

Guideline Leaflet PC04: Redeveloping or Altering Church Premises

This leaflet is full of practical guidance for churches thinking about a building project. It is based on our experience of helping Baptist churches with many building projects. There are comments on choosing architects and other advisors, the information required to obtain consent from your property trustee, and details of various rules and regulations.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

IMPORTANT NOTICE: This Guidelines Leaflet makes reference to the Baptist Union Loan Fund which is operated by the Baptist Union Corporation Ltd. Churches should be aware that the Baptist Union Corporation Ltd is only willing to enter into a loan that is a relevant credit agreement (as defined by the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005) as lender for the purposes of the business of a church (or, if the church is unincorporated, the business of the church trustees) and not for any other purpose.

(Whilst the phrase 'the purposes of a business' may not sit easily with many churches we have been advised that the term 'business' has a wide definition and includes 'anything which is an occupation or duty that requires attention'. Therefore, the view has been taken that a church could be acting as a business in this context).

PC04: Redeveloping or Altering Church Premises

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees, they may also be able to help.

WHAT IS REDEVELOPMENT?

Very few churches can say that their buildings are exactly what they want. They may be grateful to past generations who first provided the original buildings and to others who have adapted them to meet changing circumstances and requirements. However, there is always room for improvement.

What was right many years ago may not be acceptable now, or for the future. There may be new opportunities for mission for which the buildings are not suited. A changing community and growing numbers may create a need to adapt premises to allow more people to have an equal opportunity of participating fully in church life.

Redevelopment is anything which will result in the buildings being altered. It could be total demolition of the present structures and the construction of new purpose-built accommodation on the site. It may be the erection of an extension containing new toilet accommodation, a new kitchen, and an entrance vestibule - or anything in between.

- The 'rule of thumb' is that if Planning Consent and/or Building Regulation Approval are required, or if there are structural alterations or significant building works, then what is proposed comes within the scope of these Guidelines and needs to be considered for approval by the Baptist Union Corporation (or your Baptist Trust Company) as Holding Trustees of the church premises. To fulfil its duty as Holding Trustee the BUC must obtain the advice of our surveyors prior to giving consent. The surveyors charge a fee, currently £300+VAT where the total project cost is below £500,000, which is payable by the church. Where the project cost is greater than £500,000, a specific fee quote/estimate will be provided prior to the consent being provided.

If the church building is **listed** (meaning designated as a heritage asset on the National Heritage List for [England](#) or [Wales](#)) then special care is needed. Formal consent will be required for any internal or external changes – see later section on Page 9.

IMPORTANCE OF OBTAINING ALL RELEVANT CONSENTS

In addition to obtaining the consent of the Baptist Union Corporation as property trustee, it is of crucial importance that, where planning permission and/or building regulations and/or listed building approval are required, that the relevant permission and or approval is obtained before works are commenced.

Churches need to be aware that, even if the building is not a listed building as described above, a church property might be the subject of a 'local listing' by the local planning authority. A building can be 'locally listed' for making a positive contribution to an area's local character and sense of place due to its heritage value. Whilst 'locally listed' buildings are not nationally designated 'listed buildings' (see Listed

Buildings below), local planning authorities may be more stringent in their planning permission requirements in relation to such properties.

It is also possible that a church may be in a Conservation Area and/or subject to a Direction made by order of the local planning authority that the normal general permitted development planning permission rules do not apply. (Such a Direction is often referred to as an 'Article 4 Direction'). Where such a Direction applies, planning permission will usually be required for certain external works. Directions often apply to require planning permission for the installation of new doors, windows, or roofs; painting or rendering; building a porch or extension; and altering boundary treatments, for example.

A church, therefore, should never assume that planning permission will not be required nor that they will automatically have planning permission for their intended works. A church should always check the status of their property and the area in which it lies on the website of the relevant local planning authority and whether planning permission and or building regulations approval would be required.

If a church is in any doubt as to whether its property might be a nationally listed building, then it should check with Historic England or Cadw (please see links to the relevant websites in the Listed Buildings section on p9). If your church premises are listed as being of national architectural or historic interest (which is not the same thing as being 'Locally Listed'), then listed building permission will be required for any internal or external works to the Listed Building or its site. (Please see Page 9 below).

Works undertaken without the necessary permissions may result in a planning breach and enforcement action so churches should always be clear as to the requirements of the relevant authority or authorities in relation to any proposed works and ensure that these are met.

