



Neutral Citation No: [2019] ECC Oxf 5

Faculty – Grade II listed church – Partial re-ordering – Historic England content but objections received from local planning authority and Victorian Society – Making nave pews moveable, reinstatement of pew doors, upholstered chairs in side aisles - Faculty granted subject to conditions*

Application Ref: 2018 - 027932

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: 1 December 2019

Before:

THE WORSHIPFUL DAVID HODGE QC, CHANCELLOR

In the matter of:

ST CLEMENT, OXFORD

**THE PETITION OF RACHEL GIBSON (Rector), ANDREW MUNDAY
(Churchwarden), and PHILIP LOCKLEY (Curate)**

Determined on paper

The following cases are referred to in the Judgment:

Re St Alkmund, Duffield [2013] Fam 158

Re St John the Baptist, Penshurst (2015) 17 Ecc LJ 393

Re St Peter, Shipton Bellinger [2016] Fam 193

Re St Peter & St Paul, Astonn Rowant [2019] ECC Oxf 3

JUDGMENT

1. By an online faculty petition dated 16 September 2019 the rector, the churchwarden and the curate of the church of St Clement, Oxford have applied for a faculty authorising the re-ordering of the chancel and side aisles and the carrying out of internal improvements to the church. St Clement's is a Grade II* listed church situated within the St Clement's/Iffley Road Conservation Area. Daniel Robertson's church is described in Pevsner's *Oxfordshire* (1974) as "a freak" (at p. 53) but only because (as explained at p. 291) "1828 is a remarkably early date for neo-Norman", which was to become the height of church building fashion slightly later, in the 1840s. The **Schedule of Works** described in the petition includes:

"... the disposal of 18 short pews (one from vestry) and four long pews. The relocation of two short pews to the back of the south side of the nave. The introduction of cafe style tables, folding tables for hospitality, two sofas and chairs. The alteration of the existing kitchen fittings, and introduction of cooking and washing appliances. Replacement of carpet (in blue) to the staging (in blue) and entrance foyer (in red). Creation of window between entrance foyer and main church, an internal doorway into the children's room, and an additional serving hatch from the kitchen. Blocking up of second internal doorway to storage room. Introduction of new storage cupboards within the vestry. Unfixing the nave pews from the floor to make them movable and introduction of two trolleys to enable easier movement of the pews. Relocation of the font and appropriate removal of the base. Removal of a proportion of the kneelers from the pews. Disposal of cupboards and shelving next to the organ and other items such as old projector screen and dismantled display boards. Sanding and reconditioning of the timber areas of flooring, removal and reconstruction of the staging to create additional storage within, and repairs to tiled floor. Disposal of the pulpit and communion rail and restoration of the communion table."

The proposed works command the unanimous support of the PCC.

2. There has been a considerable, and useful, degree of dialogue between the petitioners and the Diocesan Advisory Committee and its staff including a site visit by DAC representatives on 12 January 2019, an advisory report on the pews in the church by Dr Philip Lockley (the curate and one of the petitioners) in February 2019, a report from the Senior Church Buildings Officer on 27 March 2019, and, in July 2019, an 11-page response from the petitioners to the DAC's site visit and recommendations which addresses the areas of concern identified by the DAC, sets out the petitioners' revised proposals, and incorporates further specifications, plans, designs, images and photographs. As a result, the petitioners' original proposals have undergone appropriate development, refinement, and modification in response to input from the DAC and

its officers. The present petition falls to be considered against the factual background that alterations made to the church subsequent to its listing have affected one particular aspect of its historic list description – in this case, the reference to the church’s “intactness”. This petition also affords a useful case study illustrating how petitioners and those involved in advising on the conservation of churches of special architectural and historic interest can work together, seeking to reconcile their occasionally conflicting concerns, interests and needs with a view to ensuring that listed church buildings may continue to serve their local communities as functioning instruments of prayer, worship, hospitality and mission.

3. By a **Notice of Advice** issued on 16 September 2019 the DAC, whilst recognising that the proposed works were likely to affect the character of the church as a building of special architectural or historic interest, nevertheless recommended them for approval, subject to the retention of the remaining pew doors, which are currently stored within the church. Public notice of the proposals has been duly displayed at the church and on the Diocesan website but no objections have been received in response to these notices. Historic England, the local planning authority and the Victorian Society have all been consulted about the proposed works and their comments are recorded below (together with the detailed response of the petitioners submitted in October 2019). However, no one has expressed any wish to become a party to the proceedings. The court has naturally had regard to all the responses that have been received.

4. In December 2018 the Fabric Sub-Group of the Parochial Church Council produced an impressive and informative 28-page Statement of Significance incorporating coloured photographs, views and plans and also an equally helpful, comprehensive and persuasive 19-page Statement of Needs. The **Statement of Significance** begins with a helpful summary as follows:

“St Clement’s has long been a creative, pragmatic and missionally-minded church community. The current church was built in the 1820s on a green-field site, on what was then the edge of urban Oxford. The new St Clement’s replaced a smaller medieval church on the Plain, at the eastern end of Magdalen Bridge, and was designed to accommodate a growing population in East Oxford. Today’s worship space bears the adaptations of past generations seeking to express their faith in the creative and missional ways of their time, consistently working within the form of the original Georgian church.

