



*Faculty – Grade II\* listed, medieval village church, with later additions and alterations – Purchase of 35 stackable chairs of the same design as 25 existing chairs (in good repair) and disposal of 35 aged plastic bucket chairs – DAC not recommending the proposed new chairs as departing from the CBC’s published guidance on seating in churches – Existing chairs upholstered and introduced without the authority of any faculty – CBC reiterating its opposition to the use of upholstered chairs – No-one choosing to become a party opponent so faculty application formally unopposed – Whether proposals causing harm to significance of listed church building – Whether any such harm outweighed by the benefits of the proposals – Whether the same, or substantially the same, benefits could be obtained by the introduction of another form of seating which would cause less harm – Faculty granted for disposal of the plastic bucket chairs but not for the purchase of replacement chairs except in accordance with CBC guidance – Observations on the need for archdeacons, when conducting their regular visitation of each church within the archdeaconry, to be vigilant about identifying any changes that have been made to the church’s fabric and contents since the last visitation, and to inquire as to the nature of any requisite lawful authority for such change*

**Application Ref: 2025-116269**

**IN THE CONSISTORY COURT**  
**OF THE DIOCESE OF OXFORD**

Date: Friday, 20 March 2026

**Before:**

**THE WORSHIPFUL CHANCELLOR HODGE KC**

**In the matter of:**

**St Leonard, Grendon Underwood**

**THE PETITION OF:**

**Geoff Lumley (Churchwarden)**

**Lindsey Fealey (Churchwarden) and**

**Andrew Howard (PCC Secretary)**

This is an unopposed faculty petition determined on the papers and without a hearing.

No objections were received to this petition but the DAC did not recommend it for approval by the court

The following cases are referred to in the judgment:

*Re Jesus College, Cambridge* [2022] ECC Ely 2

*Re Holy Trinity, Clapham* [2022] ECC Swk 4, (2023) 25 Ecc LJ 276

*Re St Alkmund, Duffield* [2013] Fam 158

*Re St Laurence, Combe* [2022] ECC Oxf 5

*Re St Luke the Evangelist, Maidstone* [1995] Fam 1

*Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265

*Re St Stephen, Redditch* [2025] ECC Wor 2

## JUDGMENT

### Introduction and background

1. This is an unopposed, online faculty petition, dated 25 November 2025, by the churchwardens and the PCC Secretary of St Leonard, Grendon Underwood to: (1) purchase an additional 35 stacking chairs of the same design as 25 existing chairs (which remain in good repair since their purchase in 2013); and (2) dispose of 35 plastic, bucket chairs which are in various states of disrepair and need to be replaced.

2. St Leonard is a Grade II\* listed, medieval village church in the Archdeaconry of Buckingham. The village lies to the south of Buckingham, and just north of the A41. It is presently in vacancy and has no clergy although the previous Team Rector is said to have given his verbal support to the present proposal before he left the parish. According to the petition, the parish have been awarded a grant by the Diocesan Development Fund to purchase the additional chairs. They will be stored, either in the vestry or at the rear of the church, when they are not in use. The chairs will be used to supplement the existing pews for larger services (such as weddings, and on Remembrance Sunday, Christmas, etc). They will also be used for community events, such as teas held within the church building. The purpose of this petition is to enable the parish to continue, and to expand, their mission to the local community by making their church more attractive to worshippers and others, with better seating than it can presently offer. It is said that this proposal does not affect the general appearance of the church since the chairs will only be laid out when they are needed. The PCC approved the grant funding application for these chairs in April 2025. The cost of the new chairs is estimated to be in the order of some £1,762.

### The Notification of Advice

3. The Diocesan Advisory Committee (the **DAC**) originally issued its Notification of Advice (**NOA**) on 24 November 2025. The NOA advises that in the opinion of the DAC, this proposal is likely to affect the character of this church as a building of special architectural or historic interest, but not the archaeological importance of the church, nor any archaeological remains existing within the church or its curtilage.

4. When this petition was first referred to me, I pointed out that the NOA appeared to be in error in stating that rule 9.9 of the Faculty Jurisdiction Rules 2015 as amended (the **FJR**), which requires publication of notice of a petition such as this on the diocesan website, did not apply to this petition. This error was duly corrected, and the NOA was re-issued, in proper form, on 2 February 2026.

