

Neutral Citation No [2020] ECC Yor 1

In the Diocese of York

In the Consistory Court

The Parish of Northallerton, All Saints

Church of All Saints

1. By a Petition dated 20th November 2019 and filed online, the Rev Fiona Mayer-Jones, Incumbent, Steven Hogg, churchwarden, and Angus Deas, a member of the PCC and all of the Church of All Saints Northallerton, sought a faculty permanently to remove the pulpit and to finish the floor to match the finish of the underfloor heating which is to be installed. There was a separate petition 1. to replace the existing gas boiler with a new gas boiler, 2. to instal underfloor heating in the nave and north and south aisles, replacing areas of concrete or bitumen flooring with stone paving to match the recent paving in the northern Saints Chapel but retaining all ledger stones and the existing wrought iron heating grilles, and 3. to install under seat heating in the Chancel choir stalls and electric heaters beneath the altar.
2. The matter was considered by the Diocesan Advisory Committee (DAC) on 3rd December 2019. Minutes of the meeting record that “The Liturgical Adviser agreed that this pulpit was not used and was not in a good location; its position made the area very constricted. The inspecting architect confirmed that the stone base of the pulpit simply leant against the adjacent pillar so it could be removed without causing any damage. The floor underneath would be made good to match other areas of new stone paving to be laid elsewhere in the church”. The DAC recommended the proposal as it did the other proposals concerning the boiler and heating.
3. The matters were both referred to me on the Online Faculty System. On 23rd December 2019 I directed in relation to each matter that I was satisfied that the petitioners had made out their case and I directed that that “subject to the relevant display of Public Notice and no objection being received, a Faculty shall pass the seal until further order”.
4. Following the display of Public Notice two letters of objections were received. They were from D Hawthornthwaite and David Michael Ferry.
5. The Registrar, in accordance with the Faculty Jurisdiction Rules (FJR) 10.3, wrote to each of the objectors explaining the options facing them, namely whether to formally object by filing a Form 5 document, or to allow me to take their letters of objection into account when coming to my decision, without them becoming parties to contested proceedings.

6. Neither of them replied to the Registrar's letter. Consequently under FJR 2015 Rule 10.3(2)(d) they are deemed not to have become parties opponent. FJR 10.5(2) then requires me to take account of any letters of objection, and any comments on them received from the petitioner, in reaching a decision on the petition.
7. The Registrar had of course also written to the Petitioners to inform them of the objections received. In due course they responded to the objections in a letter received in the Registry on the 18th February 2020 setting out their response to the letters of objection.
8. I can summarise the objections that have been made. D Hawthornthwaite said that he sees nothing wrong with the pulpit, and that while remarks have been made about its position marring the view from the nave to the chancel he considers that it is part of the parish church and has been for many years. He sees that there is concern about the pulpit being in the way of performances and other moneymaking events, but nothing that could not be overcome with the right mind. He thinks money would be better spent eliminating drafts from the windows before going ahead with the new heating proposals. Mr Ferry writes to express dismay at the proposed removal. He says that although he has no idea of its age he assumes it is at least 19th century and considers it an important structure of the church. He says it is where the majority of the congregation can see who is speaking which is not possible when someone is speaking at ground level. The removal will be another example of the erosion of tradition not only at All Saints but within the church as a whole.
9. In their response the petitioners reiterate that the primary reasons for removing the present pulpit are liturgical. "The layout of the pillars at the front of the nave is such that there is a narrowing of the space, giving a sense of divide between the nave itself and the tower and chancel beyond. Long-standing arrangements for use of a nave altar and for the seating of presiding ministers is unsatisfactory and contribute to this sense of divide. Without the pulpit in its present position the ministers' seats could be moved and we are fairly confident that it would make better sense of the building as a whole. For many years All Saints has used an altar situated under the tower between nave and chancel. We recently had a temporary licence for reordering to try an altar at the front of the nave, feedback is that it is in principle welcome, but the space is cramped – removal of the pulpit would allow for the nave altar and open up the space for administration of communion." They recognise they have perhaps not been clear about their intentions when the pulpit is removed. They would like to be able to look at the space and then come up with a good plan, possibly with the use of another temporary licence. That is likely to include some manner of pulpit/ambo/lectern that will raise the speaker up, but which is less central than the current arrangement, and is preferably movable, to aid the flexibility of the space.
10. In all these circumstances the matter has now been referred back to me for a final decision in relation to the proposals.