The Victorians reordered most of the interior from the 1870s onwards, including a more extensive and elaborate chancel, new, expansive pews, stained glass, and a large organ. A century later, in the 1970s and 1980s, Charismatic renewal instigated further reordering, producing the present chancel staging for charismatic music and liturgical dance. In the same period, the rear of the worship space was further adapted for modern uses with a utilitarian set of single-storey rooms – a kitchen, toilets, a welcome foyer and children’s rooms – installed around a carpeted circulation space. Despite this history of on-going adaptation, the interior ordering of the church has now been left for a generation without substantial change.

The church was first given listed building status (Grade II*) in 1954. In addition to the modern St Clement’s being an extremely early example of its revived Norman style, and its building fund being associated with the curacy of John Henry Newman, principal reasons for listing included the design merit of later fixtures that followed the style of the existing building. The statutory designation further claimed the ‘consistency of style is enhanced by its intactness’.

The contemporary exterior of St Clement's shows few visible alterations since its construction, and – thanks to very recent substantial investment in stone-work, roofing and window repairs – represents its 'neo-Norman' style well.

Inside, the consistency of style has arguably been diminished by changes made in the 1970s and 1980s. Several of these changes now seem misplaced and of poor aesthetic quality, such as the single-storey rooms at the back or the brown colour carpeting on the chancel staging. At this time, a proportion of the 1870s pews was removed to make room for the front and rear adaptations. Those pews left have not been cared for well. Other alterations changed the fabric of the church only tentatively, when more creative solutions might have provided longer-lasting flexibility and space for evolving worship and mission. For instance, the Victorian chancel was stripped of its pulpit and communion rail, which were replaced with inferior alternatives now no longer used in the worshipping life of the present congregation. Historic features of some beauty in the interior such as the reredos and sanctuary space are now hard to enjoy and could be made more of. Retaining many pews in the side aisles – which have not been needed for all but the very largest services for some decades - has restricted the church from using the considerable space available in the side aisles for other, more missional, creative and hospitable purposes.”

5. Section 2 of the Statement of Significance addresses the statutory designation of the church on 12 January 1954. This includes the following statement:

“St Clement's is a remarkable building for its time. The Norman Revival is mainly associated with a short period between the late 1830s and mid-1840s, so St Clements is a very early example. The church at Kenninghall, Berks, is thought to be by the same architect and that too dates from 1828. What is also of significance is the way the 1870s restorer, E G Bruton, was careful to follow the stylistic precedent of the building at a time when Gothic had virtually swept all before it in works of church building and restoration. The pews are particularly unusual and significant.”

The principal reasons for designating the church at Grade II* level are said to be that: (1) It is a very significant and extremely early example of church-building in the revived Norman style. (2) Although later, the fixtures are highly interesting and important in following the style of the existing building, as well as having intrinsic design merits. (3) The church was an early response to the challenge of C19th urban growth, involving the notable cleric John Newman in its genesis. (4) Its consistency of style is enhanced by its intactness.

6. Section 7 of the Statement of Significance describes, and assesses the significance of, the church's furniture, fixtures and fittings. Paragraph 7.1 specifically addresses the pews, which are said to be of “Moderate Significance”. The text reads:

“St Clement's has a large number of wooden pews not original to the 1820s church but installed in an extensive 1876 refurbishment. They consciously echo the 'neo-Norman' style of the building, featuring 'round-headed ends with zig-zag decoration and wooden nook shafts with cushion capitals'. They originally had pew doors at each end (see fig. 16), removed in the mid-to-late twentieth century, though retained and stored above the foyer.

The shorter pews in the two side aisles used to be attached to the floor, facing forwards in rows. Since an early twentieth-century heating system was put in, these 100-inch side aisle pews have either been adjusted crudely to fit around the heating pipes, or stood at an angle, so as not to encroach on the tiled walk-way. In recent years, the side aisle pews have most commonly been stacked close together, unused, as the present church congregation can easily be accommodated on the central 140-inch nave pews (capacity c.200).”

Later paragraphs address, and assess the significance of, (amongst other items) the pew kneelers (low significance); the reredos (moderate significance); the pulpit (which replaced the Victorian original after it was removed during the reordering of the late-1970s to create the staging and was fashioned from re-cycled choir stalls and placed on an extra piece of staging constructed for the purpose and is assessed to be of low significance); the two communion tables (neither of them original and of low significance); the communion rail which was installed in the late 1970s or early 1980s and is said to have “the unfortunate effect of hiding much of the glazed tiling behind it, unless seen up close” (low significance); the floor finishes (moderate significance); and the 1870s’ font which was moved from its traditional position at the back of the church, near the entrance to the south aisle, in 1972 and was then moved again in 1984 to stand on a scrap of carpet in a corner of the north aisle, close to radiators and the organ console, together with the eight-sided stone base which is now broken in two and remains in the south aisle “marooned” from the font (moderate significance)

