

In re Leigh, All Saints

In the Consistory Court of the Diocese of Bristol

JUDGMENT

1. This is a petition for the installation of an 'Eco Loo' and also the removal of some pews in this Grade II* Church. The Church itself has an unusual and interesting history having originally been built in approximately 1250 with nave, porch and bell tower the being moved in 1896 a mile and half away from its original rather damp site.
2. Having read the statement of need, the statement of significance, the grant of planning permission and the response, the responses of the amenity bodies and the change in design I am prepared to allow the installation of the Eco loo and that passes the seal
3. I turn to the proposal to remove some of the pews.
4. The revised statement of significance reads as follows:

THE PEWS

The 7 pews that we propose to remove are of uncertain age/date but it is extremely likely that they were made up and newly installed in the Church when the main body of the Church was moved from Waterhay in 1896/97.

Of the pews that it is proposed to retain, 6 (on the left hand North side of the nave) are thought to be mid Victorian; while it is proposed to leave the two rearmost Jacobean pews in situ; to move 6 of them to the front (north) side of the nave, replacing the made up pews; and to move the remaining 2 to be placed transversely at the rear of the nave, preferably on castors so that they could be utilised for the rare services when the church is full. At other times they would provide useful seating around the open space created for functions and this plan ensures the retention of all of the most important historic pews while adapting the building for modern needs.

We do not believe there will be any adverse impact on the important historic features of the mediaeval church, nor on the wooden floor.

The chairs we propose to purchase can be stacked on a trolley when not in use and accommodated either in the Vestry or at the rear of the main body of the Church.

Photos of the pews and a plan of the Church showing those to be removed/moved are to be lodged with this application.

5. The statement of need in relation to this proposal reads as follows:

The Need for the Removal and Moving of Pews

We are seeking a faculty to remove only the 7 pews at the front right hand side of the nave, while moving 8 of the 10 Jacobean pews at the rear, as shown on the plan attached to the faculty application.

Open floor space is much needed for functions other than Services and such functions will enable the church to connect to the local community, such as JAM and the Harvest Supper. New functions could be added if this circulation space at the rear of the church was available, either with or without folding tables and chairs.

Most of the existing Jacobean pews are moveable, and have been moved to provide a circulation space, but while this has proved useful, the area these pews continue to occupy when pushed together at the back of the nave prevents the provision of an adequate sized space. Moving the pews is also time consuming and labour intensive as they are heavy, and they are not required for seating purposes on more than one or two festival occasions a year.

We would be left with 11 pews at the front of the church with a seating capacity more than adequate for all of the traditional festival services and occasional offices, with the single exception of our Christmas Eve Carol Service and some occasional offices, for which we would need to deploy chairs to replace the pews removed. The Church already has a limited quantity of chairs and will provide more. The link below shows the chairs proposed.

<https://trinitychurchfurniture.co.uk/products/abbey-chair/>

6. The amenity bodies have been consulted, although none replied to the invitation to become parties opponent to the scheme. I set out in detail the responses that have been exhibited.
7. The Victorian society originally stated:

The Statement of Significance has only this to say about the pews it is proposed to dispose of:

"The 10 pews that we propose to remove are of uncertain age/date but it is extremely likely that they were newly installed in the Church when the main body of the Church was moved from Waterhay in 1896/97. As such they are of no particular historical or cultural significance. Of the 13 pews that it is proposed to leave in situ, 6 (on the left hand North side of the nave) are thought to be 17th century, while the 7 on the right hand south side are of similar design to those at the rear. The removal of the proposed pews will have no impact on the 17th century pews that will remain."

As an analysis of the furnishings this is inadequate, and the notion that the pews would be of no significance if they date from 1896 is intolerable. There is no explanation of why it is thought likely they date from the 1890s; and no explanation of why the benches eastward are thought to be C17. There are only a few photographs provided of the pews in question, but from initial inspection it would seem to us that some (if not much) of the timber in them pre-dates 1896, perhaps considerably, even if – like much of the rest of the building – it has been reused or transposed from its original setting. In that sense this building is quite remarkable. In our view this is just the sort of case that demands an independent report from a joinery specialist, providing an in-depth analysis of the church's seating. Without one we are all working in the dark: a clear understanding of the significance of the benches is not possible, and cognisant development of any scheme is prevented.