5. The NOA does not recommend this proposal for approval by the court for the following principal reasons:

(1) The choice of chair is not felt to be appropriate to this highly graded, historic church interior, and it departs from the Church Buildings Council's published guidance on seating in churches. The appearance of the proposed chair can be considered to have an adverse effect upon the special character of this Grade II\* listed building. It is not felt that this impact has been clearly and convincingly justified.

(2) It does not appear that the existing upholstered chairs in the church were authorised under faculty, and so these cannot provide a precedent for the introduction of additional unsuitable chairs to match.

6. The NOA records that no objections have been received from any of the statutory consultees. I am not sure that this fully reflects the concerns expressed by the Church Buildings Council (the **CBC**) about the parish's proposed choice of seating (referenced below).

7. According to the published Minutes of the DAC's September 2025 meeting, at which the report of its delegated sub-committee was considered, although the disposal of a number of pews was approved by a 2017 faculty, the introduction of the existing chairs into this church does not appear to have been authorised by faculty. My search of the online faculty system (the **OFS**) suggests that the reference to a 2017 faculty may be in error. My search revealed only an abandoned application (reference: 2017-007453) for the "*sale or permanent disposal of pews removed to storage under approval of Faculty No 10069*". That latter faculty would appear to pre-date the OFS.

### The petition

8. The parish have exercised their right to apply to the court for a faculty authorising their present proposals despite the DAC's decision not to approve this proposal for approval by the court.

### Notice

9. Public notice of this petition was duly displayed, both inside and outside the church, between 25 November and 25 December 2025. Following my intervention, notice of this petition was later also duly published on the diocesan web-site, in accordance with FJR 9.9. No objections have been received in response to any of these notices.

## Consultation

10. The application has been put out for consultation. The Society for the Protection of Ancient Buildings declined to comment on the case. The Georgian Group advised that they have no comment to make regarding this project. The Victorian Society did not wish to comment. Historic England did not respond to the consultation invitation.

11. The CBC is content to defer to the DAC on the proposal to replace 35 black plastic chairs. It considers that the replacement of these chairs will be beneficial to the historic character of the church building. The CBC reiterates its general opposition to the use of upholstered chairs, as it has clearly set out in its published 2018 seating guidance. The CBC therefore strongly suggests that an alternative replacement for the black plastic chairs is considered by the parish, in line with this guidance. The CBC considers that this proposal presents the parish with the opportunity to replace their existing upholstered chairs, which it considers to be inappropriate for such a high grade listed building. The CBC recommends the use of a single style of chair for a unified appearance in this historic church. The replacement of all of the chairs with a model that could be stacked would assist in their discreet storage, and facilitate future proposals for the vestry.

12. The CBC's 2018 guidance note on seating was issued under s. 55(1)(d) of the *Dioceses, Mission and Pastoral Measure 2007*. This exists to facilitate the promotion by the CBC of "standards of good practice in relation to the use, care, conservation, repair, planning, design and development of churches". As statutory guidance, it must be considered with great care. The standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically, and convincingly. The CBC's views concerning the selection of new seating are as follows:

*With many years of experience and having seen a range of completed schemes, the Church Buildings Council generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary.*

*The Council's experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long life spans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design.*

*Upholstered seats are not considered to be appropriate for the following reasons:*

- They have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church;*
- Experience demonstrates that upholstered seating needs more regular refurbishment (wear and tear, staining) than seating without upholstery. This is especially true of multi-use churches where it will be normal to eat and drink regularly on the chairs;*
- They are heavy and therefore more difficult to arrange and stack;*
- The addition of soft furnishings can alter existing acoustics;*
- Wood tones and textures fit well within church buildings and have been used for centuries in this context, whilst some colours have associations with other types of buildings such as offices.*

13. The CBC guidance also makes the point that:

*Spending more on a good quality chair at the outset is likely to save money in the long-run and will provide a legacy for the church. Less expensive chairs can quickly fail and upholstered chairs may need reupholstering at great expense within a decade. It is advisable to check how long the new seat will be under warranty for and/or how long the guarantee is. A cheap stackable metal-framed chair may only have a six-year guarantee and could need replacing five times in the life-time of a high-quality wooden chair with a 30-year guarantee.*

The CBC guidance further provides a number of examples (with illustrations) of wooden furniture, including stackable chairs, that have been used successfully in previous church reordering schemes.