KNOW YOUR PROPERTY – KNOW YOUR AREA

Before considering a redevelopment process it is important to know about the property and the local area. Is the building in a conservation area? Is it a listed building? Is it a significant site for reasons linked with the history and archaeology of your area?

Are the boundaries clear and are there any arrangements in the church property deeds that might cause a problem? Is the current church building in a convenient location?

Where can information be found?

<p>Conservation Area?</p> <p>or</p> <p>Area in respect of which normal General Permitted Development Rights do not apply by virtue of a local authority 'article 4 direction'?</p>	<p>Local Planning Department</p>
<p>Listed Building?</p> <p>Historic Site? Sensitive area for redevelopment because of archaeology?</p>	<p>Your Local Planning Department</p> <p>The Heritage Asset List, English Heritage</p> <p>The Historic Environment Records</p> <p>Your Local Authority Archaeologist</p> <p>Please also contact your Holding (Property) Trustees</p> <p>And</p> <p>Katie Wylie at kwylie@baptist.org.uk.</p>

	<p>Please also see the section on Listed Buildings on page 9 below.</p> <p>The design ideas may be shaped by comments from Conservation Officers or other Heritage professionals – but the final decision will sometimes rest with the Listed Buildings Advisory Committee of the Baptist Union of Great Britain and the Baptist Union of Wales.</p>
Church property that is the subject of 'local listing'	Your Local Planning Department
Boundaries?	Your Holding (Property) Trustees who should be able to help, often by sending a copy of the deeds.
Other Legal Arrangements?	Your Holding (Property) Trustees who should be able to help, often by sending a copy of the deeds.
Location?	This is something for the local church to consider but discussions with the Local Authority Planning Department may be needed.

UNDERSTANDING YOUR CHURCH BUILDING

Churches are strongly encouraged to read the leaflet PC03 *Five Year Inspection Reports – Church Buildings*. A comprehensive report will identify problems, outline remedies, and suggest the top priorities for action. It is a key tool in formulating a planned maintenance programme or alterations.

KNOW YOUR MISSION

An architect cannot easily develop an effective design if the church cannot explain what it does and plans to do in future. Please consult your local Baptist Association; they will be pleased to help you if you are unsure of your plans.

DECIDING TO REDEVELOP

Whatever is being considered it will first be discussed by the Charity Trustees (usually the minister, deacons and elders, Leadership Team) who will need to look carefully at the cost of the proposals and set a budget. Unless the scheme is very small it will probably be best for a building committee to be formed to deal with the details.

The committee should be made up of those members of the Charity Trustees with particular skills in building and redevelopment matters and in finance and can also include other suitably gifted church members. Sometimes it will be helpful to include experienced people from outside the church. However, it is important to remember that any member of the church could offer helpful suggestions, and many of the decisions about the type of building, the spaces created, and its future use should be considered by the whole church during the different stages in the process.

The 'make up' of the committee may change at different stages, but continuity is vital.

The committee will be accountable to the Church Members' Meeting and the church's leaders. The legal and financial responsibility will rest with the Charity Trustees. They will be responsible for signing formal arrangements and contracts – see below.

It will be helpful if the Charity Trustees nominate one of their number as the contact person for the whole process, to work with advisors and keep the Baptist Union Corporation informed.

The proposals must eventually be discussed by a Church Members' Meeting. In most churches the trust deeds, the church Constitution (or other governing document) requires property matters to be considered by a Special Church Members' Meeting. This usually means that notice of the meeting, and an indication of the purpose of the meeting, must be given at the services on two previous Sundays.

To be successful a resolution at a Special Church Members' Meeting must usually have the support of at least two-thirds of the members personally present, entitled to vote and voting at the meeting. It is important to check what the church Constitution (or other governing document) requires in your church.

SALE OR ACQUISITION OF LAND

Many redevelopment schemes involve the sale of church property or the acquisition of land. Please refer to Guidelines Leaflets and contact your Holding (Property) Trustees.

PC08 *Buying Land or Premises for a Church, and*

PC09 *Selling Church Land or Premises*

WELCOMING PEOPLE - AVOIDING DISABILITY DISCRIMINATION

Churches and their advisors are reminded of the Disability Discrimination Act 1995 (see Guidelines Leaflet L12 *Churches and Disability Issues*).

They will want to observe the spirit of the Act as well as the letter of the law and to consider their premises very seriously in the light of this legislation.

