

IN THE DIOCESE OF WAKEFIELD

PARISH OF SOWERBY BRIDGE WITH NORLAND

CHURCH OF ST LUKE, NORLAND

IN THE MATTER OF a petition to reorder the interior of the Church of St Luke, Norland including the removal and disposal of pews and their replacement with chairs, the removal and disposal of the pulpit, and the removal and disposal of the font.

1. On the 4th September 2003, I indicated that I had decided that a faculty should issue in relation to this petition and that I would give my reasons in writing in due course. I now set out my reasons for that decision.

2. The Church of St Luke was built in about 1865 as a Chapel of Ease and is not a listed building. I have been provided with plans and photographs of the Church. I have considered whether it is necessary to visit the Church before making a decision in this case and have decided that I have all the materials that I need to come to a proper judgement and that in the light of the issues raised a visit would not add to my necessary knowledge.

3. The background to the petition is that within the church grounds there is a temporary classroom which has been used by a pre and post-school group. That classroom is now dilapidated and those responsible for the group (the Norland Fun Club) would like to move their activities into the church building if it were reordered. The Fun Club have potential funding available which would resource the reordering. Discussions with the PCC therefore took place and the DAC was consulted. The proposal seemed good to all concerned and so plans were drawn up by Abbey Holford Rowe, who are the architects appointed for this church under the Inspection of Churches Measure 1955. The formal proposals were presented to the DAC who recommended them.

4. Public Notice was given of these proposals. There were two letters of objection. The first was from Mrs S. M. Welton. She was concerned about the removal of the pews, font and pulpit which she and others had "grown up with". She said that while she appreciated the Church must move forward into the next century she hoped they would not do so at a rapid speed of knots. She did not pursue her objection by filing Form 4 Particulars.

5. The other objection came from Mr A. J. F. Longbottom, who I understand is Mrs Welton's brother. He filed Form 4 objections summarising his objection to the removal of the pews, pulpit and font as being:

- i. The congregation is not in wholehearted support;
- ii. The permanent removal will irreparably alter the character of St Luke's;
- iii. The playgroup/fun club should not be given access to the whole building.

6. Having considered the matter at that stage it seemed to me that this was a case that was capable of being dealt with by written representations. I therefore enquired of the petitioners and Mr Longbottom whether they were willing for me to deal with it in that way and each indicated that they were so content.

7. Each party therefore had an opportunity to set out their case in full in writing and they did so.

8. Mr Longbottom developed the arguments that he had previously summarised. In particular he concerned himself with what I will term the legal and contractual matters concerning the relationship between the Church and any user of the reordered space but particularly of course the Fun Club. He was concerned about the costs of heating the building to a sufficient temperature (if indeed a sufficient temperature could be achieved, which he had doubts about), 'rent', insurance and

conflicts/competition over use, having a particular regard to funerals and other occasional services. His other general head I will term "change of character". He felt that some of the requirements of children's groups would change the setting and background of Christian worship and that there was a real risk of this particular use expanding and "effectively pushing the Church out of its own premises". He then went on to point out that the village school now has a purpose-built hall which could be used or alternatively that there was sufficient fundraising potential in the village to replace the present classroom with more suitable premises thereby avoiding the wholesale alteration of what is essentially a place of worship. Other points are made in Mr Longbottom's statement but I believe this summary encapsulates the substance of his objections.

9. In reply the petitioners contend that the legalities and contractual terms have yet to be agreed and that they will deal with such matters as payment for heat, light, insurance and other expenses incurred by any user. They do not accept that any such use will affect the essential character of the building or the way the local authority would view it as a place of worship.

10. They also stated that in all negotiations with the Fun Club there has been an acceptance that the primary use of the building remains that of a Church and that the building would have to be available for e.g. funerals and that the eventual agreement would regulate these matters.

11. They state that any "display space" would be at an appropriate and proportionate level and there will be nothing displayed that would not be appropriate for churchgoing adults to view.

12. As to alternative venues for the Fun Club, the vicar is a governor of the school and states that the increased use of the new hall for the school's own activities would rule it out for these purposes. The petitioners also state that in their view the Church should be providing community facilities of this sort in addition to that which is available at the school, the hall there being smaller than the body of St Luke's church.

13. The petitioners point out that Mr Longbottom concedes that the Church requires some reordering and the additional facilities of toilets and a kitchen, which of course will be provided in their proposals and be a benefit to the church community, and will also make the building much more user-friendly for the wider community.

14. In an earlier document dealing with Mr Longbottom's initial three points in his Form 4 objections, the petitioners provided me with a schedule setting out the history of their consultations and the process by which they had come to the decision to apply for a faculty. That history commenced in March 2001 and included details of PCC meetings, Annual Parochial Church Meetings and other consultations. Against that background I note that on the 11th September 2002 the PCC decided unanimously (14-0) to apply for this faculty.

