

Re Holt, St Katharine

Judgment

1. The parish of St Katharine, Holt has a growing congregation with increasing numbers of children and young families, including many from an unchurched background. The village population will shortly increase with the development of a number of new homes within its boundary. In order to meet the needs of the growing congregation, which is anticipated to grow further with the completion of the new development, the parish is seeking to adapt its building to ensure that it continues to demonstrate 'God's kingdom on this patch of Wiltshire earth'.
2. In a petition dated 11 April 2016 the Incumbent and Churchwardens of this Grade II* listed church have petitioned for a faculty permitting a major re-ordering of its interior. The proposals essentially comprise the removal of the nave and aisle pews and their replacement with upholstered polypropylene (i.e. plastic) 'Chelsea' chairs, the making good of the wooden block and tiled floor and the laying of two areas of carpeting, the relocation of the font, the introduction of a raised platform at the east end of the nave, the installation of a kitchen and an additional lavatory and the installation of new lighting and audio visual systems.
3. These proposals have a long history and have been significantly developed and amended over a number of years. The proposals started life as a much more substantial scheme to build a sizeable extension to the building. However, having consulted widely, the parish have amended their proposals in light of advice received and now seek approval for their reduced proposals in this final form.
4. Whilst the scheme was being developed the parish have hosted a number of public meetings to ascertain the views of parishioners and members of the congregation. In March 2016 public notices were displayed locally and on the Diocesan website. No objections were elicited as a result. Nevertheless, the statutory consultation with advisory bodies has identified a number of concerns about aspects of the scheme, in particular, the wholesale removal of the pews, the

parish's choice of chair and the introduction of areas of carpeting. I will set out those objections in greater detail below. None of the statutory consultees has chosen to become a Party Opponent in the case. The Church Buildings Council has provided advice which echoes the concerns of the amenity societies.

5. On 10 February 2016 the Diocesan Advisory Committee issued a Notification of Advice stating that it does not object to (as opposed to recommends) the proposed works and giving the reasons for advising that it does not object to the works as:

“the DAC would prefer to see wooden seated chairs, as would the Victorian Society and Historic England. The choice of a wooden seated chair would follow the committee's own guidance and national guidance too. It would also demonstrate good stewardship.”

6. In light of the advice and opinions expressed to the Court I gave directions for the further conduct of the matter on 18 April and 29 June 2016. As a result of those directions the Petitioners have provided clarification of the justification for their proposals and have given their consent in writing to the disposal of this matter on consideration of written representations. I have directed that the matter should be disposed of in that way, rather than by a hearing, having decided that such determination is expedient.
7. It will be apparent from the above that, although some concerns have been expressed, there are significant aspects of the proposed scheme which have elicited no objections or even positive support from the consultative bodies: e.g. amendments to the heating system, the relocation of the font, the raised platform abutting the chancel steps, the improved storage and the installation of the new lighting and audio visual systems. Much of that consensus is testament to the positive manner in which the parish has engaged with the advisory bodies and been willing to adapt its proposals in light of their concerns. Given the consensus over these aspects of the scheme I will not spend time in this judgment reviewing them. I have considered the undisputed aspects and concur with the views of those consulted in finding that they have no more than a neutral impact on the special interest of the building and (as will be seen below) that the public benefit from the proposals will be substantial. That said, the proposals are, to a greater or lesser extent, dependent upon each other for their success. With all of that in mind, I will assess the impact of the disputed changes to the seating and the flooring in greater detail.
8. As well as considering the representations, evidence, advice and opinions provided, in order properly to understand the impact of the proposals on the significance of the building I visited the church on 20 June 2016. I am grateful to the parish administrator for his swift and efficient assistance in gaining access to the building and his discretion in allowing me to inspect it undisturbed.

The church building

9. St Katharine's church lies on the edge of Holt village. Although records show that a church was first established in Holt in the twelfth century, the current building is largely nineteenth century with a finely detailed fifteenth century tower. There was a gradual repair and development of the building, which had fallen into disrepair, throughout the nineteenth century which culminated in a substantial rebuilding to the design of the regionally significant architect, Charles Edwin Ponting, in 1891. The church is finely detailed and gains much of its significance from the careful nineteenth century redesign and its coherence with the fifteenth century tower.
10. The pews which the petitioners seek to remove consist of some unremarkable late twentieth century choir stalls in the chancel and the nave and aisles pews which date from 1873. Everyone consulted agrees that the pews are, of themselves, of only low significance. They are simple in style and have been adapted since their introduction. Their significance comes from the structure they provide and the contribution they make to the Victorian interior. The petitioners intend to retain the rear, more finely detailed, Victorian chancel pews *in situ* and samples of the nave pews in the south west corner of church. Parts of the remaining pews will be used in the construction of the storage units which are to be commissioned.
11. The flooring of the nave of the church is made up of woodblock flooring under the pews and red quarry tiles in the aisles. Both types of flooring date from the nineteenth century improvements and are looking rather tired. As part of the proposals, they will be carefully refurbished. The south west corner of the church, where the font is to be located, is currently carpeted over a concrete base. The parish propose renewing that carpet whilst introducing a wide red quarry tile surround to the font plinth. It is also proposed that the north aisle should be carpeted in hard-wearing dark beige carpet to provide a 'soft' area for the various types of children's work which take place within the building.