BAPTIST UNION CORPORATION REQUIREMENTS – CONSULTING HOLDING (PROPERTY) TRUSTEES

To obtain approval from the Baptist Union Corporation you need to send to them:

A copy of each of the following documents (including plans) should be sent by email in pdf format to sspicer@baptist.org.uk:

- Plans submitted for local Authority Approval, but not full working drawings.
- A brief specification of the proposed works.
- A brief (one or two sides of A4) explanation of why the design was chosen (more information required for a Listed Building Application).
- An estimate of the total cost and overall budget (preferably prepared by a quantity surveyor or other suitably qualified person).
- An indication of how this will be funded.
- A certified copy of a Minute of a Special Church Members' Meeting authorising the proposals.
- Copies of any statutory consents or approvals that have been obtained.
- Confirmation that those who are involved as advisors to the church have adequate Professional Indemnity Insurance.
- Leadership Team resolution, that confirms the church will pay the Property Trustee consent fee (unless confirmation to pay this sum already is included as part of a special church meeting resolution in relation to the proposed works).

NOTE: For churches in trust with the East Midland Baptist Trust Company please send 3 sets of documents.

The Baptist Union Corporation (or your Holding/Property Trustees) will need to satisfy themselves that the church is receiving appropriate professional advice.

In the case of very small projects involving little structural work, it might be acceptable for the church's advisor to be an unqualified but experienced and knowledgeable person.

In all but the smallest projects the Baptist Union Corporation will want to be assured that the advisor is a fully qualified architect or, for alterations and extensions, a chartered building surveyor.

PROFESSIONAL INDEMNITY INSURANCE

Whether or not the advisor is receiving a fee it is vital that the appointed person or firm is covered by adequate Professional Indemnity Insurance. Where serious errors occur, which can be shown to be the result of professional negligence, it is a tragedy for the life of the church if the members find they can obtain no compensation or have to decide between forgoing all damages or bankrupting the professional advisor.

It is important to remember that neighbours or others affected by any error may have rights to make a claim. If the professional advisor has inadequate Professional Indemnity Insurance the cost of any claim may be payable by the church.

The Baptist Union Corporation requires the church to provide confirmation that there is cover that is appropriate to the value and complexity of the project. This will be for more than the value of the building contract and might be in the range £500,000 to £2m.

Higher levels of cover will be required for larger projects, but a minimum amount of cover will always be required. Churches should note that this important requirement might preclude the appointment of the professional firms having a low level of cover for substantial projects.

Professional advisors should be asked about this before a final decision is made on the appointment.

NOTE:

The qualified professional advisor must **not be a Charity Trustee (member of the diaconate or leadership team) or their close relative or business partner.**

Under the Charity Law it is not permitted for a Charity Trustee to receive any personal benefit from his/her position as a Charity Trustee. Your volunteer may not be asking for full professional fees, or any professional fees, but this is not the only factor to consider.

In any significant scheme it is preferable for the professional advisor to be someone outside the fellowship. Building schemes are often complex and things can go wrong. It can be very serious for the life of the church if strains develop over what may be no more than a series of misunderstandings or a simple error.

If your church is fortunate to have someone in the fellowship who is knowledgeable about building matters, it is much better if that person takes a leading part on the building committee and acts as the contact person and the liaison between the church and the professional firm/s.

Often churches have selected a professional advisor and developed the design long before this leaflet has been obtained and read. Whilst we stand by the recommendations about selecting a professional advisor, we will seek to work with churches to overcome difficulties (wherever possible) if other arrangements have been made but the need for **Professional Indemnity Insurance must stand.**

Even where a member does the work for no fee and as stated above, except for the smallest of schemes, such person must have Professional Indemnity Insurance cover, it is still good practice for the church to obtain independent advice.

SELECTING AN ARCHITECT

The Church's Mission

Before moving on to the question of choosing an architect, it is of primary importance to work out what the church is looking for from their new or altered buildings.

Some architects specialising in church work may be able to help develop ideas, but it is the architect's function to provide answers to questions of design and construction after the church has clear ideas about their aims.

If you are not sure what you want to use the building for it will be difficult to explain your needs to any professional advisor.

To obtain maximum benefit from your professional advisor decide on your basic requirements as fully as possible in consultation with your whole church. Tell your advisor what you like and what you don't like and describe why you need to alter your building. Different design solutions will be needed to accommodate different activities and circumstances.