7. Section 1 of the **Statement of Needs** seeks to put the petitioners’ proposals in context. It reads:

“St Clement’s is an informal, creative and missionally-minded church community. The worshipping congregation includes people of all ages and diverse backgrounds, reflecting and celebrating the diversity of our location in East Oxford. The church has two (or three) services each Sunday with varied forms of worship drawing creatively on mainline Anglican liturgy, as well as the Taizé community and the Celtic tradition. Sung worship in the mornings is predominantly led by a modern worship band, while worship in the evening is typically more contemplative. Some services include an offer of prayer ministry and anointing. With twin projectors linked to a lap-top, audio-visuals enhance worship and preaching. Regular Sunday activities for younger members of the church include Youth Church, and a growing Junior Church and Creche. Once a month, a morning service is designed around inter-generational worship, and often includes an informal talk, congregational interaction, and movement around the worship space.

The church has multiple mid-week home groups attended by a significant proportion of adult members of the congregation, in addition to mid-week youth events. There is a monthly Cafe Club for older members of the church and wider community, and a monthly ‘Messy Church’-type Cafe Church for families in the local area. Enquirers and discipleship courses such as Alpha and Pilgrim are run on a regular basis. Baptisms, services of confirmation, weddings and funerals are held as occasion arises.

Welcome and hospitality are important at St Clement’s, and socialising over coffee and refreshments after Sunday services lasts an extended period. At regular points in the year, bring-and-share Sunday lunches and meals before evening events are held at the back of church or (in summer) in the churchyard.”

Section 2 sets out the church's vision:

“St Clement’s current worship space bears the adaptations of past generations seeking to express their faith in the creative and missional ways of their time. Despite this history of on-going adaptation in the nineteenth and twentieth centuries, the interior ordering of the church has now been left for a generation without substantial change. The present life of the church is significantly constrained by this inheritance.

As a church family we long to share our faith and worship through welcoming all into an attractive, orderly, comfortable and engaging space. Such a space will speak of our care for this place, and so our care for each other and for everyone for whom God cares. A disorderly worship space – with redundant furniture stacked in sight, faded and stained floor surfaces, and a font placed in a corner – does not communicate care, nor the value of the Gospel we want to share. Neither does such space serve the welcome and hospitality we want to offer or allow us to gather groups for prayer or more creative and contemplative worship in alternative configurations of the space.

Our aim: to make St Clement’s Church interior a more attractive, welcoming and flexible space for worship and hospitality, prayer and welcome for all ages.”

Section 3 sets out the church's needs:

“1. Flexible and comfortable space in our side aisles. These aisles currently serve as temporary spaces for hospitality after the service (space to talk over coffee), space for parents to supervise young children (a carpeted children’s area), and space to pray. We would like to improve and equip these spaces for these existing uses, and for new ones, such as hosting community exhibitions like Art Weeks, hosting larger scale meals together as a church family, offering prayer and anointing during and after Holy Communion, offering wheel-chair accessible evening worship.

2. A kitchen fit for purpose. Linked to the need to equip the side aisles for hospitality is a need to update our kitchen facilities to enable food and refreshments to be more easily prepared and served.

3. A more attractive and flexible central worship space which enables better use of our inherited pews. We need to improve the appearance, comfort and flexibility of the central nave area of the church as well as the side aisles, which retains pews fixed to dusty grey timber floors and many awkward pew kneelers.

4. A chancel staging area that enhances our worship, particularly when celebrating Communion. We need to improve the appearance of the chancel staging area, to restore the beauty and practicality of this space. This will involve replacing its grey-brown carpet tiles, updating the steps and staging blocks, restoring and moving the larger Communion Table to a position for regular use, and removing mostly unused items of fabric which were not original to the church. We also need more storage capacity in the vestry area, and for music equipment.

5. A relocated font. The church font is currently located in a corner of a side aisle, hard to see from much of the church, and awkwardly positioned for baptism parties to stand around. We need to move the font to a more visible position for its regular use – one which communicates the importance and value we place on baptism as Christians.

6. Improved welcome spaces. We need to continue to improve the first spaces any visitors enter at St Clement's. The main entrance to the church opens on to a small, low-ceilinged foyer with double doors to either side. The bare wall that greets visitors has recently been improved by a welcome sign, but this remains a disorientating space for visitors, as it gives no easy indication of what lies the other side of the wall. We need to give newcomers a clear orientation of where to go and what to expect. We further need to replace the carpets in the welcome foyer and in the back area of the church, as these decades-old furnishings are looking tired.

7. A tidy and orderly church space. Finally, we need to dispose appropriately of a range of items currently stored either on the mezzanine level above the foyer space or in plain sight in other corners of the church. These include all the old pew doors, which have no use now, will never be used, and are unsightly. Other items include an old projector screen, and broken noticeboards which should really have been disposed of some time ago but were not."