The objections

12. The Victorian Society and the Church Buildings Council have expressed the strongest concerns about the proposals. The Victorian Society regrets the loss of visual structure and consistency which the pews provide, but would not object to the proposal to remove them if they are replaced with high quality unupholstered, wooden furniture. It maintains that upholstered plastic chairs are incongruous with this historic interior. Historic England clearly shares the concerns about the wholesale removal of the pews and the visual alterations to the spatial qualities within the church interior as a result. It, along with

the local planning authority, has suggested that these concerns might be addressed to a degree by the retention of a small number of pews and the re-use of parts of others in the new furniture. The Petitioners' proposals include these steps. The Church Buildings Council and the DAC share the Victorian Society's concerns that the upholstered plastic chairs proposed are inappropriate and would be harmful to the significance of church's interior.

13. Both the Church Buildings Council and the Victorian Society argue that the introduction of a fitted carpet into the north aisle and around the font is unjustified. It is suggested that fitted carpet is overly domestic in character and aesthetically incongruous with the fine interior. The practical need for a softer floor finish in the north aisle children's area is accepted, but 'non-fixed soft flooring' (which I take to mean a rug) is suggested as an alternative which allows for easy replacement and avoids possible damp problems. Although the DAC Notification of Advice does not refer to the carpeting alongside the expressed concerns about the choice of chairs, it is apparent from the correspondence between the parish and the DAC Secretary that the DAC also continues to have concerns about the use of carpeting in the church.

The Petitioners' position

14. The Petitioners have answered the concerns raised in a number of documents. I am grateful to them for the comprehensive nature of their responses. As mentioned above, I have been impressed by the parish's willingness to seek purposeful solutions through the amendment of their proposals when objections have been raised. Those amendments include: the abandoning of plans for an extension to the building; the relocation and reduction of size of the kitchenette; the adaptation of proposals for both the font and the pulpit; and the removal of the glazed entrance lobby from the current proposals. The parish has engaged in the consultation process with a spirit of openness and compromise which is to be commended.
15. Despite a willingness to adapt the scheme, the parish clearly feel strongly that the disputed seating arrangements and carpeting are fundamental to their purposes. The Petitioners argue that they are seeking to create a warm, friendly and inviting atmosphere which is inclusive of all. They point to the growing number of unchurched people who are now part of their congregation to whom, it is said, the replacement of hard wooden pews with hard wooden seats would be less than welcoming.
16. The removal of the pews is, the parish says, necessary for the broad range of liturgical, social and community uses to which they wish to put their building. Nine or ten services take place each month in the church (as well as additional services at times of festival). These

comprise a range of liturgical styles from Choral Evensong with organ and robed choir to 'Sunday Night Live!' worship with a live music group. Flexibility is sought to accommodate these varying styles of worship, allowing for differing layouts for seating, liturgical furniture and space. In addition to services, the church is used or needed for a range of other activities including: a Mother and Toddler group of around 80 people; Extended Assemblies for the local school; a 40-strong youth group; prayer meetings/services thrice weekly; an annual children's holiday club; marriage enrichment courses; the 'Sew and Grow' group; various weekly practice meetings for music groups; secular exhibitions and events, such as concerts, drama and art and flower festivals. The parish says that the various needs of these groups (which are set out in detail in the Statement of Need and supporting documents) mean that fully flexible space is needed.

17. The chairs chosen by the parish have a chrome frame, a beige plastic back and upholstered seats in red with a navy fleck. The Petitioners argue that the beige plastic back matches the light ashlar stone of the church's interior and that the red upholstered seat has been chosen to blend with the red quarry tiles and woodblock of the floor. The style has been chosen for its light weight and high stackability given the need regularly to change the configuration of the seating. I am told that many different chair types have been tested by the congregation including those with a wooden seat and back. Indeed, I saw a number of sample chairs displayed in the church when I visited, although they were all upholstered in style. I am told that the congregation has agreed that the chosen chair was far more comfortable than the other seats tested.