#### The Statement of Need for the New Seating

14. According to the parish's 10-page, illustrated Statement of Need for the new seating, this magnificent church is a medium-small building without any side aisles. Pews either side of the aisle can seat up to five people. The rear pews were removed to storage some years ago under faculty, and chairs were purchased to be used in rows for services. The remaining pews accommodate the usual worshipping congregation, even at festivals like Easter and Harvest. The pews were removed to free up space to allow the building to serve outreach purposes, such as monthly teas for the older members of the congregation; activities for children during the Friends & Family service; and the provision of refreshments at services, including monthly Reflections over Breakfast. As far as the parish can ascertain, the chair purchase did not have faculty permission (apparently because of the erroneous belief that this was unnecessary since the chairs are not fixed to any part of the fabric of the church). There is a shed in the church grounds where some old, plastic, bucket chairs are stored. These are currently brought out for larger weddings, funerals, and services, such as the Crib Service at Christmas. These are considered to be embarrassing; and with a view to disposing of them, the parish submitted a grant application to fund the purchase of additional chairs of the type they already have, and which suit their purposes ideally. Without this grant, the parish would reluctantly have had to dispose of the bucket chairs, and to ask some of those attending large services on Remembrance Sunday and at Christmas to stand. The reason the parish applied for a grant to purchase the replacement chairs is because they cannot afford to pay for them themselves. The parish are struggling both to continue to pay their Parish Share (which they have always paid in full), and also to maintain this old church building.

15. The parish are working on a project to improve the use of the Edwardian vestry. This requires the parish to empty the shed of the plastic chairs, and to move stored items from the vestry into the shed. The parish would be able to store the newly purchased chairs in the vestry, and also to make use of them to facilitate the conversion of the vestry into a space for meetings and small groups. In the first instance, the parish would do this by moving the existing cupboards to make two suitable spaces (a vestry/office and a meeting room). This work depends upon being able to dispose of the old plastic chairs, and to create space within the shed.

16. The existing chairs, and those for which the Diocese has awarded the parish a mission grant, are perfect for their needs as they are both lightweight and also narrow. Their durability has been proved after more than 12 years of service, and they are still in good condition. The church's elderly members can carry two or three of these chairs without any difficulty, and there is space to store them. The parish can fit in five of these chairs behind a pew. The chairs that have been proposed by the DAC are not only heavier, but they are also much wider. The parish assert that the DAC has worked from the mistaken premise that these chairs are permanent and

visible, whereas they are stored to the side of the rear of the nave, behind noticeboards, including the timeline boards prepared to celebrate the church's 800<sup>th</sup> anniversary, which included a visit from the Diocesan Bishop. For comparison: the chairs the parish want to purchase are 45cm wide, whilst the ones the DAC have suggested are 54cm in width. The parish would only be able to fit four of these behind the pews; and this would not provide them with enough seating for their larger services. These chairs would almost be impossible to move, and so would prevent the space from being used for outreach. The church has a small, but active, congregation; and the parish wish to grow it and draw in younger people. They recognise that in order to do so, they need to continue to be more flexible with their space. The parish are concerned that the DAC cannot see the imperative of mission and outreach; and so they appeal to the Chancellor to enable them to increase their stock of the chairs that have been in the church for 12 years to achieve this end.

17. An annex to the Statement of Needs explains that the church pews can seat around 70 people. For larger services, the church put out extra chairs, which are stored at the rear of the church, in the vestry or in the shed. The parish have 25 upholstered '*Budget Steel Mitre Stacking Conference Chairs*' which were purchased in 2013 and are still in very good condition, together with approximately 35 older, plastic bucket chairs. The parish have secured a grant from the Oxford Diocese Development Fund to purchase an additional 35 stacking conference chairs so that the parish can dispose of the plastic chairs. The parish are now applying for faculty permission to enable them to purchase the additional chairs, and to dispose of the plastic chairs. The PCC say that they feel embarrassed when visitors, or less regular parishioners, attend the church and have to sit on the old plastic chairs. They want to improve both the welcome and the ambience of the church building by having all the extra chairs of the same quality

#### The legal framework

18. Since St Leonard, Grendon Underwood is a Grade II\* listed church building, the court is required to have regard to what have become known as the *Duffield* guidelines when determining this faculty application. These are named after the decision of the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158, and have been considered, and refined, in later cases. The court must first consider whether the implementation of these proposals would cause any harm to the significance of this church as a listed building of special architectural or historic interest. As part of that process, the court must first identify the nature of that significance. If so, the court must then consider how serious such harm would be, and how clear and convincing is the justification for carrying out the proposals. The court must bear in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building. Where a church is listed Grade I or II\*, only exceptionally should serious harm be allowed. The court must ask itself whether the petitioners have demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits, which would outweigh any resulting harm. At paragraph 87 of their judgment, the Court of Arches made it clear that in this context, '*public benefit*' includes:

*... 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.*

19. As I observed at paragraph 19 of my judgment (in this diocese) in *Re St Laurence, Combe* [2022] ECC Oxf 5, following the *Duffield* guidance, the court must bear in mind that:

- (1) The burden rests on the petitioners to demonstrate a sufficiently good reason for making any changes to a listed church building;
- (2) The more serious the harm, the greater the level of benefit that will be required before the proposals or works can be permitted; and
- (3) Only exceptionally should serious harm be allowed to a building which is listed Grade I or II\*.

The court must also consider:

- (4) Whether the same, or substantially the same, benefits could be obtained by other proposals or works which would cause less harm to the character and special significance of the church building. As I pointed out in my judgment (also in this diocese) in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265 at paragraph 7:

*If the degree of harm to the special significance which would flow from proposed works is not necessary to achieve the intended benefit because the desired benefit could be obtained from other less harmful works, then that is highly relevant. In such circumstances, it would be unlikely that the petitioners could be said to have shown a clear and convincing justification for proposals which would, on this hypothesis, cause more harm than is necessary to achieve the desired benefit.*

20. In *Re St Stephen, Redditch* [2025] ECC Wor 2 (in the Diocese of Worcester) Chancellor Humphreys gave consideration (at paragraphs 27 to 32 of her judgment) to the meaning of the expressions ‘serious harm’ and ‘substantial harm’, specifically in relation to proposals for the creation of further rooms on a mezzanine level to be introduced above the ground floor of a Grade II listed church building as part of major re-ordering proposals. As I understand her judgment, the Chancellor was of opinion that no issue could be taken with the propositions: (1) that ‘substantial harm’ should be equated with ‘serious harm’; (2) that this represents a ‘high test’, with the key being the seriousness of the degree of harm to the significance of the particular church building in question; and (3) that for harm to the significance of a church building to be considered as ‘serious’ (or ‘substantial’), its impact must be such that its significance is either vitiated altogether, or is very much reduced, so that very much, if not all, of that significance is ‘drained away’. At paragraph 33 of her judgment, Chancellor Humphreys concluded that:

*Ultimately therefore, the determination of the level of harm to the significance of [the church building] caused by the proposals is a matter for me, informed by the representations of both the petitioners, the objectors and by the other evidence in the case. Similarly, the weighing up of the public benefit of the proposals and balancing them against the harm is also a matter for me, taking into account the evidence filed in the case.*

I agree with, and would endorse, this description of the task that befalls me. For a fuller description of the decision-making function, and the process involved in assessing the degree of harm to a listed church building; and weighing any countervailing public benefits, and the church’s needs, against such harm, reference may usefully be made to paragraphs 87 to 96 of the characteristically full and detailed judgment, borne out of his considerable experience as a diocesan chancellor, of Chancellor Petchey (in the Diocese of Southwark) in *Re Holy Trinity, Clapham* [2022] ECC Swk 4, (2023) 25 Ecc LJ 276.

21. Finally, at paragraph 81 of my judgment in *Re Jesus College, Cambridge* [2022] ECC Ely 2 (handed down as Deputy Chancellor of the Diocese of Ely) I referred to the requirement,

enshrined in s. 35 of the *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*, to have due regard to the purposes served by a church. This provides that:

*A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to the role of a church as a local centre of worship and mission.*

I explained that the statutory predecessor of that section (s. 1 of the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*) had been considered by the Court of Arches (Sir John Owen, Dean, and Chancellors Goodman and Sheila Cameron QC) in *Re St Luke the Evangelist, Maidstone* [1995] Fam 1. This was the first occasion on which the Arches Court of Canterbury had sat in its new constitution as a three-member court. At page 7 of the report, the Arches Court held that in the absence of words expressly limiting the wide jurisdiction long enjoyed by chancellors, the section could not be said to apply to chancellors, since they were not persons who carried out “*functions of care and conservation*”. Rather, in carrying out their functions under the faculty jurisdiction, chancellors were required (in the words of what is now s. 7 (1) of the *2018 Measure*) to “*bear and determine ... proceedings for obtaining a faculty*”. However, the Arches Court went on to make it clear that: “*If the section had applied to the chancellors it would have added nothing to the existing duty and practice of chancellors.*” I recorded that I understand this to mean that, independently of s. 35, when exercising the faculty jurisdiction, a chancellor should have due regard to the role of the particular church as a local centre of worship and mission. I also note, and bear in mind, the Court of Arches’ observation (at page 8 of the report) “*... that a church is a house of God and a place for worship. It does not belong to conservationists, to the state or to the congregation but to God.*”