15. In the same document they also dealt with issues concerning the pews, pulpit and font. I have of course seen photographs of the pews and pulpit and have a description of the font. The pews are plain and have no particular value historically or artistically. The pulpit these freestanding, not original to the building and is dated 1924. The font has been heavily painted with a matt cream paint which has obscured its decorative features. It equally has no historic or artistic value.

16. The proposals are supported by the Norland Fun Club who have written to explain that there is no appropriate alternative venue and to express their desire to work with the Church to provide facilities that will benefit the whole village.

17. In resolving this matter and coming to a conclusion there are a number of matters which I need to keep separate in my consideration. Firstly there is the issue of the appropriateness of this particular proposed mixed use. Next there are the legal and contractual issues which could be a bar to the whole venture. And finally there are issues concerning the proposed changes to the chancel area and the disposal of items of furniture.

Mixed Use

18. The Pastoral Measure 1983, section 56 (2) expressly prohibits any sale, lease or other disposition of any part of a church or part of a church including any consecrated land belonging or annexed to it. However section 56 (3) permits the granting of a license for a 'suitable use'.

19. In *Re All Saints Featherstone* (1999) 5 Eccl LJ 391 I ruled that "secondary uses that are consistent with the mission and pastoral outreach of the Church should be permitted so long as they do not compromise the primary use of the building for worship, pastoralia and mission or of the land for Christian burial".

20. There have been a number of other cases in recent times which have referred to Chapter 11 of *Faith in the Countryside* which emphasised that churches be seen as places which can properly be used for purposes other than worship.

21. Having reviewed all the material before me about what is proposed, I am satisfied that the use of the chancel on a very regular basis by the Norland Fun Club will be a use that is wholly consistent with the mission and pastoral outreach of the Church. It seems to me that there is great benefit from children growing up and enjoying happy formative experiences in a building which they know is a church. In addition their parents taking them to and collecting them from the Fun Club will also become familiar with and comfortable at being in their local church. It is often said that many people do not cross the threshold of a church because they regard it as an unknown and alien place. A recognised principle of mission is to ensure that people feel comfortable about coming into a church. In my judgement such regular usage by children and parents can only advance the mission of the Church.

22. The question of balance of use is raised and this of course will be dealt with in the license that will have to be granted and which in due course I shall have to approve. At the present time on the material before me, I am quite satisfied that there is nothing about the proposals which makes them unacceptable in principle.

Legal and contractual issues

23. It must be clearly understood that no tenancy can be created, but that the Fun Club will be able to have a license to use the building on the terms which will be set out in that license which will have to be approved by me before it can be granted.

24. In other places and in other circumstances that process has been dealt with to the satisfaction of the parish and also the permitted users. I am satisfied that in this case it will be possible to draw up a license which will permit the needs of the Norland Fun Club to be met and which will also safeguard the nature and character of the Church and its requirements.

25. It will be the condition of the grant of a faculty that any use of the building on a regular basis by the Norland Fun Club or by any other body shall only be permitted after a license which I have approved has been granted to that body by the vicar and the PCC.

26. The approval of such a license can of course be dealt with under this petition. A draft shall be supplied to me and I will then give further directions.

Reordering of the chancel

27. The substance of the petition is in fact the reordering of the chancel which includes the removal and disposal of the pews, pulpit and font.

28. It is commonplace now for petitions to be presented for the removal of pews in order to make the worship space more flexible. There is little to commend pews in the 21st century - they are commonly accepted as being uncomfortable, inflexible and restrictive. It is sometimes said that they make for more economical use of the space, although that is not very often a significant issue. Of course some pews are of great historic or artistic value which merits their retention in whole or in part. That is not an argument in this case as these pews have no such value.

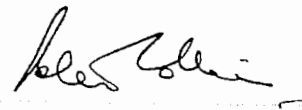
28. I have set out the history of the pulpit and font. Again they have no significant historic or artistic value. If the pulpit was a gift and the donor is known then it will be necessary in some way to record and reflect that donation. It may be appropriate for some small plaque to record this. It will be a condition of the grant of faculty that the registrar be informed within 28 days whether the pulpit was donated and if so what proposal is made to record that fact.

29. I accept that these alterations will change the character of the building, but I am persuaded that the development of mission and worship in this place at this time requires such changes and I am satisfied that there is no historic or artistic or other amenity value that is sufficiently great as to require preserving and that should impede the proposed changes.

30. The conditions of the issue of the faculty will be

1. That any use of the building on a regular basis by the Norland Fun Club or by any other body shall only be permitted after a license which I have approved has been granted to that body by the vicar and the PCC.
2. That the registrar be informed within 28 days whether the pulpit was donated and if so what proposal is made to record that fact.

Peter Collier QC
Chancellor



All Saints' Day 2003