Individual Choice

The selection of an architect for any building project is an important decision only to be taken after careful thought and research. Not only is design ability and technical expertise vital, but it is very important for architects to 'speak the same language as their clients'.

A firm that has wide experience in office development or shopping centres may not be best for a church project. A technical expert with fixed design ideas or who is unapproachable could be difficult to work with.

Experience has shown that it can be very helpful if the architect has previously dealt with churches and church projects. In theory this should not be essential, architects are taught that each scheme should be looked at afresh from first principles so good architects should be able to turn their hand to any project within the resources of the firm.

It is essential to what can be a demanding and sometimes stressful relationship that the architect fully understands from the start the ethos of the church and how Baptist churches work and make decisions.

Selecting a List of Suitable Firms

- Choose perhaps half a dozen architects and ask them to write setting out their previous experience and general approach to church projects.
- Consider choosing an architect who is a member of the Ecclesiastical Architects' and Surveyors' Association (EASA) www.easanet.co.uk.
- Take up references and narrow the field to three or four firms and hold interviews.
- Listen carefully to discover whether the architect speaks 'your language' and understands your kind of church.
- Look for an architect who is willing to spend a good deal of time listening before offering any advice.
- Ascertain what his fee will be and the resources available to manage a project.
- Ask to see a completed project before coming to a final decision. If the architect has acted for another church go and visit them and talk to their leadership group.
- Agree what other consultants may be required, who will employ them and what their fees may be eg Structural Engineers, Quantity Surveyor, CDM Co-ordinator, Lighting Specialist.
- Draw up a simple written agreement so that both parties know what each has to do, what is included in the fee and what is not. (See the next section on signing Contracts and Agreements).

COSTS AND EXPENSES

SIGNING AGREEMENTS, CONTRACTS AND MAKING PAYMENTS

It is usual for the contract to be signed by one or two of the church's Charity Trustees (authorised members of the diaconate, leadership group). We usually suggest that the contract should not be signed by the Minister. It is vital that appropriate formal Agreements are prepared and signed.

When a church formally engages the professional team and developers the letter/contract of appointment should be worded so that their duty of care is extended to provide cover to the successors to the current Charity Trustees. This can be very important if churches subsequently amalgamate, want to dispose of their building, or there are other changes in the way the church is organised.

In appointing a building contractor, the duty of care should be extended, and this can be covered by a variation to the Articles of Agreement in the JCT Contract. It will be necessary for the church to think about this at the stage where tender documents are being prepared. Most quantity surveyors and some project managers would be used to offering advice and dealing with variations to building contracts. All involved parties will need to be named.

The Charity Trustees of the church will be held personally responsible to ensure that all payments due to a contractor are made unless special provisions are inserted in the building contract. It is desirable therefore for the contract to be amended so that it is made clear that although the church will be liable to make full payment, those signing the contract on behalf of the church have no personal liability. This needs to be considered carefully, but it is possible that a contractor will not want to limit liability, so it is vital that funds are in place before final contracts are completed.

The church must be sure that before it is committed to a project it either has the funds in hand or has made firm arrangements for any finance required. Any budget for the project should include an appropriate sum for 'contingencies' - that is unexpected extra costs.

PERFORMANCE BONDS

Churches and their advisors will want to consider whether a Performance Bond should be obtained from key contractors.

COLLATERAL WARRANTIES

Where an individual church enters into a direct contract with an architect, surveyor, or builder they will hope that the work will be of satisfactory quality. This is often supported by various guarantees and the professional indemnity insurance policies held by suppliers and advisors. The responsibility of the advisor or contractor to the church is enforceable because there is a direct contract between the church and the other party.

Sometimes, when churches are involved in joint development projects or more complex community schemes the contractual relationships are not so straight forward. They may be making a building available for redevelopment, with no direct contractual relationship with the designer, structural surveyor or builder overseeing extensions and alterations. The church may, however, be using parts of the building for many years to come and would be badly affected if there were defects in the design or construction.

In order to ensure that the church has appropriate protection Collateral Warranties should be obtained. This is something that the church's own surveyor should consider when the terms of any shared development arrangement are under consideration. Collateral Warranties should be requested, and the terms confirmed in any tender document. It is easier to obtain them at the start of a project than to request them later.

Making a claim under a Collateral Warranty is not necessarily easy, but without the formal documentation it may be difficult to claim compensation. The church may not be able to demonstrate any legal relationship with advisors and builders recruited by an outside authority. For example, if a local authority or housing association arranged the work.

