

In the matter of St Mary Magdalene, Lyminster

## Judgment

1. By an undated petition received at the Registry on 4 September 2014, the vicar and churchwardens of St Mary the Virgin, Lyminster seek a faculty for the permanent removal of pews and installation of a fitted carpet in the south west corner of the church. These works had previously been authorised by archdeacon's licence, and the petition seeks to make permanent this temporary experiment.
2. Public notice elicited a letter of objection, jointly signed by Mr Tony Davey and Ms Anna Hall who each live in the locality. Neither elected to become a formal party to the proceedings and I therefore take the contents of their letter into consideration in this determination. The first petitioner provided a letter in response, received in the registry on 24 November 2014. This letter was written following a PCC meeting at which the letter of objection had been considered, and I also take its content into consideration.
3. St Mary Magdalene, Lyminster is a grade I listed church, saxon in origin with a north aisle added in the thirteenth century. The pews date from the nineteenth century.
4. English Heritage, in a letter dated 13 July 2013, commend the parish for the incremental and phased approach to the reordering of the interior and categorise the proposals of the parish at the time (of which the present application is part) as being of 'relatively low impact' and raised some minor matters for consideration. It did not voice objection. The Victorian Society responded to a consultation by the parish indicating that it did not wish to comment. The proposals are recommended by the DAC as appears from its Notification of Advice dated 18 July 2014.
5. The principal points made by Mr Davey and Ms Hall are the lack of demarcation in the floor covering as befits a space of remembrance of those who gave their lives in active service, the inappropriateness of carpet in this area, and the potential for exacerbating an existing damp problem. Their preferred course would be the introduction of simple polished oak boarded flooring. This, they say, could be adequately ventilated and would be more befitting of the stature of the building particularly with regard to respectful remembrance.
6. In response, the first petitioner points to the high level of consultation within the parish through questionnaire and meeting, and to the widespread consensus for what is proposed. He points to the history of the war memorial which was given a home in the church some years ago. Originally it had been on a public road near the church, and was damaged by a falling tree. As no-one seemed willing to repair or maintain it, a home was offered in the church.
7. The PCC advocates using the same form of flooring rather than sub-dividing different areas. This gives greater flexibility, is visually more homogeneous and not indicative of any lack of

respect for those named in the memorial. On the contrary, it brings the memorial more overtly with the overall sacred space rather than setting it apart. The PCC considers the carpet neutral and dignified, complementing the woodwork in the area and notes that it would be incongruous to create an isolated patch of wooden boarded floor when there is none elsewhere in the church currently. The PCC points to the involvement of the parish's inspecting architect in the proposals which does not appear to have thrown up any potential issue with regard to damp.

8. This being a grade I listed church, the petition falls to be determined under the principles in *Re St Alkmund, Duffield* [2013] Fam 158. The first question for consideration is whether the proposals, if implemented, would result in harm to the significance of the church as a building of special architectural or historic interest. The range of expert opinion in this matter all points to the conclusion that it would not. Thus the more detailed evaluative process under questions (3) to (5) does not arise.
9. The issue for determination, therefore, is whether the petitioners have rebutted the general presumption which favours the *status quo*, and here the minor nature of the works, their low impact and the lack of objection from consultee bodies are all weighty features. In my assessment the petitioners have satisfied me that change should be made so as to make permanent the temporary reordering authorised by the archdeacon. The parish has lived with the change on an experimental basis and it has generally found favour. I do not consider there to be any lack of respect to those named on the memorial. I also take the view that what is proposed by the petitioners would be less visually intrusive and more conducive to the flexible use of the church than having a separate boarded floor area in the immediate vicinity of the memorial. Whilst it is entirely legitimate for Mr Davey and Ms Hall to raise the issue of damp, I am confident that their concerns are properly allayed by the involvement of the experienced inspecting architect.
10. In the circumstances, it is appropriate that a faculty pass the seal. The faculty is not to be implemented until the further court costs, to include a correspondence fee for the registrar, have been discharged by the petitioners.

The Worshipful Mark Hill QC  
Chancellor of the Diocese of Chichester

3 December 2014