

Neutral Citation Number: [2022] ECC Gui 2

**IN THE CONSISTORY COURT OF
THE DIOCESE OF GUILDFORD**

Date: 1 March 2022

**IN THE PARISH OF FRIMLEY
THE CHURCH OF ST PETER**

In the matter of a petition for a faculty for the removal of Victorian pews and introduction of wooden chairs.

JUDGMENT

1. St Peter's Church, Frimley serves a small socially diverse town of about 13,000 and is situated a short distance from the town centre adjacent to an extensive churchyard. It has close relationships with six local primary schools, youth and community organisations.
2. The attractive Grade II church building was built in 1825/1826 of sarsen stones with dressings and tracery of sandstone and a slate roof. It has Georgian/Victorian stained-glass windows. It was originally a single worship area with a gallery around the north, west and east sides. Access via staircases by the main entrance lobby at the west end. There is a tower with a clock chamber and bells. In 1881 the building was reordered replacing north and south Gothic style furnishings with pine pews facing east. Further changes were made in 1880s including the introduction of the current pews and the addition of the sanctuary and east window. Part of this work was designed by Goodchild but there is no agreement whether he was responsible for the dark stained pine pews that are the subject of this petition.
3. In 2011 there was a further major re-ordering approved by faculty. The pew platforms were removed to give a level floor and the raised floor of the sanctuary was brought out into the worship area. This opened up the chancel with a moveable altar for flexible use. A light oak wood was used throughout the chancel (podium, altar, credence table, lectern and choir chairs) and for the west entrance lobby. Due to lack of finance the pews were not replaced. Three oak choir stalls were moved to the upper gallery. The 1929 organ has a dark wood case matching the wood of the gallery and upper seating.
4. The consequence of the 2011 reordering is that there is visual inconsistency between the light oak of the entrance, the dark pine of the pews/gallery and the light oak of the chancel. The pews are of unremarkable design and manufacture and are showing over 100 years

of wear and tear, with some supports broken in places. The bench seats are rather shallow for comfortable seating and the leg supports are basic with various modern repairs using plywood and L-brackets. The end panels have a pleasing gothic design.

5. In July 2020 the PCC decided how to reopen adhering to Covid-19 guidance and a sub-committee proposed the temporary removal of the pews. This was authorised by Archdeacon's licence on 29 July 2020. The majority of the pews were stored in a large storage container in the car park with a few retained in the church and church hall. The pews were removed without damaging the floor. The pews were inspected by the church's architect who noted they were in a poor condition and would need significant repair if reinstalled. Responses to a parishioners' consultation process during February 2021 were considered by the PCC in March 2021 together with the architect's inspection report. A majority of the consultees were in favour of removing the pews, but some were strongly opposed. The PCC decided (by a vote of 13 to 2) to replace the pews with chairs.
6. On 18 May 2021 the PCC agreed to formally submit the faculty application for the permanent removal of the pews and introduction of chairs. A chair sub-committee was established. After considering modern pews and testing chairs from a variety of well-known church suppliers the PCC chose the Bethel Chair manufactured by Trinity. This is a strong, traditional beech chapel chair which is stackable on a bespoke stacking trolley. Its beech wood tone is similar to the light oak of the chancel and entrance. The armchair and upholstered versions are also stackable. They can be linked for improved safety. I have been provided with a variety of seating layouts which shows that careful thought has been put into how up to 80 chairs can be laid out for different worship services.
7. The Victorian Society provided a substantial response to consultation. It noted the heritage importance of the 1887 reordering by T Goodchild which it said was partly lost by the 2011 reordering. The Society says that the pews are an important part of Goodchild's work, rejecting the assessment that they are poor quality. The DAC contends that the pews were not by Goodchild. The petitioners indicate that they may have been introduced by him but may have come from another church. The Society points out that temporary Covid restrictions are not good grounds for a permanent reordering. It suggests that other parts of the premises are available for flexible community use. It objects to the Bethel Chairs saying that the upholstery and light stain would harm the significance of the church and are "completely unacceptable in the context of a nationally important church interior". It suggests that chairs must be timber, not upholstered and stained to match the existing woodwork in an effort to retain as far as possible something of the coherence of the interior. The Society criticises the granting of a TMRO to remove pews as does the Ancient Monuments Society. The AMS and CBC also comment adversely on the upholstery and colour of the proposed chairs. Historic England made no comment.
8. The DAC in its response noted that parishioners' concerns about social distancing are likely to continue for some time and this is addressed by the proposals. They also assist the requirement to meet 'net zero carbon' by 2030 and the Bishop of Guildford's Transforming Church, Transforming Lives vision. The DAC suggest the proposed changes will result in public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are

consistent with its role as a place of worship and mission) and outweigh any suggested harm to the church and its heritage. The DAC support upholstered chairs as they reduce energy usage and give greater overall comfort.

