

In the matter of Holy Trinity, Hastings

Judgment

1. By a petition dated 16 April 2025, a faculty is sought for a further substantial suite of works as set out in detail in the Schedule. These include major repairs to the external masonry and an internal reordering.
2. The church building is listed grade II*. It was constructed between 1857 and 1862 to a design of SS Teulon and extended in 1892. It is noted for the quality of its Early English and Decorated Style. The chancel is the work of Romaine-Walker.
3. The project has secured funding, in principle at least, from the Heritage Lottery Fund and the completion of the contemplated works will secure the church's removal from the Heritage at Risk Register, in which it was included in 2019.
4. The parish has engaged extensively with the DAC, the Local Authority and the Amenity Societies. Detailed written observations were received from the Victorian Society, the Church Buildings Council, Historic England and Hastings Borough Council (through Mr Steve Tyson, its Conservation Officer). Historic Buildings and Places (formerly the Ancient Monuments Society) expressly deferred to the Victorian Society.
5. The Court is indebted to all the consultees for the thoroughness and pragmatism of their responses and the input that their contribution has given to the just disposal of the petition. The Court also had the benefit of a written response from the Vicar (on behalf of the petitioners) to the Victorian Society's observations and a detailed point-by-point reply to the DAC's provisos and the concerns of the various consultees prepared by Mr Jonathan Drage on behalf of the inspecting architect.
6. Although the petition is formally unopposed, several of the consultees reiterated the objections and reservations they had previously expressed in correspondence, which largely related to the proposed removal of the choir pews from the chancel, installed by Henry Ward in the early 1900s.
7. Due to the extent and controversial nature of some, at least, of the proposed works, I directed what was designated an 'informal hearing'. The primary objective was a conventional site visit, but I wished to provide for the contingency of receiving further evidence should it become necessary or desirable. Having already convened a hearing, it would obviate the further expense and delay of calling for additional written representations or reassembling at a later date.
8. The informal hearing duly took place on Friday 12 September, where I was accompanied by the Registrar. Present were the Vicar, the Reverend Simon Larkin, and other representatives

of the church who had been intimately involved in this ambitious project, together with Mr John Bailey, inspecting architect. Also present, at my request, were the Chair and Secretary of the DAC.

9. We spent a few minutes in round table format identifying various points of controversy and clarifying matters of concern and ambiguity which I had picked up from the substantial paperwork which this project had generated. We then proceeded to the church itself and walked around it so that I could see for myself the areas to which my attention had been directed by the consultees in the documentation. This site visit also afforded me the opportunity to assess the impact of the implementation of an earlier faculty, granted by the Deputy Chancellor pursuant to a judgment in 2019.
10. Perhaps inevitably, the greater part of our time and discussions was directed to the chancel and the choir pews in particular. The majority view of the consultees was that the choir pews (and especially the rear row, described as Monks pews) should be retained in whole or in part, adjusted if necessary for comfort, and to the extent the front rows were removed, then (*per* Historic England) a new frontal should be erected forward of the retained rear row.
11. As is often the case, the extent of the consultation provided a dilemma for the parish and for the DAC: a common difficulty was identified but there was a range of views as to the most desirable solution. As is apparent from its detailed minute and note, the DAC sought to find a *via media*, ultimately coalescing around advice to remove the choir pews (leaving the Monks pews in situ) but to relocate them elsewhere within the church such that a future generation might return them to their original position, thereby engaging the principle of reversibility. The parish, initially at least, embraced this compromise solution and produced plans as to where in the church the choir pews might be resited. On interrogation, however, these plans appeared suboptimal: the ensemble would need to be broken up, cannibalised, and some at least shortened. The proposals would cause the displacement of certain other pews which had been retained as a condition of the 2019 faculty. Further, it was axiomatic that mere relocation would not make the pews any more comfortable. Recognising these difficulties, the Vicar indicated that the relocation proposal was very much a fall-back position, adopted to accommodate the advice of the DAC and others: the petitioners wished to pursue as their primary case that stated in the Schedule, namely the removal of the pews.
12. In determining this petition I adopt the so-called *Duffield* framework and remind myself of the strong presumption against proposals which will adversely affect the special character of a listed building.
13. On the issue of harm, the proposals must be examined both individually and holistically. Here there is broad consensus that the overall effect of the entirety will be beneficial rather than detrimental. The friable and failing stonework, weathered by exposure to harsh seaside conditions, is visibly failing and repair is urgent. The realignment of the stage will bring to fruition long-standing plans, realised only in part by the 2019 faculty, to make the interior more suitable for the form of worship preferred by the growing congregations. The restoration of the war memorial introduced in 1920 to a design of Philip Cole is long overdue. Undoubtedly, however, harm will arise from the removal of the choir stalls which are a component of the wholesale remodelling that took place at the turn of the

