

**IN THE CONSISTORY COURT OF THE DIOCESE OF YORK
PARISH OF BRAMHAM
CHURCH OF ALL SAINTS**

JUDGMENT

1. In this matter a Petition was lodged in the Registry on the 11th December 2006. On the 13th December 2006 the proposals were considered by the DAC who recommended them without adding any provisos. I first considered the Petition on the 17th December 2006 and said

The proposal is to remove 2 pews and book boards from the west end of the nave, to re-site the font centrally in the west bay of the nave, to introduce kitchenette cupboards against the north wall of the tower, to introduce display units and cupboards at the west end of both aisles and to do various works in the vestry. The plans have been drawn up by Peter Pace who is the quinquennial architect for this Grade II* listed church. I have been supplied with photographs of the interior of the church and with Statements of Significance and Need.

I am satisfied that the alterations to this church are not likely to affect the character of this church as a building of special architectural or historic interest to such an extent as to require any notifications under Rule 13(3) of the Faculty Jurisdiction Rules 2000.

The DAC have considered the proposal and has recommended it.

I am satisfied that what is proposed is necessary and appropriate. I direct that a faculty pass the seal. I will allow 12 months for completion.

2. That was of course subject to no objections being received in response to the Public Notice.
3. In fact the Registrar received 10 letters before the time for lodging objections expired. He replied to all those correspondents in accordance with the provisions of paragraphs 16(3) and (4) of the Faculty Jurisdiction Rules 2000.
4. As he received no response to any of his letters I deem that all those correspondents have opted for the option provided in paragraph 16(3)(a), namely that they have chosen to

“leave the chancellor to take the letter of objection into account in reaching a decision without the objector becoming a party in the proceedings, in which case a copy of the letter of objection will be sent to the petitioners to allow them to comment on it before the chancellor reaches a decision.”

5. The gist of the objections is the moving of the font and in some cases the loss of the pews at the rear of the nave. There is no objection to the introduction of the kitchen units, the display boards and the bookcase or to the work in the vestries. It is argued that the pews are in regular use and are needed for the occasional services that attract large congregations; that the font has always been where it is (one writer says “from time immemorial”, another says “for hundreds of years”); and that the use of the money is an imprudent use of

limited resources. They say that arguments about the safety of using the font with its narrow step could be addressed by setting it directly onto the floor or by widening the plinth on which it stands.

6. The registrar, in further compliance with paragraph 16, sent copies of the letters he had received to the Petitioners for them to comment on if they so wished.
7. Mrs Anne Palmer, a Petitioner and a Churchwarden has replied and says that having now spoken to the objectors only one of them maintains their objections to the moving of the font. I shall however deal with this matter on the basis that they all continue to hold the views expressed in their letters. She points out that the cost which is estimated as being in the region of £1000 will be met by a legacy from Mr Arthur Smith who was the Headmaster of a special school in Leeds and that the use of a small part of that legacy to create a space and facilities for children and others would be a very fitting memorial to him and his wife.
8. It is now therefore my duty to proceed under paragraph 16(6) to consider this petition taking into account the letters that have been submitted.
9. It is clearly my duty to consider this matter de novo.
10. I remind myself that the starting point is that it is for the Petitioners to prove the necessity of their proposals. The meaning of necessity has been the subject of comment in a number of decisions made by Chancellors. I derive most help from the decision of Chancellor George QC in *re St John the Evangelist Blackheath* decided by him on the 13th October 1998. Having reviewed a number of authorities in the secular as well as the ecclesiastical courts he said that:

“That too is how I interpret “necessity” and “necessary” in the Bishopsgate questions: something less than essential, but more than merely desirable or convenient; in other words something that is requisite or reasonably necessary”
11. In addition, Chancellor McClean in *Re All Hallows Harthill* said:

“... it does not establish necessity to show that the petitioners think it is a good idea; that is true of all petitions. I think there must be shown to be some compelling reason which goes beyond an aesthetic judgment and which reflects in some way a wider policy concerned with worship or pastoral well-being, or mission priorities of the parish.”
12. I am satisfied that the test that I should apply is a test in line with those decisions.
13. I have considered these proposals. I have read the Statement of Need which identifies the needs of children and other groups in the parish by the opening up of the space underneath the tower. I am satisfied that the petitioners have established that the proposals are more than merely desirable or convenient and that they do reflect a well judged set of mission and pastoral policies.

14. Furthermore, in that Statement the petitioners remind me that in 1853 a faculty was granted:

“to open out or form an arch under the tower of the said church so as to allow the space on the floor of the said tower to be fitted up for the accommodation of the children attending the Sunday school or other schools.”

By that faculty the introduction of the new stone font was permitted and the contemporary plans show it being situated immediately in front of the tower. I understand that it was subsequently moved to the southwest corner of the church and in 1927 it was again moved, on that occasion, to its present position.

15. It therefore follows that what is proposed is effectively the restoration of much of what was done in 1853 and the continuation of historic policies to reach out to the community and to provide for the needs of children and others.
16. I am of course conscious that for any person whose Christian faith and experience not only began in this building as currently ordered, but also saw all its significant growth there, any suggestion of altering the fabric, the fixtures and fittings or the furnishings is to interfere with features that have been very significant in his or her spiritual pilgrimages. For some this can seem to be challenging their very faith, indeed one correspondent describes the proposal as “sacrilege”. I do take these considerations very seriously but I am satisfied that the faith of these people is in fact bigger than they perhaps imagine and that to permit changes such as are proposed here will enable their faith to grow as they see and rejoice in the outcome of new developments in the mission of this church.
17. I therefore find myself coming to the same conclusion to which I came when I first considered this matter, namely that what is proposed is necessary and appropriate and I therefore direct that a faculty pass the seal and I will allow 12 months for completion.
18. Sadly one of the consequences of the correspondence that has taken place over this matter is that there will have to be an enhanced correspondence fee payable by the petitioners in this matter. I appreciate that this is somewhat ironic given the concerns that a number of correspondents expressed about the costs of the proposals. There is of course no power for me to order that anyone other than the petitioners share these costs as there are in fact no other parties, the correspondents having chosen to take the paragraph 16 (3) (a) option. Those costs will be assessed by me upon the Registrar submitting to me his draft bill in due course.

Peter Collier QC
Chancellor

24th May 2007