11. The test that I must apply begins by considering whether the petitioners have made out a substantial case for their proposal.
12. The case they advance is based upon a perceived liturgical need. It is set out in the Statement of Needs as follows:

We need to remove the pulpit in order to:

- i. Create space to the west of the crossing of the church to enable the installation of a nave altar and associated ecclesiastical furniture;
- ii. Ensure accessibility and ease of circulation to future nave altar;
- iii. Improved sightlines to the nave altar from the north aisle;
- iv. Enable matching flooring to be installed during the underfloor heating project.

Why?

Trials of a variety of temporary nave altars and different configurations of furniture at the crossing have proved that accessibility to a nave altar for Eucharist and sightlines to the altar are significantly inhibited by the pulpit. This petition was originally part of the heating petition but has been submitted separately in case objections cause delay to the heating project. This proposal is part of the phase one works.

13. I have been provided with a series of photographs which show a view of the church from the west end looking eastwards, with further shots taken showing the nave altar in position from different angles, and also a photograph of the pulpit.
14. I have already noted that the DAC Liturgical Adviser is supportive of the proposal.
15. The church is Grade I listed. Although the listing details run to almost 1000 words, they do not include any reference to the pulpit. Pevsner begins his description of the church in this way: "A dark and imposing church, relieved by trees, marking the north end of the broad High Street. The crossing tower dominates the church. It is Perp (nearly entirely anyway) As one inspects the building more closely, it is at once patent that parts of it are much older." He then goes on to describe the many 12th and 13th century features of this church. However even when dealing with some of the Victorian introductions he does not mention the pulpit anywhere in his description of the church.
16. The tests that I must apply in deciding whether or not to allow this proposal in the face of the objections advanced are set out in *Re St Alkmund, Duffield* [2013] Fam 158. In reaching my final decision I have to consider firstly whether the petitioners have made out a case for the proposal, secondly whether the proposals, if implemented, would result in harm to the significance of the church as a building of special architectural or historic interest, and thirdly, if they would, then there would be a number of other issues for me to consider. Finally I must weigh against the arguments in favour of the proposal those against it.

17. I am persuaded that the case set forth by the petitioners in relation to their liturgical needs is well founded. The current style of worship justifies their use of an altar closer to the congregation in the nave than the one set against the east end wall. They have used one for some time set under the “dominating” tower. They have experimented with one set further west and in the nave, but find the use there inhibited by the presence of the pulpit. The pulpit restricts where they can place the furniture for the ministers, movement of people around the altar and views of the liturgical action from the north isle. It is for these reasons that they wish to remove the pulpit. They would propose to ensure visibility of any preacher by using another pulpit or ambo.
18. So, in principle, I am satisfied they have made out a good case. The question that I must then ask is whether that removal will cause any harm to the significance of the church as a building of special architectural or historic interest. In the light of my references to the listing information and to Pevsner, I am not persuaded that it will cause any such harm whatsoever. In those circumstances the question of balancing that harm against the advantages simply does not arise.
19. That brings me to the question as to whether any of the arguments raised against the proposal are of sufficient weight to mean that I should not permit it.
20. D Hawthornthwaite’s objections amount to little more than that it is there and has been for some time and so should stay. Mr Ferry’s objections are that it is an important structure of the church and its removal is a further erosion of tradition. Perhaps of more significance is his point about the visibility of any preacher. As to that latter point it is to be dealt with by the provision of a new pulpit or equivalent piece of furniture which will be flexible in its positioning. I see nothing in the points raised either individually or even when taken together which amount to reasons why this proposal should not be permitted to proceed.
21. I therefore propose to allow the petition and grant a faculty
22. This being an ‘opposed’ petition the petitioners will have to pay the additional costs created by this being an opposed petition.

Canon Peter Collier QC
Chancellor of the Diocese of York.



20th February 2020