#### *Analysis and conclusions*

22. Since this is an unopposed faculty petition, I am satisfied that it is expedient in the interests of justice, and in furtherance of the overriding objective of the FJR, for me to determine this application without a hearing, and on the basis of the written and illustrative material that has been uploaded to the OFS, and is available to the court. Doing so will save expense, and will enable the court to deal with this case proportionately, expeditiously and fairly. I have not found it necessary to visit this church. That is because the helpful images of the interior of the church that have been included within the documentation uploaded to the OFS (and which are reproduced at the end of this judgment, together with details of the parish’s preferred chair) have given me a very clear impression of the present layout and appearance of this significant church building. I also have a clear understanding of the existing chairs which serve this church.

23. In considering this faculty application, I have had regard to all the documents and images that have been uploaded to the OFS. I have derived particular assistance from the NOA, the CBC’s consultation response, and the very detailed, illustrated statement of need which responds to the NOA.

24. The parish have provided a clear and convincing justification for the disposal of the 35 existing plastic, bucket chairs. These are in various states of disrepair, and desperately need to be replaced. The CBC considers that the replacement of these chairs will be beneficial to the historic character of the church building. They are clearly right to do so. They should never have been introduced into this church in the first place. They are wholly unsuitable for a Grade II\* listed, historic church building. I unhesitatingly grant a faculty for their disposal.

25. The real question on this petition is what should replace these bucket chairs. Should the parish be permitted to introduce more of the existing, upholstered, stackable chairs, further reinforcing their presence within this church, contrary to CBC guidance? Or should they be replaced (if at all) with a new style of chair which conforms to such guidance?

26. In answering this question, the court must recognise that it cannot compel the removal of the existing chairs. Although they were introduced into the church unlawfully, this was more than a decade ago; and the time has long elapsed since the court could make any restoration order requiring their removal: see s. 72(5) of the *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*. This case demonstrates the need for the archdeacon, when conducting his regular visitation of each church within the archdeaconry, to be vigilant about identifying any changes that have been made to the church's fabric and contents since the last visitation, and inquiring as to the nature of any requisite lawful authority for such change. I have no wish to add to the already considerable burdens that fall upon the church's hard-pressed and hard-working archdeacons; but that is one of the principal reasons for requiring such visitations. In the case of chairs of the quality and design in issue in the present case, their first appearance in the church should have set alarm bells ringing.

27. The parish wish to replace their 35 existing redundant, plastic, bucket chairs with chairs which are the same as their existing, 25 upholstered, stackable conference chairs. They seek to do so notwithstanding the DAC's recommendation that this court should not grant any faculty which would endorse the parish's choice of chair. In summary, the parish's reasons for their choice of chair are as follows:

- (1) Their proposed choice of chair is both lightweight and also narrow.
- (2) Their durability has been proved after more than 12 years of service, and they are still in good condition.
- (3) The church's elderly members can carry two or three of these chairs without any difficulty; and there is space to store them.
- (4) The parish can fit in five of these chairs behind a pew. The chairs that have been proposed by the DAC are not only heavier but they are also much wider. The chairs the parish want to purchase are 45cm wide, whilst the ones the DAC have suggested are 54cm in width. The parish would only be able to fit four of these behind the pews; and this would not provide them with enough seating for their larger services.
- (5) The DAC's choice of chair would be almost impossible to move, and so would prevent the space from being used for outreach. The church has a small, but active, congregation; and the parish wish to grow it and to draw in younger people. They recognise that in order to do so, they need to continue to be more flexible with their space. The parish appeal to the Chancellor to enable them to increase their stock of the chairs that have served the church well for 12 years in order to help to promote the imperative of mission and outreach.
- (6) The DAC has proceeded from the mistaken premise that these chairs are permanent and visible, whereas they are stored to the side of the rear of the nave, behind noticeboards.
- (7) The parish wish to improve both the welcome and the ambience of the church building by having all the extra chairs of the same quality and design.

