

IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL

IN THE MATTER OF ST LUKE'S CHURCH, FORMBY

Sir Mark Hedley, Chancellor

JUDGMENT

1. This is an application for a faculty to permit an extensive reordering of a grade II listed building. There have been a number of objections in particular from the Victorian Society and Sefton Metropolitan Borough Council; although this is not work for which planning permission is required, the local planning authority were consulted over the proposed changes. There are no outstanding private objections. Both the Victorian Society and Sefton Metropolitan Borough Council have declined to become Parties Opponent but I propose to give full weight to their objections in reaching my decision. In accordance with the petitioners' wishes, I am willing to resolve this matter on written submissions having personally inspected the church on 5th of January 2015.
2. After that inspection, I gave further directions on 6 January 2015. I am satisfied that there has been proper compliance with those directions. Accordingly I am satisfied that the applicants have fully put their case and that the objectors have either fully put their case or have had every reasonable opportunity so to do. I have also received a short but clear statement of support for these proposals from the Archdeacon of Liverpool. The DAC do not oppose these works but suggest a proviso which is no longer of direct relevance but concerns a matter in which the DAC have a legitimate interest which can be protected by condition.
3. The nave of the church was consecrated in 1855 and the chancel and vestries were added in 1897. The church is built from stone and has a slate roof and is situated in an area of great natural beauty located in

the green belt and is often referred to as “the church in the pinewoods”. Although it is externally unremarkable, the church has been a grade II listed building since 19 July 1966. There have been changes to the interior of the building in the past by the addition of a pulpit, which was subsequently changed in terms of position, the provision of an organ and the choir stalls have been changed. Stained-glass windows of high quality were later added (though these form no part of the proposed reordering) and some 30 years ago some pews were removed from a small area to the west of the main entrance. The areas potentially most affected by the proposed reordering are the chancel, the area between the front of the pews and the chancel together with the choir stalls and pulpit.

4. The proposed reordering is described in the petition as follows – “to remove the choir stalls and pulpit; introduction of a Nave dais and provision of a forward altar; to add a 2nd screen to the wall behind the present pulpit to match the existing screen on the south side of the church and two flat screen monitors to the chancel; locate 2 loudspeakers in the chancel; relocate the AV control desk to the rear of the church.” These works involve a comparatively small but significant part of the church and undoubtedly have an impact on its significance as a whole.
5. Not all that is proposed is controversial. The whole scheme has the support of the church and of the Archdeacon. It also has the effective support of the DAC subject to the design and use of any reused material in effecting the re-ordering, if permitted. In my view the DAC have a legitimate interest in this and any reused material should be subject to consultation with and the consent of the DAC and I do not understand that to be opposed by the applicants. What is seriously controversial is the proposed removal of the pulpit and of the choir stalls. It is those two aspects of the proposed reordering upon which this judgment concentrates.

6. The Victorian Society regards the choir stalls as representing the best quality woodwork in the church. Moreover, they say that the pulpit is a significant feature of the church and the reordering could be accommodated by moving the pulpit further to the north of the church rather than removing it altogether. It is also said that, in order to preserve its character, at the very least one row of choir stalls on each side of the chancel could be preserved without seriously undermining the purpose of the reordering to the concept of which the Victorian Society are not opposed. The local planning authority's objections are broadly similar and it would not be unfair to deal with this case by treating the objections as coextensive.

7. Before I come to consider the competing merits of the submissions, it may be helpful to outline the law which I am bound to apply. It is common ground that all the work the subject of these proceedings cannot be undertaken without a faculty. It is also common ground that, having regard to the grade II status of the church, a strong case will need to be made for change and, the more the change impacts on the significance of the building, the stronger will have to be the case in support of it. These matters have recently been considered in the Arches Court of Canterbury in the case of *in re St Alkmund, Duffield*. That decision is effectively binding on me. In paragraph 87 of the court's judgment there is set out a framework of questions which should govern the approach of chancellors in individual cases – (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 the first question 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 nature of the proposals. (3) If the answer to the first question 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 the listed building, will any resulting public benefit outweigh the harm? In

answering this question, the more serious the harm, the greater will be the level of benefit needed before the proposal should be permitted.