LATENT DEFECTS INSURANCE

Latent Defects Policies are a fairly new idea. They are required for all projects in France but are not common here.

Although Collateral Warranties, Professional Indemnity Insurance and other guarantees can be helpful, one set of defects may involve a claim for compensation from several advisors and contractors, who all

share responsibility. A Latent Defects Policy provides a 'one stop shop' for pursuing latent defects in a building that may be discovered some years after construction has been completed. Instead of a local church having to pursue a number of professionals and contractors they seek compensation through the insurance policy. This can be helpful where responsibility for the defect is not immediately clear.

Enforcement of warranties and guarantees obtained from consultants and contractors are, generally, dependent on them remaining solvent. A Latent Defects Policy would potentially overcome these problems and offer a stronger safeguard than those provided by consultants and contractors individually through their Professional Indemnity Insurance.

As the insurer's surveyors would also need to receive details of the project as it progressed, this would provide a further check on the quality of the design and the building work.

However, although Collateral Warranties will often be provided by consultants and the contractor without cost a premium is required with a Latent Defects Policy.

As with all insurance policies the level of excess and exclusions will need to be considered carefully. There can be limitations on the amount of cover offered when work is undertaken on an existing property and, therefore, it is likely that this kind of insurance is more appropriate to a completely new building, or one that is predominantly a new build.

This kind of insurance can be very helpful when a church is working in partnership with a local authority who is procuring the design, technical advice and appointing the surveyor and builder. It should be considered when the arrangements are not wholly under the control of the church.

However, as it is often the case that development budgets are stretched, this needs to be included as a requirement at an early stage where a complex project is planned.

For many churches, where budgets are tight, this may be regarded as an unnecessary expenditure and churches may prefer to enhance the design or specification for their building, rather than pay for a policy that might never be needed.

LOANS

If significant personal loans are to be raised from members it is wise for the church to have a contingency loan agreement in case members' loans are called in, perhaps through death. There is some useful information about loans from members in the guidelines leaflet M01 *Loans to Churches*. This also contains information about loans that may be available through the Baptist Union Loan Fund which is administered by the Baptist Union Corporation – please refer to the important notice on the front of this leaflet.

It is wise for the church to ask for pledges from the members to service all loans which are being raised.

DESIGN AND BUILD

If you are considering a 'Design and Build' development, please obtain a copy of Guidelines Leaflet PC06 *Redeveloping or Building Church Premises - Contract Procurement – The Alternatives*.

Even where you select one company to design and build your new premises, we recommend even more strongly that an independent professional supervises, oversees and co-ordinate the main elements in the project and acts as a technical liaison between the parties.

Where a Design and Build contract is arranged collateral warranties must be obtained from the design company's professional team and major contractors. This will provide guarantees to the church and holding trustee. This is necessary because the contractual obligations lie between the advisors, contractors, and design company only - so the obligations need to be extended for the long-term benefit of the church. Please arrange this before the project starts—they cannot be obtained at a later stage.

COMMERCIAL PARTNERSHIPS

Sometimes churches are approached by a builder or developer with a proposal to work in partnership. Often the church will have a valuable site which could be redeveloped.

The approach will often involve offers to construct a new church building within a larger redevelopment project. This can be a lifeline to a small congregation who gain improved accommodation. However, in life you rarely get 'something for nothing'.

It is vital that the interests of the church are protected, and that any replacement accommodation is fully described and specified, and the work is independently monitored.

Special care is needed in considering any approach. Professional valuation advice from a surveyor and legal advice from a solicitor is vital. As the project is likely to involve some form of disposal of church property the Guidelines Leaflet PC09 *Selling Church Land or Premises* should be obtained, read and the procedures followed!

Please refer to our Guidelines Leaflet L03 *Churches and Community Partnerships* for a more detailed comment on partnerships and commercial arrangements.

The church will want to know how the site will be developed. For example:

- When in the total scheme the new church will be built and available for use.
- If a church building is to be demolished and the site redeveloped with perhaps the church accommodation on the ground floor and 5 flats on the upper floors the number flats must be specified, and how they are intended to be used ie for sheltered housing or private housing etc.
- The activities of the partner in the project need to be considered. If the church accommodation is in the same building as sheltered housing for the elderly, the wider community may conclude that the church is about old people. The elderly residents may be disturbed by the church's energetic and expanding youth groups, their games and music, or even by enthusiastic contemporary worship!! It is not unknown for neighbours to complain that a church congregation makes some noise during Sunday Services!!!

