If not, why not?

Will the project impact wildlife in the churchyard or curtilage space of the church in any way?

Section 7. What other options to meet the project needs were considered, taking into account Section 6 above, and the impacts identified in the Statement of Significance?

This section is also known as an 'options appraisal'. It needs to show that you have had a process to the thought behind your project, and why your proposals are the best fit for the building you have and the people it serves.

These options may include: larger or smaller schemes, different designs, locating the scheme/proposal in a different part of the church building, the impact of not making a change at all, providing a management solution rather than a change in the fabric, using a different building in the wider community e.g. school, community hall, another church.

What were the pros and cons of each option?

Why is the solution you are putting forward the best one?

Have you been sure to consider those with additional physical or mental needs? Can you evidence how you have incorporated these findings in your final project design?

Remember: If the proposals are likely to cause harm, alteration, or damage to the building in any way, the benefits must be that much greater.

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The following section is taken from the Church of England webpages:

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

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?
- 6.

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 \(Rochester\)](#)