28. The DAC's reasons for objecting to the parish's choice of chair may be summarised as follows:

- (1) This choice of chair is not appropriate to a Grade II\* listed, historic church interior.
- (2) The appearance of the proposed chair will have an adverse effect on the special character of this Grade II\* listed building. This impact has not been clearly and convincingly justified.
- (3) The parish's choice of chair departs from the CBC's published guidance on seating in churches.
- (4) The existing, upholstered chairs in the church were never authorised under faculty, and so they cannot provide any precedent for the introduction of additional, unsuitable matching chairs.

29. In its consultation response, the CBC supports the DAC's position. The CBC strongly suggests that an alternative replacement for the black plastic chairs is considered by the parish, in line with its published guidance. The CBC recommends the use of a single style of chair for a unified appearance in this historic church. The replacement of all the chairs with a model that could be stacked would assist in their discreet storage, and facilitate future proposals for the vestry. I find that there is a degree of tension in the CBC's approach, which is not easy to reconcile with the petition that is actually before the court. The CBC has an understandable wish to see a single style of chair introduced into this historic church, so as to give the interior a unified appearance. However, the parish are not seeking, by this petition, any authority to dispose of their 25 existing upholstered, stackable chairs. Thus, the adoption of a single style of chair would seem to involve the acceptance of upholstered seating, contrary to the CBC's published guidance, and the CBC's strong suggestion that the parish should consider an alternative replacement chair in line with that guidance.

30. It is against this backdrop that I must reach my determination. The court is required to undertake a multi-factorial, evaluative exercise, weighing these competing considerations. Previous case law authority is of little direct assistance. There are cases in which consistory courts have permitted, and others in which they have refused to authorise, the installation of chairs in contravention of the CBC's published guidance on seating in churches. Every such case necessarily turns upon its own particular facts. All that can be said, by way of general principle, is that the burden rests on the petitioners to demonstrate a sufficiently good reason for introducing these particular chairs into this listed church building. In the instant case, that burden extends to spelling out clearly, logically, and convincingly the reasons why this court should depart from the standards of good practice set out in the CBC's published guidance note on seating.

31. I confess that at times my mind has wavered about the outcome of this petition. However, I have reached the clear conclusion that I should refuse the petitioner's request to replace the 35 plastic bucket chairs with an additional 35 stacking chairs, of the same design as the 25 existing chairs which have been used in the church since 2013 or thereabouts. My reasons are as follows:

32. First, I am satisfied that the presence of the existing chairs has caused a degree of harm to the significance of this fine, medieval village church as a Grade II\* listed building of special architectural and historic interest. The introduction of any significant number of additional chairs of the same design and style would add to that degree of harm. The parish's choice of chair departs from the CBC's published guidance on seating in churches. That guidance is a matter of substance, and not mere form. It exists to identify the designs, and styles, of chair that

are appropriate to a listed historic church interior, and those that are not. I agree with the DAC's assessment that the appearance of the design and style of chair favoured by the parish will have an adverse effect on the special character of this Grade II\* listed building. That is apparent from the images of the existing and proposed chairs which I have reproduced at the end of this judgment. I assess the level of harm as low to moderate. It is certainly not serious or substantial.

33. Second, the burden rests on the petitioners to demonstrate a sufficiently good reason for introducing these particular chairs into this listed church building. In the instant case, that burden extends to spelling out clearly, logically, and convincingly the reasons why this court should depart from the standards of good practice set out in the CBC's published guidance note on seating. I agree with the DAC that the parish have provided no clear or convincing justification for the limited harm that would be caused by the introduction of their preferred design and style of chair. The parish pray in aid the following:

(1) Their proposed chairs are lightweight, so the church's elderly members can carry two or three of them without any difficulty, whilst the chairs proposed by the DAC are much heavier, and would be almost impossible to move, and so would prevent the unpewed space at the rear of the nave from being used flexibly for mission and outreach.

(2) The durability of the parish's preferred chairs has been proved after more than 12 years of service, and they are still in good condition.

(3) They are also narrow, so five of them can be fitted behind a pew, whereas the chairs that have been proposed by the DAC are much wider. The chairs the parish want to purchase are 45cm wide, whilst the ones the DAC have suggested are 54cm in width. The parish would only be able to fit four of these behind the pews; and this would not provide them with enough seating for their larger services.

(4) There is space to store the new chairs so they will not be permanently visible. The existing chairs are stored at the side of the rear of the nave, behind noticeboards. The new chairs will be stored in the vestry.