Section 4 sets out the petitioners' proposals in detail. Section 5 is headed "Justification". It reads as follows:

"These proposals represent the logical next stage in a wider, on-going and much needed work to restore and equip St Clement's Church building for mission, worship, and welcome in Christ's name in the 21st century. Since 2015, the entire interior of the church has been redecorated (the first time in 30 years), and substantial works to repair the roof have been completed. We are in the process of cleaning and restoring all our historic windows – plain and stained glass (neglected for decades). We now have new projectors and screen systems which enable and enhance our contemporary worship. We have new noticeboards and displays in our welcome area which communicate the vibrant life of the church. We feel ourselves to be a church growing with God – a community of God's people being restored to confidence, being led deeper in our discipleship.

We need these proposals to be realised to give us a flexible, clear, attractive and comfortable space that will serve our worship, welcome and growth in our life together. Until then, we will remain constrained by a range of interior furnishings no longer used or fit for purpose and will continue to neglect the more beautiful items of our heritage – the font, the Sanctuary Reredos and tiling, the Communion table. Despite our recent efforts to redecorate the walls and ceiling, and our extensive work on windows, communications and AV, the present state of the interior of the church will continue to send a mixed message of our care for this place. Visitors and new-comers will still see stacked pews, redundant furniture and various kinds of un-stored clutter. The children's area will remain ill-equipped and retain a feel of receiving cast-off furniture. The kitchen will not be able to cater for the numbers we want to host at refreshment time, lunches and evening meals. The side aisles will not be realising their potential to offer us flexibility for worship, prayer and hospitality. Instead, they restrict, distract and hinder in their current state.

Plans were drawn up in the early 2000s for a very different and more extensive re-ordering project at St Clement's. But the energy, time and finances were not found at the time. A significant proportion of the church family has changed since then; yet it is the

present PCC's aim to learn a lesson from this memory. We are seeking to work gradually to improve and evolve our building, not fix on one plan and delay until a time everything might be achieved at once. The Rector and Curate are working hard to build lay teams that are encouraged and experienced to take forward successive fabric projects collaboratively, consistently, and sustainably.

The St Clement's congregation has been consulted widely on these proposals. Two consultation processes in the Spring and then Summer 2018 demonstrated a high level of enthusiasm for these developments. The proposals have been adapted to take account of congregation comments and suggested improvements. PCC support for these proposals is unanimous.

A few specific aspects of these proposals may be perceived as harmful to the significance outlined in the Statement of significance. These are: (1) the proposal to dispose of a proportion of the 1870s pews, which have been recognised for their design merit and their being unusual for following the style of the building; (2) the proposal to lift and plane smooth the feet of the remaining pews while reconditioning the nave floor so that the pews can be moved for flexibility in the nave space; and (3) the proposal to dispose of the redundant pew doors, which were original to the pew design.

In each case, any perceived harm will be outweighed by public benefit. (1) A substantial number of examples of the pews are being retained in these proposals – and of these any in poor repair will be restored. It is noteworthy that there is by no means a 'complete set' of pews from the 1870s reordering anyway, as a significant number were removed from the church in the 1970s. It may be argued that one of the points made in the original 1954 listing - on the 'consistency of style ... enhanced by its intactness' – is no longer apparent in the state of St Clement's today and will not be recovered. (2) The disposal of the side aisle pews will enable these spaces to be put to more viable and far more practical use for worship and mission, so improving the building's ability to fulfil its public role. The church no longer has the same 'public role' envisaged in the 1870s, of accommodating close to a thousand people to hear a preacher. St Clement's now understands its role of welcome and worship, sharing hospitality and engaging the outsider, as best achieved through having flexible, open space in its church, while honouring the beauty of its inherited building. The ability, on occasion, to move the pews in the central nave area will have the further benefit of liturgical freedom, bringing further dynamism to our worship. (3) Smoothing the tenon feet of the pews is a practical solution to the challenge of sanding and re-sealing the historic timber floors of the church, while maintaining regular services of worship in the church space during the works. No visible part of the pews will be affected. The pews are so substantial, their strength and stability will not be adversely altered. (4) The pew doors are never practically going to be re-united with the pews in situ, as they would make the pews less accessible to members of the congregation with mobility difficulties. For reasons of modern access, then, their storage is for a day that will not come. The doors' removal from the mezzanine will have the benefit of clearer, cleaner sightlines within the church, allowing the architecture to be better appreciated.

Other notable items suggested for disposal – the pew kneelers, pulpit and communion rail - are all of 'low' significance. (1) The present pulpit has little historic significance and detracts from access and use of that part of the chancel staging. (2) Removing the

modern communion rail will enable the Sanctuary tiling behind to be more visible and so allow one of the more beautiful features of the church to be enjoyed more during worship and the public when visiting at other times. (3) Removing the pew kneelers will make moving pews less complicated and provide more leg room for a modern congregation. A proportion of these kneelers will be retained for a period, on behalf of the two people who have voiced a concern that this kind of embodied worship should still be available for some.”

8. In a letter to the DAC dated 4 April 2019 written by Richard Peats (Inspector of Historic Buildings and Areas) in response to official notification under the *Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010* **Historic England** states that it has no objection to the proposed partial internal re-ordering of the church of St Clement. The letter states (after correcting obvious typographical errors) as follows:

“This church is primarily of importance as an unusually early example of a Norman revival building of the early 19th century. However, Bruton’s reordering of 1871-6 is of some significance. As an architect he is of local interest and the pews themselves are richly carved and more interesting than many examples of this date. The fact that they once had doors (apparently now in store) is unusual given that they date from 1870s. This significance is limited by the limited importance of Bruton as an architect and the fact that the interior has been much altered, with most of the chancel furnishings lost. I am impressed by the research that the Parish has done into Bruton’s work and wish all applications for similar works were as well supported.

