

Our Ref: AKM.MBH.GAWSWORTH

Your Ref: JPG.SGA

Date: 27th March 1991

J P Guy Esq
The Official Solicitor
Church Commissioners
DX 2305
Victoria SW1


BIRCH CULLIMORE
SOLICITORS

Friars, White Friars, Chester
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Dear Mr Guy

Gawsworth

Thank you for your letter of 8th March.

As an alternative to the proposed Lease of the outbuildings I have given some thought as to the possibility of re-structuring the transaction on the basis that it should take effect as a conveyance of the building to the Parochial Church Council (of course to be held by the DBF) but with an option for the Incumbent to call upon the PCC/DBF to re-convey the building at a future date. Eg if the parsonage house were to be sold. The option would also have to be exercisable by the Bishop in the case of a vacancy in the Benefice. The conveyance to the DBF/PCC would have to provide that the building could only be used as a Church hall. Otherwise the re-conveyance pursuant to the call option would be subject to Charity Commission approval.

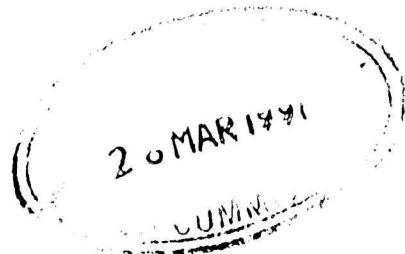
I have also had a meeting to discuss the matter of the "compensation" payable to the PCC in the event of the arrangement being terminated during an initial period. I understand that the total cost of converting the building to use as a Church hall and also of the construction of the new double garage for the parsonage house will be in the region of £30,000.00-£40,000.00 - the architect has said that the total cost will be not more than £40,000.00. Compensation would represent the cost of the work as certified by the architect written down by the number of years during which the PCC have had the use of the building up to a maximum of say 20 years. This compensation figure would be the consideration for the conveyance by the PCC/DBF to the Incumbent for the purposes of a sale.

Would there be any objection from the Commissioners point of view to structuring the transaction in that form?

Yours sincerely



27.let.gawsworth



Partners: Henry T. V. Churton David G. Mason
Randal J. Hibbert John E. C. Arnold
Alan K. McAllester Lesley A. Stuart
Nicholas Cummings Susan M. Deas
Consultants: Henry L. Birch
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MR J. DAVIDSON-BRETT
HOUSES DEPARTMENT

4 April 1991

FILE NO: P.9/116/JDB/DL
GAWSWORTH
DIOCESE: CHESTER

I attach a copy of a further letter I have now received from Mr McAllester, dated 27 March.

Although you will no doubt wish to receive a formal application from the Diocese, in the usual way, I shall be glad to know whether you see any objection in principle to what is now proposed assuming, of course, that Mr McAllester's suggestion has the support of all concerned locally and their professional advisers.

What Mr McAllester proposes is, I believe, technically (legally) possible but I think you should obtain the views of the Senior Surveyor on the valuation aspects. It seems to me the proposed "compensation" formula may mean that the benefice pays more or less (and the PCC therefore receives more or less) than the property in question is worth, on the open market, at the relevant time. Also I imagine it would need to be confirmed the present value of the site equates to the construction cost of the new double garage.

If you, or Mr May, wish to discuss any matters arising, I shall be glad to do so.

A handwritten signature in black ink, appearing to read 'John Guy', with a long, sweeping horizontal stroke extending to the right.

John Guy
Deputy Solicitor



Church Commissioners

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T S Morgan Esq
Chester Diocesan Houses
and Glebe Committee

Our Ref: P9/116 W/JED

12 April 1991

Dear Tom

GAWSWORTH

I refer to my letter of 8 April and our conversation on 11 April.