A pew report will also allow the production of a far more objective and detailed Statement of Significance. In addition, the Statement of Needs should be expanded to more clearly articulate the necessity for an expanded and cleared space at the back of the church. Additional photographs of the interior would also be extremely helpful.

I trust as an initial response, albeit on the basis of inadequate information, that this provides a useful steer as to our views.

8. The Ancient Monument Society stated:

This is a building that the writer knows from an earlier visit and we would like to pursue the question of the pews.

We do agree with The Victorian Society that the interest of all the pews does need to be properly understood before any decisions are taken. This is for its own sake, so that decisions are well informed, but also because the pews to be removed present as well-crafted "Georgianising" pews by C.E.Ponting, which might incorporate earlier timberwork.

Charles Ponting (1850 – 1932) was a local boy (born at Collingbourne Ducis, resident of Marlborough) with an architectural career that specialised in churches, limited almost entirely to Wiltshire and Dorset : an expression of his appointment as Surveyor of Ecclesiastical Dilapidations by the Diocese of Salisbury in 1883. He had a noted Arts and Crafts sensitivity towards local materials and vernacular (and designed a new thatched church at Gillingham in 1921 that is illustrated in the Pevsner volume for that county). His work, as at Leigh, was nearly always sensitive and contextual.

We still await the revised Pevsner for Wiltshire to know more but we also need a professional examination now of the pew shown among the application papers and described as "17th century". We welcome retention but that doesn't make proper understanding academic. It looks to me like 18th century Gothick work – all the more interesting because Ponting moved it as part of the 1896 relocation – at a time when such unscholarly displays of Gothic were not generally valued.

We would have expected some exploration too of the possibility of keeping some of the western block of pews rather than filling that area with catalogue chairs. Can some be

placed lengthwise against the north and south walls and others made moveable with castors ?

We welcome the revived interest in the future of this delightful Grade 11* building but that greater community use must not be at the expense of its charm and historic interest.

9. Historic England replied as follows:

Pew removal and reordering

The oak pews within All Saints church provide the building with much of its exceptionally simple, evocative and yet rather austere character. The information available indicates that the seating is of 17th and 19th century date. However, we do not consider the Pew Report nor the Statement of Significance provides a sufficiently robust analysis of their age, significance or provenance for an informed view to be taken on the proposed reordering and removal.

The 'made-up' pews proposed for removal are clearly of simple form and construction, however the information and images available illustrate that they may be of considerable age even if remodelled and relocated during their life time. We would therefore expect the pew analysis to comprehensively appraise the fabric and quality of these benches. The positioning and layout of all seating within the building should also form part of this assessment.

We concur with the Victorian Society and Ancient Monument Society's concerns in this respect. Consequently, we request that a comprehensive pew report should be commissioned which will enable a fuller understanding of the history and significance of the seating at All Saints, in order that an informed assessment of the impact of the proposed removal and relocation can be made. We suggest that the DAC office may be able to provide you with the details of individuals or firms who could undertake this work to an acceptable standard.

Whilst the stackable timber chairs proposed are of a relatively discreet design we consider that the colour of the timber chosen should carefully respond to that of the historic timber within the building. A pale timber would be a stark and strident addition to this simple interior.

Recommendation

Historic England does not wish to comment further on the proposed WC installation. However we are very concerned about the application to remove and relocate a number of historic pews. Whilst we appreciate the desire to clear a space within the building for wider community use, the information submitted to date is insufficient to enable an informed judgement about the harm which would result from the loss and rearrangement of the historic seating.

10. The Victorian Society commented further having been shown further photographs of the interior:

Thank you for continuing to consult the Victorian Society and the additions and amendments that have been made to the application. Having reviewed the documentation the Society has the following comments to make.

The photos which now accompany the application only serve to reinforce our view of the special character and unusual nature of the interior of All Saints. Not only because of how the building came to be moved and rebuilt, but also because of the

delicate fineness of the interior, its varied fittings and the austere atmosphere which the interior possesses, all qualities that the additional photos supplied succeed in underscoring. The Victorian benches in the north east portion of the nave are highly and uncommonly decorated, are very attractive and unusually fine for a small rural parish church. Although the 'made-up' pews on the south side of the nave are much plainer, they appear to be of high quality and certainly contribute to the austere and historic character of the church. Without a far more rigorous and detailed assessment of the church's seating we are unable to offer more detailed advice, and we fail to see how an informed view of the significance of the interior and the impact and acceptability of what is proposed can be judged. We note that the AMS and Historic England have issued similar advice. We can only reiterate that advice and emphasise the need for a genuinely scholarly pew report.