9. The public consultation notice was displayed from 12 September 2021 - 12 October 2021 and announced at Sunday services (which were live-streamed) and in the newsletter. A large number of letters of objection were received with common themes, some from parishioners and some from people outside the parish. Many are based on a general preference for 'traditional' pews over 'modern' chairs. A number dislike the temporary use of the chairs from the church hall which are undoubtedly unsightly and not in keeping with the beauty of the church. Others commented that chairs would be unsteady. I consider that these type of objections may be addressed by the high-quality Bethel chairs that are now proposed. A number were concerned with a perceived failure to consult them properly before the PCC reached its decision and at using the Covid restrictions to secure a temporary licence. The way in which the pews were temporarily stored and replaced by church hall chairs was a significant cause of anger and distress. A number indicated a strong objection to the reordering authorised by faculty in 2011 or rejected the need for flexible use of the church building for community and church groups saying that they could use the church hall.
10. I have considered the objections carefully. None of the objectors applied to be a party opponent but in order to ensure that I could give proper consideration to the strength of feeling, I carried out an informal visit to St Peters on 10 February 2022. I was better able to understand the proposals in context and could inspect the pews. Although the petitioners were present I did not seek or obtain any information which differed from the written material already submitted.
11. The petitioners propose to replace the pews with light oak Bethel chairs. They seek to have greater capacity to welcome schools, colleges, and musicians and to make the building more adaptable during and after the pandemic. Chairs will permit the church to be laid out with prayer stations and reflective activities during Lent and Thy Kingdom Come seasons and will allow continued use by community groups improving the mission of the church. The Youth Café, Toddler Fun and a new support group for mothers all need flexible space in the church in addition to adjacent the church hall. Removal of pews will permit a space for exhibitions, music festivals and occasional concerts. The seating capacity of the church will accommodate up to 80 on the ground floor with pledges having been obtained from the congregation to purchase chairs. The gallery capacity is unaffected.
12. I have considered the questions in *Re St Alkmund, Duffield* [2013] Fam 158 and in particular:
 - a. Whether the proposals result in harm to the significance of the church as a building of special architectural or historic interest.
 - b. The seriousness of any harm.
 - c. Whether there is clear and convincing justification for carrying out the proposals.
 - d. Whether the resulting public benefit outweighs any harm.

13. There is a heavy presumption against change and an exacting burden of proof on petitioners. Addressing the *Duffield* questions, I am satisfied that the proposals would not result in serious material harm to the significance of the church as a building of special architectural or historic interest. The old pews contribute only in a minor way to the architectural or historic interest. In light of the changes approved for the 2010 reordering I think the proposed wooden chairs would not detract and indeed would result in a more satisfactory overall reordering than was achieved in 2010. The interior coherence would be improved by seating which complements the light oak wood which dominates the chancel rather than the darker wood of the galleries and organ. A number of the objections are rooted in opposition to the 2011 reordering whereas I have to assess the church as it is today. Other objections are based on misconceptions about the chairs that are proposed to replace the pews. I have considered the significant heritage concerns of the Victorian Society with particular care. There are strong reasons for removing the pews and re-ordering the church to fulfil the needs of the parish. Its present use is compromised by fixed pews and some of them are no longer fit for purpose. Any perceived harm to the heritage of the building is outweighed by the parish, community and public benefit.
14. The CBC guidance recommends non-upholstered chairs, but this is not binding and in appropriate cases upholstered chairs will be suitable for listed churches (see for example *Re St. Michael & All Angels Alvaston* [2020] ECC Der 3). I am persuaded by the environmental, comfort and missional value of upholstered chairs to enable modern forms of worship as recommended by the DAC. I also note the proposed upholstery colour fits well with other colours in the church building and will also provide an aesthetically satisfactory solution.
15. In those circumstances I direct that a faculty should be issued. The pews are plainly held in some affection by some members of the congregation and local community and so should be disposed of appropriately. They should be offered for sale within the congregation and local community (e.g as shortened benches) and those remaining should be offered to other churches who may be willing to repair and reuse them. In default they should be offered to a church reclamation business or similar or disposed of in another appropriate way as approved by the DAC.
16. The numerous objections led to additional work for the Registry and it is appropriate that the petitioners are responsible for those additional costs as part of this project as well as the judgment fee as specified in the Legal Officers Fees Order.

ANDREW BURNS QC
CHANCELLOR