

IN THE CONSISTORY COURT OF THE DIOCESE OF ROCHESTER

Re: HOLY TRINITY LAMORBEY

J U D G M E N T

1. By a petition presented on 10th June 2016 the petitioners, the Reverend Philip Wells, Ms Carol Martin, and Mr Robert Semos, have applied for a faculty to remove four pews from the rear of the church in order to make room for refreshments to be served at the back of the church.
2. The church was built around 1880, and is not listed. The pews sought to be removed are not the original pews, and do not match the other pews in the church, having come from elsewhere some years after the church was built.
3. The PCC at a meeting on 15th October 2015 unanimously resolved to approve the proposed works.
4. The DAC by its Notification of Advice dated 22nd March 2016 recommended the proposals, and gave as its opinion, inter alia, that such would not affect the character of the church as a building of special architectural or historic interest, or the archaeological importance of the church.
5. The Public Notice, dated 12th June 2016, advertising the proposed works has produced an objection from Mrs Sandra Holder, which I will refer to in more detail below. Mrs Holder, along with her husband, has attended the church for many years.
6. Mrs Holder, for understandable reasons, has elected not to be joined as a formal party opponent to these proceedings, but rather, in her letter dated 17th August 2016, has indicated that she is content for the objections set out in her letter dated 19th June 2016 to be taken into account by me when making my decision on the petition. This I am content to do, but it does deprive me of the opportunity of hearing and seeing Mrs Holder give evidence, and of having that evidence tested in cross examination.

7. In her letter of 19th June 2016 Mrs Holder states that she considers it unnecessary for the pews to be removed. She concedes that whilst there could be a desire for easier access for some parents to enable them to bring their children to church in buggies, and for wheelchair users, she says that parents with children in buggies do not attend every week, and the only “permanent wheelchair user” likewise does not attend regularly. I have to say that this line of argument ignores the fact that a cramped area is likely to discourage mothers with children in buggies, and wheelchair users from attending church.
8. Mrs Holder goes on to say that the church has an ageing congregation and that “a good percentage of those attending prefer to sit at the rear of the Church as it is easier to move in and out.” She also refers to medical reasons, suggesting that the strong aroma of incense can cause breathing problems which therefore makes it more desirable for some to sit at the back of the church. I have no medical evidence on this issue before me, nor indeed any other factual evidence in support of this claim other than that which I have cited. She goes on to assert that visitors attending the church find it “far less worrying. to sit at the back of the church.” Quite apart from their being no evidence to support this assertion, it must be desirable to do everything reasonable to encourage visitors not just to lurk at the back of the church but rather to join the congregation proper. In any event it is not suggested that all the pews should be removed, and so there will still be pews towards the back of the church.
9. Objection is also made to the effect that on special occasions such as weddings, Christmas, and Easter, people will have to look for seats, and/or that there will be insufficient room and so chairs will have to be put out. I do not find this in any sense objectionable. In any event special occasions by their very nature are few and relatively far between.
10. Perhaps the greatest objection raised by Mrs Holder relates to safety concerns. She says that with children being able to run about there is a risk of injury. I have to say that I do not understand why the risk is increased if there is more space available. I would have thought that the opposite was the case.
11. Ms Martin, one of the petitioners, and a churchwarden, in her letter received on 30th August 2016 has sought to address and allay Mrs Holder’s concerns. She stresses that that the primary reason for the petition is to; “allow us enough room to safely serve refreshments,” allied to a desire to; “create a more

welcoming and accessible space.” She says that at the present time; “there is limited space available in the church to accommodate (buggies and wheelchairs).” She also says, in my judgment with justification, that the special occasion services are more likely to attract/involve children and indeed wheelchair users, and concludes by saying that there will still be plenty of space in the remaining pews for people who, for whatever reason, may wish to sit apart from the rest of the congregation.

12. In **Re St Michael and All Angels Highworth 2016 ECC Bri 8** it was correctly noted that to some, pews have come to be regarded as being an essential part of the church’s historic fabric, and that, as Chancellor Hill QC there observed; “The fondness with pews over many generations has been a noticeable feature of the Church of England which survives today.” There can be opposing views with some wanting to maintain what they see as a link with the past, while others want to make the church more appealing and accessible. There is of course no theological basis for the retention of pews, nor is such sought to be advanced here.
13. In the instant case I remind myself that the pews sought to be removed are not original, nor do they match those sought to be retained. It seems to me that the argument in favour of accessibility for parents with buggies and the like and for wheelchair users is irresistible. I pose the rhetorical question, how else will such people be attracted other than by providing easier access? The safety argument I have to say is illogical; safety considerations demand more, not less, space.
14. I appreciate Mrs Holder’s concerns, and manner in which she has made them, and I hope that she will be able to accept my decision. In passing I note that she is the only objector.
15. For the reasons given above, I reject the objections advanced, and am wholly satisfied that the proposed works are both needed and are appropriate.
16. In the premises I direct that faculty issue. The petitioners must pay the costs in the normal way.

John Gallagher
Chancellor
19 October 2016