

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

IN THE MATTER OF CHRIST CHURCH, CROFT WITH SOUTHWORTH

SIR MARK HEDLEY, CHANCELLOR

JUDGMENT

1. This is an application for a faculty to authorise a re-ordering which has been temporarily in place under a license validly granted by the Archdeacon of Warrington from 15 March 2014 for twelve months. A number of objections have been received, including one from the Victorian Society, but no objector has sought to become a Party Opponent. The applicants invite me to determine this matter on paper without a hearing. I am satisfied that in the circumstances of this case I may properly do that and this I now do.
2. The proposed works are described in the Petition as follows – “to relocate the altar to the nave; to remove two front pews – one from either side of the aisle and making good the floor; install two portable communion rails.” This proposed arrangement has been in place under the licence. The matter has been considered both by the Diocesan Disability Adviser (in August 2013) and by the Heritage Support Officer in a report dated 20th of January 2014. I have read and considered both reports which support these proposals. A new incumbent has recently been appointed and in careful observations he supports the application. The works have been unconditionally recommended by the DAC.
3. Christ Church was built in around 1833 and was originally part of the extensive parish of Winwick. It is situated outside the centre of the village, the site being more central to the population it was built to serve at the time. It is a grade II listed building. It appears that over the years there have been many internal changes in the church, as Mr Simpson

points out in his report – “The main altar is not... original to the church. In fact there is little within the church that is original and much of that which is, is not in its original position or use. Since its introduction, the altar must have been repositioned at least twice...” It follows that any further change will to that extent have a lesser impact on the character of the building, a relevant aspect when considering the general presumption against change in a listed building. It should also be noted that the major changes are sought to be justified under the terms of the Equality Act 2010.

4. I start with the objections of the Victorian Society which are carefully phrased as follows – “we are fully in sympathy with the ambition of the church to improve accessibility for worship; we also appreciate that the current proposals, which provide for the retention of most of the nave pews and all the chancel furnishings, are relatively minor and not necessarily unacceptable in principle. In the absence of any assessment and detailed justification of the harm that the proposals would cause, however, we are compelled to object to the application in its present form.” Since then they have, as they had requested, been served with a Statement of Significance and a Statement of Need together with further information. They have not thereafter responded despite a specific invitation so to do. I infer from that that they have been satisfied by what they have seen and that they no longer wish to maintain a formal objection.

5. The other objectors are from parish members and I can summarise their views. Mr and Mrs K Piatt’s objections are set out in their letter of 11 November 2014 and are twofold: first, the movement of the altar; and secondly, health and safety issues which will, of course, have to be addressed if a faculty is granted. Mr and Mrs Lambert’s objections are set out in their letter of 12 November 2014 and relate essentially to the moving of the altar. None of these objectors have responded further and thus I assume that there is nothing they wish to add to their letters. A more active objection has been maintained by Mr Andrew Piatt. In his email of 10th of November 2014 he expresses his objection as follows –

“my grounds for objection are that the proposed reordering involving removal of pews and relocation of the altar to the nave is unnecessary and unjustified and is damaging to the historic character and appearance of this listed building. The relevant regulatory requirements are not satisfied in relation to principle and process.” Although he has made procedural representations, the essence of his objections on the merits remain as shown. I have carefully considered the matters raised in these objections.

6. I am satisfied that all relevant consultations have now been undertaken and that the legal requirements in relation to a grade II listed building have been complied with. I am further satisfied that the Registrar has correctly followed procedures so far as notices of objection are concerned and that this matter now requires from me a decision on the merits.
7. This case raises the two common issues that require consideration in all reordering cases. The first is the tension between the stewardship of a building handed down from the past and intended to be passed on into the future and the need for a living building which meets the needs of the present. That is why in the case of a listed building there is a general presumption against change but it is also why that presumption can be rebutted by the needs of the present. The second is the tension between perfectly reasonable but irreconcilable points of view – here the movement of the altar. This latter, however, is really a matter of choice to be determined by the PCC of the day. The court is concerned with legalities not supervising choices made between legal and reasonable alternatives.
8. In this case I am satisfied that these proposals constitute a properly thought out plan designed to further equal access aspirations. I am further satisfied that a significant majority of the congregation do not wish now to return to the former arrangement. In the context of this church I am satisfied that the changes do not have a very significant impact on the character of the church if only because the history of

multiple changes makes that character difficult to define. There is of course some impact but I am satisfied that that is justified in this case by the improvement of access and circulation. I should add that I am satisfied that the necessary making good is part of the works authorised (and required) by this faculty.

9. For the reasons given above I propose to grant the faculty sought and the position may remain as it is at present subject to any remedial works required.

MARK HEDLEY

15TH July 2015