(5) Having new chairs of the same quality and design as the existing 25 chairs will improve both the welcome and the ambience of the church building.

34. The court notes that the CBC guidance note on seating provides a number of examples (with illustrations) of wooden furniture, including stackable chairs, that have been used successfully in previous church reordering schemes. There is no reason to think that none of these samples will work just as well in this particular church. The greater weight, and width, of the chairs suggested by the DAC is a measure of their durability and longevity. They are still readily moveable and stackable. I see no real difficulty in carrying, and setting them out, one at a time. From the image uploaded by the petitioners to the OFS, it would not appear that the existing chairs can be hidden entirely behind the noticeboards at the rear of the nave. For aesthetic reasons, it would be preferable for new chairs, complying with the CBC guidelines, to be stored at the rear of the nave, with the existing chairs hidden away in the vestry when not in use. In any event, any non-compliant chairs will be visible when in use. I am not satisfied that the parish's choice of chair is required in order to provide the parish with enough seating for their larger services. Even if one accepts the parish's assessment of four, rather than five, chairs arranged in rows behind the pews, the church would still be able to accommodate 28 chairs. I note that the email circulated by one of the churchwardens (and petitioners) to PCC members,

inviting them to support the application for grant funding, states that the writer thought that they should be happy with 25 new chairs if the Diocesan Development Fund for Mission would not fully fund the proposed purchase of all 35 new chairs. The parish have not satisfied me that the purchase of new chairs, in conformity with CBC guidance, would prevent the unpewed space at the rear of the nave from being used flexibly for mission and outreach. I agree with the parish that having chairs of a uniform quality and design would improve the welcome, and the ambience, of this church building. But, for reasons I will explain, this does not mean that the existing 25 upholstered chairs should be allowed to dictate the form of seating for this Grade II\* listed, historic church building.

35. Third, for the reasons I have already set out, I am satisfied that the same, or substantially the same, benefits could be obtained by the introduction of another form of seating which would cause less harm to the character and special significance of this Grade II\* listed historic church building.

36. Fourth, I appreciate that the point can be made that, strictly, any new seating will not form a permanent addition to the fabric of this church building. But that is to ignore the realities of the position. If the quality and design of the existing 25 chairs is permitted to dictate, or even to influence, the form of any new seating, similar considerations will apply when any future decision comes to be made about the replacement of the existing 25 chairs. Since they will be 13 years older than the new chairs, it is likely that they will need to be replaced first. The likelihood is that it will then be said that their replacements should replicate the quality, and design, of the remaining chairs. These chairs will therefore become permanently embedded within this church, perpetuating the inappropriate quality and design of the existing seating for future generations. It is at this point that the second of the principal reasons provided by the DAC for refusing to recommend the parish's new seating proposal becomes of relevance. The existing, upholstered chairs in the church were never authorised under faculty, and so they cannot provide any precedent for the introduction of additional, unsuitable matching chairs.

37. For all these reasons, I find that the petitioners have not discharged the burden that rests upon them of demonstrating a sufficiently good reason for introducing these particular chairs into this listed church building. Nor have they spelt out clearly, logically, and convincingly any sufficient reasons why this court should depart from the standards of good practice set out in the CBC's published guidance note on seating. Whilst I will grant a faculty for the disposal of all 35 plastic, bucket chairs, I refuse to grant a faculty for the purchase of an additional 35 stacking chairs of the same design as the church's 25 existing, upholstered chairs.

38. Should the parish wish to amend their petition so as to seek a faculty for the purchase of **up to** 35 additional stackable chairs of a quality and design that complies with the CBC guidance note on church seating, then I would be prepared to dispense with the display of any further public notices (since no objections were formally raised to the parish's present, and more drastic, seating proposal) and to grant such a faculty. In this event, I would impose the following conditions:

(1) The parish are to consult the delegated DAC sub-committee (through the Church Buildings Team) about the precise choice of chair and the staining/colouring of the wooden elements. In the event of any disagreement, this is to be referred to me for determination (by way of letter to the Registry).

(2) The existing chairs are to be stored out of public sight in the vestry when not in use.

I will allow six months for the full implementation of this faculty.