Given that the significance of Bruton’s work is limited, the way aisle pews are stored suggests that seating here is rarely needed, and the Parish have demonstrated a clear need for more flexibility, I have no objections to the removal of the aisle pews. Making the nave pews moveable is supported as this would allow a greater degree of flexibility on an occasional basis without the loss of the bulk of the Victorian seating. Moving the font back to the west of the church is supported, and we have no objections to improving the chancel staging or kitchen facilities.

Recommendation

Historic England has no objections to the proposals.”

Predictably the petitioners have welcomed Historic England’s response, applauding its clear grasp of the church as it is today, and considering it to be well-balanced, weighing up a realistic appraisal of Bruton’s work with the much-altered state of the church now, and the demonstration of the need for flexibility. The petitioners concur with the observation that they only propose to make use of a greater degree of flexibility “on an occasional basis” (which they put at 3-4 times a year).

9. In an email to the DAC dated 26 April 2019 (and apparently composed without any knowledge of Historic England’s consultation response) Katharine Owen, the Principal Conservation Officer of the **Heritage Team at Oxford City Council** (a statutory consultee under the *Faculty Jurisdiction Rules 2015*) provides what are described as “brief comments” on the proposed works. Reference is made to the statement in the listing designation that:

“Although later, the fixtures are highly interesting and important in following the style of the existing building, as well as having intrinsic design merits.”

The response continues (correcting obvious errors):

“Given Historic England’s assessment, the loss of the pews would harm the special architectural or historic interest of the listed building.

It is understood from the documents submitted that the side pews have not been looked after well and are stacked up, unused, and the church would prefer to use the aisle spaces differently. It is not stated where the pulpit and pews would be removed to. Perhaps the pulpit could be placed somewhere in the church complex as a recognition of its significance? Removal of the font to a location in the church should be undertaken very carefully.

Given the coherent nature of the church, the proposals would cause harm to the significance of the church. Removal of items of significance would reduce the intact character which Historic England values as a reason for designation at grade II*. The values of the pews is high and the removal of them would cause [harm]. Although harm may not be ‘significant’, this is a very high bar. Harm can be less than significant; however, there are degrees of this. Therefore, harm to significance would be at the higher end of ‘less than significant’. Under Historic England’s ‘Conservation Principles’ the pews and pulpit have evidential, historic, aesthetic and communal values.

It is understood that church buildings continue to be adapted to suit current needs; however, the introduction of sofas and chairs and the other proposals can alter the character of the main church to a more informal one, so care needs to be taken that items are not out of keeping. Perhaps some of the 1970s works could be re-modelled to more sympathetic designs befitting the church’s grade II status.

Some of the proposals are broad aspirations such as the proposed conservation of the church tiles and floor, so without knowing how this would be done it is not possible to comment.”

The court agrees with the observation of the DAC’s Senior Church Buildings Officer on the local planning authority’s response that Historic England’s comments “... better reflect the significance of the church interior as it is today and perhaps indicate that an update to the listing description is needed”. The petitioners’ October 2019 comments on the local planning authority’s response are as follows:

“This submission is not based on a site visit or awareness of the direct response to these proposals of Historic England itself ... Some of the LPA suggestions seem tentative and are difficult to follow. (1) The reference to the ‘the coherent nature of the church’ appears to be based on the Grade II* listing reference to ‘consistency of style [being] enhanced by its intactness’ (also quoted by the Victorian Society). This does not take account of the substantial changes already undertaken within the interior of the church since the 1970s. We are concerned that our proposals have not been fully understood before these comments have been submitted. (2) It is suggested that the pulpit ‘could be placed somewhere in the church complex as a recognition of its significance’ when a clear case has been made that the current pulpit lacks significance, because it is not the original pulpit referred to in the listing, but one fashioned from re-cycled choir stalls in the 1970s reordering (Statement of Significance, p.19). We have clearly shown the pulpit does not have the ‘evidential, historic, aesthetic and communal value’ referred to under

Historic England's 'Conservation Principles'. (3) The concern about sofas and chairs being potentially 'out of keeping' was one shared by the DAC, and we have taken the requested care only to propose, for instance, that the sofas are introduced to the delineated children's area in a side aisle. (4) We are happy to comply with the request that the 'removal of the font to a location in the church should be undertaken very carefully' and will follow the instructions of our architect."

The court concurs with these observations and considers that these points adequately address the concerns of the local planning authority.