nineteenth/twentieth centuries. I consider that the harm would be at the high end of moderate, and that it may have been overstated by several of the consultees. However, for the purposes of determining this petition, I will assume the enhanced level of harm for which they contend.

14. As to justification, again a broad consensus emerges that the parish has provided an overwhelming justification for the urgent external works and the imaginative reordering, which extends to practical matters such as lavatories, storage and vestry provision. Only in relation to the chancel choir pews is it contended by most of the consultees (though notably not Historic England) that their removal cannot be justified. I am of the view that the justifications, practical, liturgical and rooted in enhanced community use of the building, are strong and powerfully articulated. I am also of the view that these justifications extend to proposals as they relate to the chancel.
15. Mindful that the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted, I am drawn to the conclusion that in this instance, the resulting 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) outweigh the harm. I have particular regard to the lengthy and conscientious period of consultation, the gradualist and partly experimental approach exemplified by an initial reordering following the 2019 faculty whereby the use of the building, and hence the justification, has been tested practically and realistically. I note also that the elaborately carved rood screen, together with the well carved Monks stalls (including some fine misericords) and frontals which back onto it (facing the altar) will be retained, as will the alabaster pulpit and other features of Romaine-Walker's remodelling of the chancel. For the avoidance of doubt, I am satisfied that the petitioners have made out a sufficient case for the removal of all the choir stalls as originally proposed in the petition. Their adaptation and relocation elsewhere in the building, which was only pursued in the alternative, does not arise.
16. It therefore follows that a faculty may pass the seal and I so order. On a number of points reservations expressed by certain consultees are reflected in a series of detailed provisos which the DAC included in its Notification of Advice, and in relation to which the parish has already responded positively via the inspecting architect. These so-called reserved matters require further consideration hence the faculty will be conditional on the following:
 - i. The possible conservation of the external fountain be removed from the Schedule of Works or Proposals, with liberty to the petitioners to seek leave to amend the faculty in the future should they wish to pursue the matter;
 - ii. That the works are not to commence until:
 - a. the petitioners have satisfied the registrar that the parish has sufficient funds, in hand or promised, to cover the costs of the entire project. The work is not to be carried out on a phased basis without the prior permission of the Chancellor;
 - b. the Chancellor has approved alternative proposals for (a) the display cases and (b) related 'interpretation' seating which address the concerns of the consultees;
 - c. the Chancellor has approved designs for the proposed blinds and the AV desk;
 - d. the Chancellor has approved the detailing for all the joinery items;

- e. the Chancellor has approved details for the works to the Upper Room and lobby corridor, including matters of lighting and heating;
- f. the Chancellor has approved the preliminaries for the main works, and the specifications for electrical and mechanical services.
- iii. The work is to be carried out under the direction of Mr John Bailey, inspecting architect, of Thomas Ford and Partners.
- iv. That a professional photographic record be made of the chancel in its current configuration, and a copy lodged with the church log book and with the DAC.
- v. That the works are not to commence until the petitioners have paid the court costs.

17. I am grateful to the Reverend Paul Doick, Chair of the DAC, for concluding the informal hearing in prayer. I am in no doubt that the implementation of this faculty will materially enhance the mission and witness of the Church of England in the heart of Hastings and I pray that those who are involved in the activities of Holy Trinity will be richly blessed in making Christ known throughout the community.

The Worshipful Mark Hill KC
Chancellor of the Diocese of Chichester

15 September 2025