*David R. Hodge*

The Worshipful Chancellor Hodge KC

20 March 2026

The exterior of the church



The nave looking east



The chancel looking east



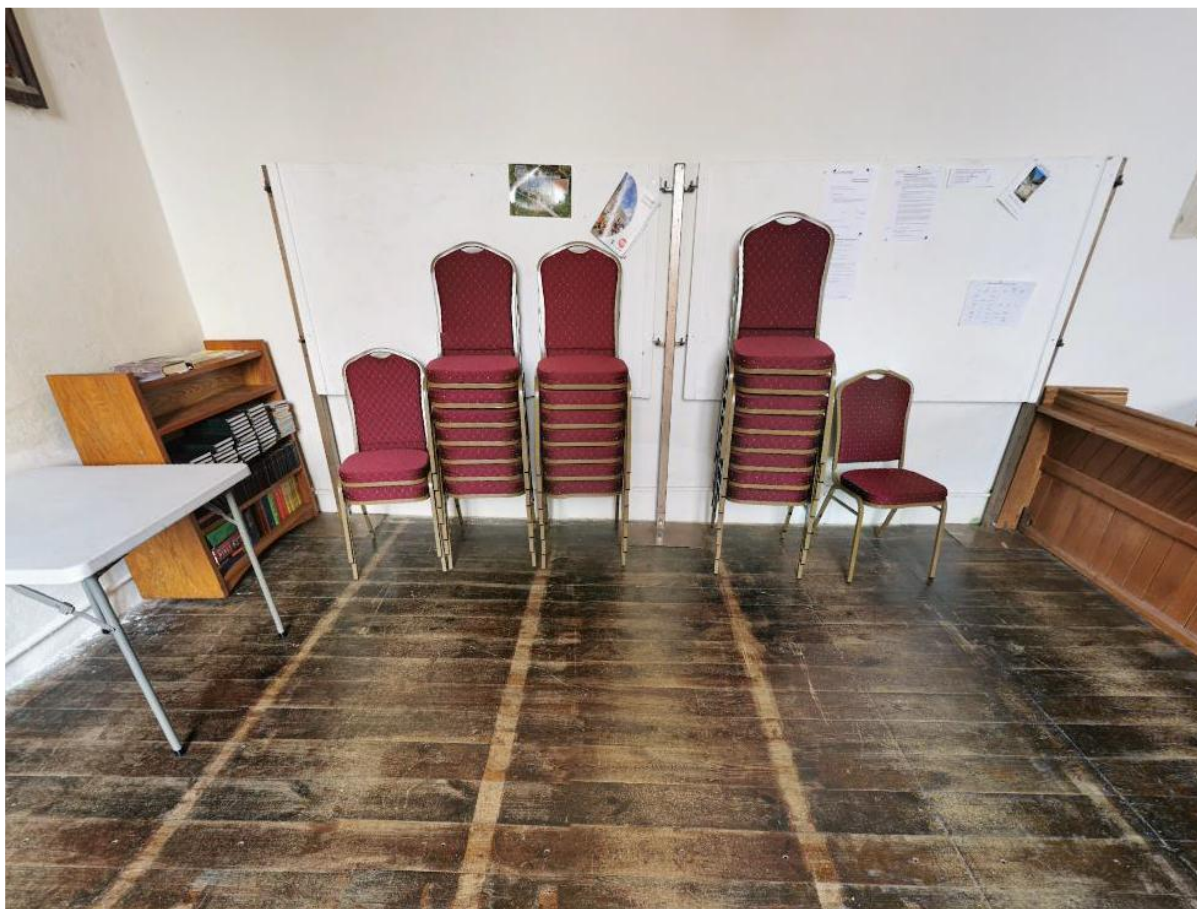
The nave looking west



The nave looking west from the chancel



The west end showing the area where the pews have been removed and the existing chairs



## The existing chairs

### St Leonard's Grendon Underwood: New Chairs

The pews in St Leonard's can seat around 70 people.  
For larger services we put out extra chairs, which are stored at the rear of the church, in the vestry or shed.



Product ref: H838

#### Budget Steel Mitre Stacking Conference Chair

From: £29.95 + vat

Quantity	Price per item/unit
25 - 49	£42.00
50 - 99	£46.00
100 or more	£50.00

We have 25 chairs, purchased in 2013, of 'Stacking Conference Chair' which are still in very good condition and approximately 35 older plastic bucket chairs.  
We have received a Grant from Oxford Diocese Development Fund to purchase an additional 35 stacking conference chairs to enable us to dispose of the plastic chairs.

We are now applying for DAC permission to make the purchase and dispose of the plastic chairs.



Photos of one of the bucket chairs showing general condition.

Note bent and rusty legs, out of shape seat.

Photo of one of existing stacking chairs