10. Special notice of the re-ordering proposal was given to the **Victorian Society** under FJR 9.3 on 23 September 2019 and their response is contained in an email from James Hughes dated 11 October 2019. The email records that the Society's Southern Buildings Committee has considered the proposals and, on the basis of its lengthy and careful discussion, Mr Hughes writes to register their "serious concerns and objections". The email merits reproduction in full:

"St Clement's is evidently a building of rare interest and importance. The *Buildings of England* describes St Clement as a 'freak', on account of its 'remarkably' early manifestation of the Neo-Norman style. The building's list description also describes it as remarkable, and it is so on a number of counts. List descriptions are not generally intended to provide an appraisal and understanding of the multi-faceted significance of a highly listed, multi-phase historic building. Some more recent listings though, or some that have benefited from recent revisions, are helpful in this respect. That for St Clement is especially useful (does it really date to 1954?), to a degree that is in fact extremely unusual (even more so if it dates to the 1950s), and it is worth considering its contents carefully. It obviously highlights the unusually early date for a building in a Norman revival style. But it also comments on the nature and quality of the restoration undertaken in the 1870s by the architect *E. G. Bruton*, something which is exceptionally rare for a list description. The section on the church's principal fixtures pays particular attention to the pews: '*The neo-Norman benches are most unusual and have round-beaded ends with zig-zag decoration and wooden nook shafts with cushion capitals*'. In its 'reasons for designation' it states that: '*it is a very significant and extremely early example of church building in the revived Norman style*'; '*although later, the fixtures are highly interesting and important in following the style of the existing building, as well as having intrinsic design merits*'; '*its consistency of style is enhanced by its intactness*'. '*What is also significant*', it states, '*is the way in which the 1870s restorer, E. G. Bruton, was careful to follow the stylistic precedent of the building at a time when Gothic had virtually swept all before it in works of church building and restoration. The pews*', it concludes, '*are particularly unusual and important*.' We agree wholeheartedly with these assessments, which, although brief, nonetheless offer a reasoned appraisal of the building and its benches, and the complex and inescapable connection between the two in considerations over significance.

Such effusive, detailed and direct statements on the nature, design and significance of a set of pews are so rare in list descriptions as to be almost unheard of. To draw such specific attention to them (when many list descriptions often fail to mention even good sets of them) is remarkable and extraordinarily compelling.

Bruton's work at St Clement alone shows him to have been an interesting, innovative and (in this case) sympathetic restorer of historic buildings. He was a relatively prominent local architect who developed a busy local practice, and we would dismiss the

idea that Bruton was somehow an architect of little interest or importance. Even if one takes that view, we do not really consider it all that relevant to any discussion as to the importance of the church of St Clement and the role that the pews – which are extraordinary in their design – play in that importance. Assessing the significance of historic furnishings based principally on the relative importance of their designer can only ever offer a flawed approach. Despite his busyness as an architect, and the fact that much of his work was in restoring church, there appear to be relatively few intact examples of his church restoration work, and arguably none that could be claimed to compare to the intrinsic originality of those at St Clement, complete with doors, or as pieces that were designed to furnish the internal space in a manner so consistent with a curiously early Neo-Norman conception. This point needs stressing: plenty of architects restored churches in a more or less sympathetic manner, particularly when it was a medieval church restored and furnished in a medievalising manner. The difference here is that St Clement is not a medieval building, but a church of 1828, one designed, moreover, in a highly unusual style. For an architect of the 1870s to be restoring and furnishing a Georgian Romanesque church in the manner that Bruton did seems highly unusual. Broadwell and Chipping Norton are referenced in the Pew Report, but neither of these buildings are Romanesque, be that genuine or Georgian, and neither of their sets of benches possess doors. We do not consider Broadwell's pews to be in a Romanesque manner (their simple quatrefoil motif is later medieval in spirit). The other 'Romanesque' churches referred to in the Report – Streatham (Romanesque of an altogether different order), Rigsby and Barton-le-Street – were all essentially built in single phases, and their pews are therefore not the result of or an unusual example of contextual furnishing in the way that Bruton's are at St Clement (and none of them carry doors). We acknowledge the link to the donor, but Streatley is not a Romanesque church of any description, its pews are not in a neo-Romanesque manner, and none of it is the work of Bruton.

What is interesting about all the examples noted in the Pew Report is that none of them truly compare with Bruton's work at St Clement. We are ourselves unable to offer a comparable example.

Another point to make here is that while more ornate Romanesque furnishings might exist elsewhere (and we should remember that significance is not defined by ornamentation alone), the pews at St Clement have to be considered in their context, not merely qualitatively or decoratively assessed against other C19 Romanesque furnishings that have no connection with this case or this building. What is ultimately at stake is the character and appearance of an extraordinary II*-listed church interior of more than special interest, not merely the fate of a set of 1870s benches.

The *Buildings of England's Oxfordshire: North and West* volume suggests Bruton's work can sometimes seem 'unnecessarily heavy-handed', and it is suggested by the petitioner that Bruton was an overzealous restorer of historic buildings. This is something that could be and indeed has been levelled at almost every architect, from time to time; but it would be unfair to do so at Bruton in the case of St Clement. The quote included in the Pew Report from William Morris, denigrating Bruton's work, is really neither helpful nor relevant to this case. Indeed, it seems entirely out of place in a document the sole intention of which is to provide an objective assessment of the significance of a building

and its furnishings and the impact of the works proposed to them (not one that arguably reads instead like a statement written to justify those works). It is disappointing that in addition to not really providing an entirely helpful and objective assessment of the seating, the Report also largely fails to attempt to articulate what the impact would be on the significance of the building as a whole of the works that are proposed to the seating, something that is surely required.