In addition to a far more detailed appraisal of the historic benches, we would require a more thorough Statement of Needs to be able to assess the strength of the justification for what is proposed.

Finally, the Society would also echo Historic England's comments on the proposed stackable chair, which although having a wooden seat is strident in design as well, if unstained, in hue. Any new furnishings should be stained to harmonise with the church's historic joinery.

11. The Society for the Protection of Ancient Buildings Wrote:

We have read the information on the website entry supplied since we wrote on 13th May, as below.

I think at this stage that, in a slow-developing case where the DAC will be better able to understand the proposal in the round, we are now quite prepared to defer to the DAC.

However, I have to say that none of the documentation supplied since May cites evidence that convinces me that what are called and illustrated as "Victorian" pews posted under references 1036959 and 1036846 are indeed "Victorian". They are patently not.

They might well be an amalgamation but the pew ends themselves, formed of schematised Gothick forms, cannot possibly be products of the serious Victorian Gothic revival. They look, and I strongly suspect are, in the lighter unarchaeological manner of 18th century work, reused either from previous pews or conceivably domestic work.

The pew ends are definitely work of the 18th not the 19th century

12. The information described above is a short hand written survey report by Ernest Tidworth, a cabinet maker whose assessment is that: 10 pews are Jacobean, 6 are Victorian and 6 pews as being made up from 'various old pews that have been rebuilt or repaired from various damaged ones using a mixture of panels, sides and rails etc.,...these are the least important historically and the number of pews you wish to remove should be taken from this group.'

13. The petitioners response to these is as follows:

Comments on behalf of Leigh PCC

We note that the CBC is broadly supportive and accepts the Need. We would just mention in relation to their comment that the detail of the path, step etc IS in the Application – see the document ‘Edging Lighting and Thresholds’

We also note that the SPAM is content to leave the matter to the DAC.

Both Historic England and the Victorian Society seem to want a more ‘scholarly’ pew report. This is rather dismissive of the report produced for us by Mr Tidmarsh, a Master Craftsman of great repute who has worked on many projects for churches both in our diocese and in Gloucester. We also fail to understand what a new report would achieve, unless to give these two bodies the excuse they are obviously looking for to recommend that nothing be changed. We originally tried to get a report from Hugh Harrison, but after many months he was unable even to give us a definitive quotation – his original guesstimate at £2000 being way outside any possible fee we could contemplate. It is important to remember that All Saints is not wealthy, to put it mildly – we are unable to pay our Parish Share as requested and we are desperately trying to keep our church open and in repair, which is why this Application has come about. When we hit on the idea of asking Mr Tidmarsh we were very pleased and in the words of David Britton, local historian, ‘the DAC are bound to respect his opinion’. Incidentally, Mr Britton’s report is itself clearly ‘scholarly’ and we have clearly gone to great lengths to research all information that might be available.

14. The decision I have to make is set out in the questions framed by the Court of Arches in the case of *Re St Alkmund, Duffield* [2013] Fam 158;

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 (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary’s, White Waltham* (No 2) [2010] PTSR 1689 at para 11). 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 (see *St Luke, Maidstone* at p.8), 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 1 or 2*, where serious harm should only exceptionally be allowed.

15. I have had the benefit of seeing the photographs and description of this Church to consider as well as the learned opinion of the amenity bodies. My answers are as follows:

1. Yes. This is a beautiful Grade II* Church lovingly maintained with an austere but peaceful interior. The pews are aesthetically pleasing and highly unusual. The removal and/or rearrangement of the pews would undoubtedly result in harm to the interior. The majority of the amenity bodies concur, and I value their learned opinion.
2. -
3. I take the view that the harm would be both serious and irreversible. No plans for the future of the pews removed have been offered by the petitioners.
4. The justification for carrying out the proposals is unclear and vague.
5. Whilst I am wholeheartedly in favour of granting faculties that would assist in the public benefit including pastoral well-being, opportunities for mission and putting the church to viable use, I have been given little or no evidence that this is what will happen. The statement of need is woefully inadequate and vague.

16. Accordingly I refuse the petition for the removal of the pews as prayed.

21st June 2021

The Reverend and Worshipful Justin Gau,
Chancellor