18. The proposed carpeting covers both the south west corner and the north aisle of the church. The south west corner is already carpeted and a simple replacement (with the insertion of a quarry tile surround to give prominence to the font) is proposed. The parish say that the north aisle carpet is needed to provide a safe and comfortable play and relaxation area for the large toddler group referred to above as well as the youth group, the school extended assemblies and the children of the congregation during church services. Temporary coverings are rejected as being impractical given the frequency with which they are to be used.

The law

19. There is a presumption against changes to listed buildings and where the change would cause harm to the significance of the building then that presumption becomes a strong one. It is for the Petitioners, as those seeking the changes, to satisfy me that that presumption has been rebutted. The Court of Arches has provided guidance to

Chancellors to assist in the determination of cases such as this one in the form of the *Duffield* guidelines¹:

- (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 question (1) 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 particular nature of the proposals. Questions (3), (4) and (5) do not arise.
- (3) If the answer to question (1) 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 a listed building, will any 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? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed.

I will address each of these questions in turn.

Harm to the significance of the building

20. The majority of the proposals would not cause harm to the significance of this highly listed church, indeed, some of the changes will enhance it. Nevertheless, I am satisfied that there are three elements of the scheme which mean that it would cause harm to the special interest of the building: the removal of the pews, the introduction of the upholstered polypropylene chairs and the introduction of north aisle carpet.

21. For the avoidance of doubt, I do not find that the replacement of the carpet in the south west corner of the church where the font is to be

¹ *Re St Alkmund, Duffield* [2013] Fam 158

placed would cause any harm. The area is already carpeted. Its replacement, if it stood alone, would not need a faculty; it could be introduced with the Archdeacon's permission using the List B procedure under paragraph B4(3) of Schedule 1 of the Faculty Jurisdiction Rules 2015. The simple, neutral and high quality carpet proposed cannot be said to harm the significance of the building as a replacement for the slightly tired burgundy carpet which is currently there. As a setting for the font, the quarry tile surround and carpeting must be seen to enhance the focus and significance of the font (which will now be placed in its liturgically correct position close to the principal door) when compared with the existing situation where it is placed in a corner behind the grand piano, awkwardly set across two different floor finishes.

The seriousness of the harm

22. It is agreed by all that the pews which are to be removed are, of themselves, of only low significance. They are simple and unremarkable and have already been adapted from their original design. Their relevance to the significance of the building lies in the aesthetic contribution which they make to the structure and axial nature of the largely Victorian interior. Given the low quality of the pews and their relatively modest contribution to the significance of the building as a whole, I find that their removal would cause no more than modest harm to the significance of this church. This finding is strengthened by the fact that a record of this phase of the church's seating history is being preserved in the pews to be placed in the south west corner of the church and in the use of the pews' wooden paneling in the other furniture to be commissioned.

23. Having decided that the removal of the pews would cause only modest harm, I have nevertheless come to the conclusion that the introduction of the 'Chelsea' chairs as a replacement for them would cause much more significant harm to the special interest of the building. Although, as freestanding furniture, the introduction of the chairs will not cause any physical harm to the building, the aesthetic impact on the interior will be considerable. The plastic and brightly coloured upholstery of the chosen chair are incongruous with the natural wood and stone textures of this highly listed interior. The seating layouts provided by the Petitioners show that the church will have approximately 200 of the chairs set out for an ordinary service in more substantial blocks than the current pews occupy. They will clearly heavily dominate the interior of the nave. Such substantial expanses of plastic and upholstery will detract from the quality of the interior in a way that wooden chairs would not. I also note that upholstered chairs are much more vulnerable to wear and tear than wooden chairs, especially where, as here, food and drink are to be served regularly whilst they are in use.

24. Finally, having considered the arguments put before me, I have come to the conclusion that the introduction of carpet into the north aisle would cause significant (although not substantial) harm to the special interest of this church. It is a sizeable area which the Petitioners wish to cover with carpet and the domestic nature of the floor covering is incongruous with the high listing of the church.

The justification for the proposals

25. The question remains whether the Petitioners have adequately justified the changes which they seek permission to make. In their comprehensive 18-page Statement of Need the Petitioners have provided careful detail of the public benefit which these works will achieve. This is a growing church with an enthusiastic and supportive congregation which is clearly committed to its task of furthering God's kingdom in this part of Wiltshire. As can be seen above, the church building is already used in numerous ways, both as a place of worship and as a means of reaching out to and serving its community. Many of those uses are limited in some way by the physical constraints of the building in its current form. The changes which these proposals will bring about are intended to meet the needs of the various (and growing) groups which use the building. The Petitioners have also identified additional planned uses to which this church building will be put.