VALUE ADDED TAX

All alterations and repair work to churches (including Listed Buildings) are subject to VAT at the standard rate. There are limited transitional rules up to 30 September 2015 that applies to Listed Buildings only enabling alterations to be zero-rated provided either Listed Building Consent has been applied for or a written building contract entered into prior to 21 March 2012. Following the removal of zero-rating on alterations the Listed Places of Worship Grants Scheme was extended to include grants towards alterations in addition to repairs and maintenance to Listed Buildings. More information can be found on their website www.lpwscheme.org.uk.

The cost of new church buildings and facilities for the disabled, such as widening doors and providing ramps and toilet facilities, can be zero-rated.

There are various exemptions that can benefit churches. Some churches have found this helpful; other churches that had expected elements of their project to be zero-rated subsequently found them to be subject to VAT. This is a complicated area that churches need to consider carefully and take appropriate advice.

Professional advice should be obtained, and the VAT office consulted as the zero-rating rules are complicated.

The contact number for the National VAT helpline: 0845 010 9000.

There is also a useful website at:

http://customs.hmrc.gov.uk/channelsPortalWebApp/channelsPortalWebApp.portal?nfpb=true&pageLabel=pageVAT_ShowContent&id=HMCE_CL_000513&propertyType=document

HEALTH AND SAFETY

Reference should be made to Guidelines Leaflet PC05 *Construction (Design and Management) Regulations 2015* where guidance is given on the steps to be taken when a church is considering building or repair work to its premises. On many projects it is necessary to appoint a professional CDM Co-ordinator.

Some church buildings may have been constructed using materials now considered hazardous, for example Asbestos. If you know of any hazardous material tell your Professional Advisor. In the case of Asbestos specialist advice is needed and it should never be disturbed without taking full precautions. Please refer to our Guidelines Leaflet L11 *Control of Asbestos at Work Regulations 2012*.

LISTED BUILDINGS

If your church premises are listed as being of national architectural or historic interest, or if they are in a conservation area, special rules and procedures apply and permission from the appropriate authority is required for any internal or external works to the Listed Building or its site. This would also apply to works affecting any structures within the curtilage of the listed building, eg a manse, Sunday School or even a boundary wall. If a church is unsure about whether a structure is affected by the listing, they should contact us in the first instance.

Listed buildings that are not places of worship (nor adjacent to or falling within the curtilage of a place of worship) may fall within the jurisdiction of the secular local planning authority.

Churches in membership with either the Baptist Union of Great Britain, or the Baptist Union of Wales, and whose property trustees are either the Baptist Union or a regional Baptist Corporation, should, where an application relates to a place of worship (or something within its curtilage), apply for Authorisation from the Baptist Union's Listed Buildings Advisory Committee (LBAC). It should be noted that as well as listed buildings consent the church also needs the approval of the Holding (Property) Trustees. This is an entirely separate approval from listed buildings consent and takes into account wider considerations which the Baptist Union's Listed Building Advisory Committee cannot take into account. See earlier section on page 4 for the requirements. To fulfil its duty as Holding Trustee the BUC/EMBTC must obtain the advice of our surveyors prior to giving consent. See earlier section on page 1 re the fees which are payable by the church.

Churches not in membership with the Baptist Union, or whose property trustees are not the Baptist Union or a regional Baptist Corporation, should apply to their Local Planning Authority for secular Listed Building Consent.

Works undertaken without permission may result in enforcement action, which can include the requirement to return the building to its previous state.

To check which form of permission applies to your property or if you are not sure whether your premises are listed, please feel free to contact Katie Wylie at kwylie@baptist.org.uk.

You can also enquire of, or find out more information from:

- Your Local Planning Authority
- [The National Heritage List for England](#) (maintained by [Historic England](#))
- [The National Heritage List for Wales](#) (maintained by [Cadw](#))
- [The Historic Environment Records](#)
- Your Holding (Property) Trustees

Please refer to our [Guidelines](#):

[LB01 Introducing the Listed Buildings Advisory Committee](#)

[LB02 Applying to the Listed Buildings Advisory Committee](#)

[LB03 Professional Advisors and Applications to the Listed Buildings Advisory Committee](#)

[LB04 Listed Buildings Application Form](#)

[LB05 Listed Places of Worship Grant Scheme](#)

[LB06 Looking after your Church Buildings](#)

[LB07 Building Materials and External Fittings in Listed Churches](#)

[LB08 Furnishings in Listed Church Buildings](#)

[LB09 Photographic Recording](#)

[LB10: Considering Changes to Church Seating](#)

INSURANCE

Where building work is undertaken it is important that insurance for the works and any risks involved are properly dealt with. Where the redevelopment is an alteration to the premises it is usual for the building contract to provide for the church to take responsibility. If a new building is to be erected it is more usual for the contractor to insure. In all cases the church's insurers should be informed and if necessary, an adjustment made to the insurance cover when the work is completed.