It is not entirely clear to us that the manner in which it is proposed to adapt the nave pews to make them moveable is appropriate or safe. Benches such as this were never designed or intended to be moved, and without careful adaptation it is quite possible that their being moved could lead to their becoming damaged, or their joints failing. Indeed, we have recently been consulted on a proposal in the Oxford Diocese of a church where this has occurred. The degraded state of the benches there seems largely the result of their being manhandled and moved in a way that their structure does not account for, and it is now being used in part to justify their being almost wholly disposed of. It is a salutary lesson. Another case the Society is dealing with currently is of a church where it turns out a set of important benches made moveable a decade ago have since been simply stacked upright in a corner of the church, and there left to rot and fall apart. They have played no visual or practical role in the building's interior, much to the loss of its historic and architectural interest, and they are now proposed to be disposed of altogether. The same should not be allowed to happen here at St Clement, and I don't mean to suggest that it would, or that that is in any way the intention here (by the same token I don't believe it was necessarily the intention at the church I have just referred to). However, making the benches moveable would nonetheless needlessly open this up as a possibility both now and in the future.

Furthermore, what will be the effect on the carefully sanded and treated timber floors of heavy, cumbersome benches being moved around on them? Are the jacks proposed really a viable solution? We are sceptical that making these benches genuinely and satisfactorily moveable is at all practical.

Another issue with making these specific pews moveable is that it would mean that the doors, which are unusual and intrinsic to the design of the benches, would become essentially redundant. As far as we are aware no faculty was ever granted for the removal of the doors from the pews, and if this is the case it is a serious matter. If so, the legal standpoint is that they remain in situ. Even were all the pews to remain in situ, it can only be argued that the removal of the doors would have a considerable impact on the special interest of the seating scheme, and on the interior as a whole. We therefore would object strongly to their being disposed of, irrespective of the fate of the pews. But we also consider it important that at least a portion of the doors are reinstated, although we recognise that that would entail the retention of a fixed block of pews. It seems unlikely, however, that a proposal to make the nave pews mobile would seriously now be being considered had the doors not been removed without consent.

However, any discussion of the doors, or of how (or whether) one makes the nave pews moveable is irrelevant if a need cannot be demonstrated for releasing the nave as a flexible space. No doubt an open, flexible space could be put to various uses from time to time. That, though, is not the question: the question is whether it is demonstrably necessary, and it is our view that the petitioner has failed to demonstrate a need for this

part of the scheme, that this is the weakest and most poorly justified element of the reordering, and the one that demands closest scrutiny. Clearing the aisle would provide the church with a large amount of open, flexible space, supplementing the generous area at the rear of the nave. Having been on site and read the documentation it is clear that the church has a strong rationale for freeing up and using these spaces. Such a rationale, one supported by a robust, evidence-based case from need, is lacking in respect of the nave and the proposal to detach the benches from the floor.

We would, in the circumstances, be content for the aisles to be cleared of their benches (despite their high significance and the detrimental impact their loss would have), for (good quality) new furnishings to be introduced in their place, for the font to be relocated (with its base), two pews at the rear of the nave replaced with shorter ones, the pulpit disposed of and the kitchen refurbished etc: in short, nearly all other elements of the reordering envisaged, which would in turn provide the church with everything it has made a genuinely compelling case that it needs. This is on the proviso that decent quality furnishings are introduced in place of the aisle benches (these should be entirely of timber and un-upholstered: there are perfectly suitable, affordable and comfortable chairs available within the budget the church has set), that the inappropriate plastic chairs are disposed of and, above all, that the nave pews remain in situ and fixed to the ground, with their doors reinstated. Any doors that are not reinstated should remain stored on site.

We also suggest that instead of carpeting the north aisle children's area that a mat is laid out there when required for the purpose and that the area is instead left otherwise uncarpeted. Apart from the fact that carpeting is generally not appropriate in highly listed historic church interiors, it seems regrettable to sand and finish to a decent standard the timber floor in the aisle only to cover it, and to do so in a way that would render the space both less visually coherent with the rest of the main body of the church, and potentially reducing flexibility when it is desired to use this space in different ways.

In light of the above we must object to the proposal to make the nave pews moveable, and to dispose of the doors, which are integral to the design of the historic benches. We propose instead that the nave pews remain fixed and in situ, and that their doors are reinstated (at least along the nave aisle, with the rest stored on site). That being the case we would be content for the rest of the scheme to proceed, with the provisos laid out above.

I confirm, despite our objections, that we do not wish to be made a party to proceedings.”

