

IN THE CONSISTORY COURT AT LIVERPOOL
of the DIOCESE OF LIVERPOOL

In the matter of St Hilda's Church, Hunts Cross, Liverpool

JUDGMENT

1. This is a faculty application in relation to the removal of 15 pews from the nave at St Hilda's Church, Hunts Cross, in South Liverpool. In fact the pews, which are not fixed in place but freestanding, were removed by the incumbent and other members of the church and replaced with timber framed upholstered chairs relatively recently without formal authority, and when it was pointed out by the archdeacon that a faculty was required efforts were made to return them to the nave. The PCC arranged for the formalisation of the position, and the current application was made.

2. In what is a relatively straightforward application of this nature, I would normally provide a short written decision on the granting of any faculty. However, because within the notice period a letter of objection was filed by a parishioner, I provided a direction that this objector should be asked if he wished to be involved in more formal opposition. No further response has been provided, although some clarification of the church's position has been forwarded by the petitioner.

3. St Hilda's Church, Hunts Cross in Liverpool is an un-listed late Victorian church of simple stone construction with an unelaborate interior and an absence of any particular remarkable features. The pews in question are timber, probably pitch pine, and date from the Victorian era. Apart from noting that they were probably in place at the time of the construction of the church, there is little further information provided about the provenance of these pews, and there does not appear to be any particular architectural or historical significance associated with them. For instance they do not contain any engravings, memorial inscriptions, or the like. The pews are not fixed to the floor, and seemingly regularly moved whenever required to create space within the nave.

4. The PCC does not wish to remove the pews in their entirety, but to retain two or three on each side of the central carpeted aisle in the nave. The balance of the seating would be provided by the identified timber framed chairs with mauve upholstery. The photographs supplied in support of the application depict what this layout would look like. The purpose behind the removal is to create a flexible space for worship and community events, and to make the church generally more accessible. This is a common reason for pew removal, and within a small general church

space such as exists here it is easy to see how the use of the building for anything other than all formal services with limited numbers could be achieved.

5. There is no objection to the application from the Victorian Society, although Mr Hughes has expressed his usual concern about the nature of the replacement chairs which are deemed to be unsightly, and difficult to stack.

6. The objection of Mr Moss is largely one relating to the procedure that has been followed, that is that when the pews were first removed there was no authority so to do. He elaborates a little by referring to the lack of any complaint from church members in terms of the comfort of the pews, and appears to be suggesting that the chairs, which were donated by members of the congregation, are more appropriately placed in the church hall.

7. I have considered the Duffield criteria, that is the approach which a consistory court is required to adopt when dealing with applications such as this which might impact upon the architectural or historic aspects of the church, in the sense of causing serious or significant harm. It is important that wholesale changes are not allowed to proceed without sufficient regard being paid to a church's heritage and history, especially where there are features which are representative of and a fitting memorial to previous worshipping generations.

8. However, this is not a case where I can identify any serious or significant harm. The pews are of no special interest, besides the fact that they were probably in place from the time of the construction of the church, but insofar as they are neither fixed nor integral to the structure of the nave, and are moved frequently when the need arises, it is difficult to see how their permanent removal will cause any impact. In fact, as the petitioners point out, the occasional moving of the pews, or the potential for the collapse or toppling over of the pews represents a risk which would be obviated by flexible seating in the form of individual chairs. Further, even if there were any modest harm (by the loss of the furniture which had always been in place) it is easily outweighed in my judgment by the very significant benefit which would be gained in having a modern flexible worship space, which can also be used for the advantage of the community. This serves both the interests of mission and community.

9. Accordingly I am prepared to grant the faculty that is sought and to permit the removal of 15 pews within the nave of this church. I share the concern of the DAC that the disposal of the pews should be sensitively undertaken, and would add my own observation that if space allows some of these pews ought to be retained should the need arise in the future to reintroduce them into the nave. However, I do not propose to reserve any further consideration of the mode of disposal to myself, but simply direct that as a condition of the grant of the faculty the petitioner shall advise the DAC of the proposals for disposal, and to seek further advice and guidance on those proposals.

There are no costs implications, because Mr Moss did not choose to become a party opponent.

His Honour Judge Graham Wood KC

Chancellor of the Diocese of Liverpool

1st February 2023