POSSIBLE LEGAL PROBLEMS

What legal issues can affect your proposed redevelopment? The list could be endless. Much will depend on the title documents for your church. Your site may be Leasehold, subject to an option or overage arrangement or to some old and obscure rules.

The more common modern issues are mentioned below but there is no substitute for professional advice and an assessment of your particular site and legal arrangements.

It is vital that negotiations with neighbours are concluded, and any revised legal arrangements formally documented by solicitors **BEFORE** site work begins.

BUILDING ON A BURIAL GROUND

Please refer to the Guidelines Leaflet PC07 *Burial Grounds*

It is generally illegal to erect any building or structure over a burial ground, even a disused burial ground, other than an extension to a church or other place of worship. However, provided the procedures concerning moving headstones have been complied with there should be no objection to paving over the ground or surfacing it so that it can be used, for example, for car parking. A church building which has interments within it does not constitute a burial ground.

Building work can, however, be undertaken if a disused burial ground is acquired by a Local Authority and planning permission has been granted for the development. It is not necessary for the development to be used by the Local Authority.

Building work can also be undertaken on a disused burial ground if the procedures set out in the Disused Burial Grounds (Amendment) Act 1981 are followed. This involves notices and advertisements similar to that described above in connection with moving headstones. The Baptist Union Corporation must be informed. Work can proceed only if either there have been no interments or if no objections have been received from personal representatives or relatives of those who have been buried within the past fifty years.

Guidance notes are available from the Ministry of Justice, Coroners and Burial Team. They will be able to provide detailed background information, a model advertisement, and an application form for Development of a former Burial Ground for the church (or its advisors) to consider and complete.

RESTRICTIVE COVENANTS

Sometimes land owned by the church is subject to binding legal rules called Restrictive Covenants. These are imposed at the time land is sold to protect neighbouring property from unwelcome activities, an unsuitable use of the land, or overdevelopment.

Solicitors will need to be asked to check for any covenants that might restrict your redevelopment.

For example:

- A restriction on erecting any building closer than 3 metres to a defined boundary line.
- Only using a specified area as a garden or car park.
- A restriction on using the property for any residential purposes.
- No alterations to the buildings without someone's consent.

Neighbours may be entitled to object or even to claim damages.

Restrictive Covenants can sometimes be varied by agreement.

RIGHTS OF LIGHT

This is another complicated area of Law. Your neighbours may have acquired Rights of Light because light reaches their windows over the open parts of your church site.

A large new building may restrict your neighbour's enjoyment of their property and they could be entitled to prevent your building proposals proceeding or may have a valid claim for damages.

These rights can be renegotiated, and a new agreement made.

THE PARTY WALL etc ACT 1996

A wall which is shared between two properties is called a Party Wall. We are familiar with this concept in a semi-detached or terraced house.

No work involving a Party Wall shared by the church with their neighbours should be started without following the necessary procedures.

There are special notices which must be 'served on' (sent formally) to your neighbours. Ask your surveyor or architect and solicitor for advice.

Further guidance on the Party Wall etc Act 1996 is available in an explanatory booklet which can be downloaded at www.communities.gov.uk/publications/planningandbuilding/partywall.

RIGHTS OF ACCESS

Sometimes a church will have Rights of Access over adjoining land. These rights may be on foot or with vehicles.

You should not assume that a pedestrian access route granted over your neighbours' property can be changed to a vehicle access.

New or more comprehensive Rights may need to be negotiated and the legal documents completed **BEFORE** work starts.

Sometimes a neighbour will have rights over the church site. These rights cannot be varied, diverted, or blocked without formal negotiation and a written, revised legal document being completed.

PIPES, WIRES, CABLES

There will often be other shared facilities and services.

Do not assume that new pipes or cables can be laid along a different route across neighbouring land when you redevelop your building.

You are not allowed to re-route cables or pipes serving neighbours' properties without a formal negotiation.