We feel that the compensation formula detailed by Mr McAllester is as fair to both parties as can reasonably be devised. However before we can consider giving approval to the proposals I should like to raise the following points and would be grateful for your response, where appropriate:

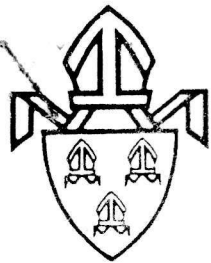
1. The Parsonage - please confirm that your Committee considers the house to be suitable and that it is intended to keep this house for the foreseeable future.
2. The outbuildings and land to be conveyed - please send us a valuation.
3. Rights of access/easements across the conveyed land - please confirm that adequate provision will be made for these in the conveyance.
4. If our approval is given to the conveyance then the matter will be treated as a sale under the Parsonages Measures 1938 and 1947 for a nominal consideration, say £1.00.
5. Construction of the double garage - our approval will be required to this as a scheme of major improvements. Therefore please send us full details, including a cost estimate. A scheme for the finance will have to be set up at this office. The £1.00 sale proceeds could then be sent to you and the scheme would show the balance of the finance being held locally.

Please contact me if you would like to discuss any of these matters.

Yours sincerely

James Davidson-Brett

CHESTER DBF	
RECD	15 APR 1991
FILE	
REF.	



DIOCESE OF CHESTER

Tom S. Morgan, Secretary and Treasurer,
Diocesan Houses and Glebe Committee
Diocesan House, Raymond Street, Chester CH1 4PN
Telephone: Chester (0244) 379222 Ext 29 Fax: (0244) 383835

your ref

our ref

date

16 April, 1991

Dear Mr Heaton,

Gawsworth Outbuildings

I refer to the recent meeting, called to discuss the leasing of these outbuildings, when it was decided to explore two alternative ways of proceeding (i) seeking a Section 32 Order from the Commissioners to enable the buildings to be re-classified as glebe and leased by the Board of Finance or (ii) Mr McAllester's suggestion that the proposal be dealt with by way of Conveyance with an option for the Incumbent to call upon the DBF and PCC to re-Convey the building at a future date if the house became surplus.

The Commissioners have sent me details of the requirements to be fulfilled to obtain a Section 32 Order and I send you copy of the letter Mr McAllester wrote to Mr Guy of the Commissioners, detailing his suggestion, with copies of the Memo Mr Guy wrote to the Houses Department and James Davidson-Brett's letter to me of the 12 April.

You will see from the Memo and the letter to me, that the Commissioners consider the proposed Conveyance and if necessary, re-Conveyance legally possible and that they consider the compensation formula is as fair as can reasonably be devised. I gather from a telephone conversation, that if the points made in the letter to me are dealt with, approval to this alternative will be forthcoming. Having looked at the requirements of a Section 32 Order and the fact that the outbuildings would then become glebe, it would from an administrative point of view be better to deal with the matter by way of Conveyance and if necessary, re-Conveyance and payment of compensation and I will recommend to the Chairman that the matter proceeds in this way.

As to the points raised ;

1. It will be confirmed that the Committee considers the house to be suitable and that it is intended to keep it for the foreseeable future,
2. Can you please let me have a brief valuation of the outbuildings to be conveyed. You will remember that it was decided to retain the "yard" in benefice ownership and give rights of access and parking over and on this in common with the Incumbent,

...continued page 2

CHESTER DIOCESAN BOARD OF FINANCE

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DIOCESE of CHESTER





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Tom S. Morgan, Secretary and Treasurer,
Diocesan Houses and Glebe Committee
Diocesan House, Raymond Street, Chester CH1 4PN
Telephone: Chester (0244) 379222 Ext 29 Fax: (0244) 383835

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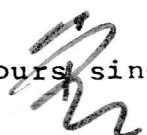
our ref

date

P 2

Gawsworth Outbuildings

3. This will be dealt with on the lines of 2, above,
4. I will arrange for a formal application for consent to be submitted signed by the Incumbent,
5. Since the Commissioners require to approve the scheme for the double garage, do you agree that this should be in accordance with your standard design and specification since you will in any case, have to approve what is intended on behalf of the Committee, and unless the Incumbent having consulted on behalf of the Church Council, wishes to represent otherwise, will you please let me have such details together with the cost estimate referred to.


Yours sincerely,

~~John B Heaton Esq~~
~~Messrs Swetenhams~~

Copies: The Reverend Kenneth Povey ✓
Alan K McAllester Esq
The Archdeacon of Macclesfield

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