8. The court is not bound by the secular regime in respect of listed buildings. However, in paragraph 39 of this judgment the chancellor is reminded that secular regulation should be specifically taken into account in as informed and fair a manner as reasonably possible. In the context of this particular case, I am not sure that that adds significantly to the tasks that I have set out in the preceding paragraph.
9. The case for the applicant is clearly set out in a document of May 2015 entitled Supplemental Statement of Significance. I do not propose to set out the document extensively, though of course I have read it and given it my closest attention, but to concentrate on that part of the document which deals with the controversial issues. As a general observation they say this – “The church interior has a typically Victorian feel retaining many original features. Individual items are not exceptional architecturally but their relative simplicity signifies the nature of the area and the speculative conditions of the construction of the church in the mid-19th century.” I would regard that as generally a fair description. The proposals will undoubtedly have an impact on the significance of this Victorian building, the question being whether that impact is justified by current pastoral and liturgical needs.
10. So far as the pulpit itself is concerned, the essential case is that the continued presence of the pulpit would not be consistent with the flexibility of space that the reordering is designed to achieve. The pulpit is now rarely used and was not, of course, original to the church and has a set of steps which are original neither to the church nor to the pulpit. The concern is that if moved, the pulpit will “simply become a museum piece taking up space which could be utilised for more useful purposes”. A similar argument is deployed in respect of the choir stalls in that their presence restricts this space desired to be freed up by the reordering. That argument is maintained in the face of a suggestion that the front rows of the choir stalls could be removed and only the second row left in

place. It is, however, asserted that those pews not intended to be at the front would look unnatural as they are not designed to be fully exposed. Again they would serve only museum purposes, being very uncomfortable to sit in and detracting from the view of the altar, it not being intended that these choir stalls will have any future practical use.

11. It is the contention of the applicants that this scheme should be regarded as an entity in its own right and not subject to piecemeal revision. In that they are undoubtedly supported by the Archdeacon whose own view is that the reordering does not really go far enough. I have considerable sympathy with the applicants' view and think that either the integrity of the Victorian church is to be maintained by leaving the pulpit and choir stalls as they are or that there is the full reordering which is being proposed. I do not think this is a case in which some compromise in respect of pulpit and choir stalls should be imposed.
12. There is no doubt that a perfectly reasonable case can be made on both sides of this argument. It represents the inevitable tension between the stewardship obligations of the applicants to hand on to the next generation that which they have received from the past and the need to provide a church which accommodates the liturgical and pastoral needs of the present so as to enable the church to function effectively and to be able to grow. There is, as I have indicated, a presumption against change albeit not perhaps quite so strong here as in a grade 1 listed church. I have accepted that the proposals will have a significant impact on the Victorian ambience of the church; on the other hand I also accept not only that the pulpit is not original to the church but that the choir stalls, even if the woodwork is of the best in the church, is not of itself particularly remarkable.
13. I am satisfied that a substantial case has been made in favour of this reordering, this being in part based on my own visual inspection of the church. I accept that there is a real need to provide a new space between the pews and the chancel and, in order to make the best use of that space, to allow it to continue both north and south as far as is

reasonably practicable. For that to be achieved, there really is no sensible alternative to the removal of the pulpit and steps and, given the fact that no current use is made of the pulpit, and that the AV system does not require the use of the pulpit, then the proposal to remove is one in which the benefits of the proposal significantly outweigh the detriment so far as the character and nature of the church is concerned. I reach the same view in respect of the choir stalls, once again based in part on my own inspection. I am satisfied that sufficient working space can only be created by the removal of the choir stalls and, in any event, I am satisfied that the removal of simply one row would not only provide inadequate space but would be an unsatisfactory compromise given the disinclination to use the choir stalls and the fact that the second row were not designed to be at the front.

14. For these reasons I have concluded that, although this is a grade II listed building, the reordering as proposed should be allowed. I do not question the validity of the points raised by the Victorian Society or the local planning authority but I am satisfied that in order to provide a living church, meeting the pastoral and liturgical needs of the current population, this reordering needs to take place. The benefits to be obtained by the reordering significantly outweigh the real detriment to the significance and nature of this Victorian church.

15. Accordingly I propose to grant the faculty sought. However there will be conditions as follows

- any proposal to reuse wood otherwise to be discarded in this reordering shall be undertaken in consultation with and subject to the consent of the DAC;
- the disposal of the pulpit and choir stalls shall be undertaken in consultation with and subject to the consent of the DAC;
- a full photographic record of the church as presently ordered shall be obtained before any works begin and a copy of such record shall be deposited with the church records;
- the final details as to flooring shall be subject to consultation with the DAC;

- any proceeds of sale in respect of any disposal authorised by this faculty shall be applied to church funds and to defraying the costs of this reordering;
- all works hereby authorised shall be completed within 12 months of the date of this faculty.

Mark Hedley

29th July 2015