These matters must be considered and new legal documents setting out any new rights should be completed.

REGISTERING BUILDING AS A PLACE OF WORSHIP

If you buy a new building to use as a place of worship or build a new building on your current church site or build a new building on vacant land you will need to contact the local Registrar's Office. Places of Worship need to be registered, and this will enable the church to benefit from allowances on rates.

WEDDING CEREMONIES

If you plan to use the building as a place where wedding ceremonies will be conducted, again the Registrar's Office need to be told.

- If you have demolished the old building and built a new building, even if it is on the same area of land;
- If you have a new building;
- If you have extended your old building;
- If you are using a different part of your building for worship services;

Then the appropriate procedures need to be followed.

USEFUL PUBLICATION

We would also want to recommend *'Re-Pitching the Tent, The Definitive Guide to Reordering Your Church'* by Richard Giles. This is published by Canterbury Press and the ISBN number is 978 1 85311 571 4. It is a book that is geared to Anglican churches, but it is liturgical, mission and community focused, and full of practical guidance and inspiring ideas. Some Baptists may find the assumptions within the book unfamiliar, but it is a helpful guide for any church considering a building project. The Bible study material that is included, as well as the sound advice about organising the project, makes this book essential reading, especially for churches that are lacking ideas and do not know where to begin.

THE BAPTIST UNION CORPORATION

RETAINED SURVEYOR

Savills are the retained surveyors for the Baptist Union. Savills are multi-disciplinary land and property consultants with offices covering the UK and who have extensive experience gained, over many years, in advising a variety of church and other charitable organisations in property matters. Should general clarification be sought on the Guidelines, the contact at Savills is:

Mark Watt MRICS, MCABE, Director, email Mwatt@savills.com , Mobile 07540204144.

Address - The Lumen, St James Boulevard, Newcastle Helix, Newcastle upon Tyne, NE4 5BZ.

Some Associations also have volunteers or surveyors they can recommend if building work is planned, or if there are other problems with property. Adrian Male is the Retained Surveyor for churches in the

South West Baptist Association. His contact details are Adrian Male of Adrian Male Associates, Midtrees, The Green, Hambridge, Langport, Somerset, TA10 0AT, telephone 01460 281881 and Email office@ama-surveyors.co.uk.

ENVIRONMENTAL CONSIDERATIONS

As part of our call to share in God's mission to all of creation, when considering maintenance and development of church premises, manses, and land, we should include a consideration of the environmental impact. Statutory requirements will mandate adherence to a range of environmental standards, but churches are also urged to take a broader view of the impact of the use of their property and development of their buildings on the environment, seeking to make them and church life in general as sustainable and environmentally friendly as possible. Churches considering projects such as building insulation, solar panels or heat pumps should take a balanced view, giving thought not only to the proposed environmental benefits but also to any potential negative consequences, including costs, and seek professional advice before proceeding, to ensure that they are acting in the best interests of the church charity.

The Baptist Union Environmental Network ('BUEN') webpage [here](#) has links providing general advice regarding buildings and land. Further advice can be found in the Baptist Union's [Transform leaflets](#) in the "Environmental Issues" section. Churches may wish to undertake their own environmental audit using online resources such as the survey provided by A Rocha for their [Eco Church scheme](#) or BMS World mission's [Carbon Calculator](#), but appropriate professional advice should always be sought in connection with the planning of any building works or projects. Grants may be available from national and local governments.

CHECKLIST FOR CHURCHES REDEVELOPING CHURCH PREMISES

- Charity Trustees (diaconate church leaders) gives initial consideration to proposal, sets a budget, and establishes a building committee.
- Understand the church's mission, area, property, and church building.
- Appoint one contact person who will communicate with the Baptist Union Corporation. (East Midland Baptist Trust Corporation)
- Choose and appoint appropriate professional advisors.
- Consider Health and Safety requirements and legal issues
- Consider funding. If loans are required obtain relevant application forms and follow application procedures.
- Consider need for Special Church Members' Meeting. Hold Special Church Members' Meeting
- Send to Baptist Union Corporation copy of resolutions relating to proposals and borrowing and other details required for approval to the proposals.
- Make appropriate insurance arrangements.
- Contact Home Office Coroners and Burial Team if planning to build on a burial ground.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association 480 Chester Road Sutton Coldfield B73 5BP Office Mobile: 0730 505 1770
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees, they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT

Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk

Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392

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