26. In relation to each aspect of the proposals the Petitioners have provided compelling reasons to justify the needs identified. I have no doubt that there will be substantial public benefit from the proposed changes. The worship life of this growing church will be enhanced and become more inclusive and welcoming. Community uses are likely to increase with the accruing twofold benefits of additional income and missional opportunity. The future of this beautiful building will be secured for future generations to enjoy.

The balancing exercise

27. And so I must decide, bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, whether the public benefit which will accrue from these proposals outweigh the harm that they will cause.

28. I do not hesitate to find that the harm from the loss of the pews is outweighed by the public benefit. That harm is slight and the flexibility and variety of use which will be enabled by their removal will clearly provide substantial public benefit as described above. I note that the professional bodies consulted express far greater concern about the need to replace the pews with a high quality alternative seating than with the loss of the pews themselves.

29. The parish have chosen a chair about which the DAC, the CBC and the Victorian Society express significant concerns. It has rejected wooden chairs as an alternative on the basis that upholstered chairs epitomise the sort of warmth and welcome which the parish seeks to offer; in particular that hard wooden chairs would be less than welcoming to the unchurched who may feel uncomfortable in the unfamiliarity of a church setting.

30. Stackability, comfort and weight are also given as reasons for the choice made.

31. Much of the discussion on this issue has centred around whether wooden chairs would be a preferable option. I make it clear that it is not for me to decide whether an alternative chair would be better than the Chelsea chair chosen. Rather, I must decide whether the grounds for the grant of *this* faculty are made out by the harm caused being outweighed by the public benefit achieved. The fact that alternative chairs exist is, nevertheless, of relevance. As I said recently in *Re St Peter Mancroft, Norwich* (15 April 2015):

“I am, of course, not enjoined to decide whether the petitioners should be pursuing any of the alternative proposals which have been mooted; rather I am asked to consider whether the merits of *this* petition mean that a faculty should be granted. Nevertheless, one factor in deciding whether to grant a faculty is the question of whether alternative, and potentially less harmful, options have properly been considered by the petitioners.”

32. Considerations of stackability, comfort and weight do not, in my view, greatly assist the Petitioners in justifying the choice of chair. There are equally stackable and comfortable wooden seated chairs available which can be appropriately stained.

33. Indeed, the Chelsea chair chosen by the Petitioners is also manufactured in wood and available from the same supplier. Although I do not know the weight difference between those chairs, I struggle to see that it will be enough to make the wooden version inappropriately cumbersome. Nevertheless, it remains to be asked whether the additional contribution that a plastic and upholstered chair makes to the warm and welcoming environment which the parish seeks to offer adequately justifies the chair chosen. I have considered this issue at great length and have carefully weighed in the balance the comprehensive arguments made by the Petitioners, but I am afraid that I cannot find that the warmth of welcome to be offered by the newly re-ordered St Katharine’s church would be so diluted by the introduction of wooden rather than plastic upholstered chairs that the harm from their introduction would be justified.

34. The harm caused by the proposed north aisle carpet is, in my view, less significant than that which would be caused by the introduction of the 'Chelsea' chair. The practical need for a softer floor finish for the use of children is accepted by all of the consultees. The use of rugs is proposed as an alternative. Given the 'high traffic' location of the area to be used by the children and the real frequency with which that area will be used by children each week, I have concerns that a non-fixed floor covering would be less appropriate here than it may be in other settings. To be of practical use, any rug used would have to be substantially the same size as the proposed carpet and the frequency of use means that it is very unlikely that any rug would be removed and replaced between uses. In those circumstances it seems to me that the aesthetic impact of the carpet is not markedly greater than that of a rug. I acknowledge the risk of damp from fixed carpeting but the details provided show that that risk has been mitigated as far as possible. I am particularly mindful of the fact that the overwhelming majority of the floor area in this church will be kept, and will in fact be sympathetically restored, to preserve the Victorian hard tiled and wooden flooring that is currently there. I have concluded that, on balance, the public benefit accruing from the carpeting of the north aisle outweighs the harm it would cause.

Determination

35. It will be apparent from the above that, but for the choice of chair proposed by the parish, a faculty would issue in this case. This is an exciting and well thought out scheme which will bring great benefit to the congregation and community of Holt. On the basis that the removal of the pews and their replacement with chairs is at the heart of these proposals I have decided that the most efficient manner of dealing with the Petition at this stage is to adjourn the determination of the proceedings for a period of six months to allow the parish to review its choice of chairs in consultation with the DAC. If at any stage within that period an alternative suitable choice of chair can be identified then the Petition can be amended and returned to me for approval and a faculty issued. If after six months (or such extended time as may be allowed) no amended Petition has been presented then the matter will stand dismissed.