11. The church's October 2019 response to the Victorian Society's submissions begins by welcoming the Victorian Society's indication that they are content for much of the proposed scheme to proceed, including the clearing of the side aisles of pews, introducing new furnishings in their place, the relocation of the font, the disposal of the pulpit, the refurbishment of the kitchen, etc. The church's response also takes notice of the Victorian Society's suggestion that a moveable mat be laid out in the children's area in the north side aisle, rather than carpet, and interpret this to be in keeping with the church's proposed rolled out 'woollen rug' in their Statement of Need (at p.8). The church notes that the Victorian Society nonetheless object to the following specific details of the proposal: (1) to make the nave pews moveable, (2) to

dispose of the pew doors (requesting they be reinstated on the pews in situ), and (3) the upholstered style of chair intended to replace the aisle pews. The church's October 2019 document invites the court kindly to consider its response to these objections as follows.

(1) Making nave pews moveable

The Victorian Society alleges that it is unclear that 'the manner in which it is proposed to adapt the nave pews to make them moveable is appropriate or safe'. There is a fear that 'their being moved could lead to their becoming damaged, or their joints failing'. The Society further questions whether the proposed jacks are viable; and whether moving the benches on the sanded and treated floor will have a damaging effect. The church has responded to the DAC's own earlier concerns regarding the pews in their document 'Response to DAC's site visit and recommendations (July 2019)'. This offered the church's updated findings from a careful examination of the pews in question, revealing that they are currently only nailed primitively to the floor. This revises the proposals for adaptation made in the original Statement of Need (at p.11) and demonstrates with greater clarity that moving the pews will be both appropriate and safe.

The church now knows that these pews have, at an unknown date in the past, been taken up from their original tenon-joint fixing to the floor, adapted with replacement feet, and nailed back in place. The proposal to sand and treat the floor – which the Victorian Society do not object to – will require all the pews in question to be taken up anyway, to be lifted carefully from the floor as proposed. The only interventions the church proposes to the pews following this are removing nails from their feet and refitting the central seat supports. The church is not convinced this constitutes 'adapting' the pews inappropriately or unsafely: they have already been fitted with smooth feet which will sit flush on the floor, and – if anything – re-fitting the seat supports will strengthen them structurally. The church acknowledges that its original Statement of Need did not spell out the uses it might put to an open, flexible space in the nave in the same level of detail as it had done for the side aisles. It had thought that this was a minor request within the larger scheme and was perhaps not clear enough about how rarely it envisaged pew moving to occur (perhaps three or four times a year). Over this year, and since preparing the original faculty materials, and as the church's congregation has grown in different age groups, it has recognised a clearer and more urgent need for this flexibility. The church appreciates the concern voiced that past precedents of pew-moving elsewhere has degraded the state of benches when manhandled. The church is conscious of this and recognises that the greatest potential for damage is the moving process itself, especially pushing and pulling at ends and dragging across floors. This is what the proposed heavy-duty hydraulic scissor lifts will help the church to avoid (referencing fig. 26 on p. 12 of the Statement of Need). With a capacity for lifting 136kg each, these are said to be the ideal tool as a lift can be wheeled under the seat at each end, gently raising the bench several centimetres off the floor before it is rolled carefully to a new position, before lowering it gently again, to rest on its feet. To provide some reassurance, the church produces the alternative, temporary pew arrangement which it has most clearly in mind by allowing the pews to rest on the sanded and varnished floor rather than being nailed down (with the first five rows of pews on either side of the aisle of the nave turned inwards by 90 degrees so as to be parallel to the north and south walls of the church).

To expand upon the church's reference to temporary furniture arrangements at p.11 of the original Statement of Needs, which mentioned occasional all-age services and some evening Communion Services in the round, the church produces some images from a recent all-age service demonstrating an evident need for more flexible space as the church's front-level space is so constrained for its preferred ways of involving children in worship. It is said that this kind of informal inter-generational worship – which has grown to be among the church's best-attended services – would benefit from more central space for movement. The church invites the court to note the wheeled mobility frame as evidence of those with accessibility issues within the congregation for whom evening worship on the level would also be a welcome offer.

In conclusion, the church considers the Society's demand that the pews be re-fixed in the nave space after restoring the floor to be disproportionate. It expresses its surprise that the Victorian Society would want yet more nails inserted through the original timbers of both pews and floor. The original tenon joints are no longer present, and so it would seem standing these heavy and robust pews directly on to the restored floor, without fixing, is the option least harmful to the historic fabric in question. The church anticipates altering the straight-on arrangement of the pews only occasionally, and it has a method of moving them which will mitigate most of the dangers envisaged around manhandling. The church will willingly undertake periodic reviews of how well the pews stand up to moving and end the practice if deemed harmful. The church is resolved to care for these retained pews for the long term.

(2) Reinstatement of pew doors

The Victorian Society submission is said to make a robust defence of the significance of the pews, including a claim that the pew doors are “unusual and intrinsic to the design”, and a demand that they should not only not be disposed of, but also that they should be reinstated. The church has already accepted the DAC's own objection to the disposal of the doors, currently stored on the mezzanine level, so disposal is not proposed in the faculty application. The church is willing to continue storing the doors but would submit that reinstating any of the doors on to the retained nave pews would present new health and safety risks and challenges to the church's effective ministry, mission, and worship.

The church submits that re-hinging doors would make it far harder for anyone with limited mobility to access the pews. The church has several older, regular worshippers reliant on wheeled mobility frames, and other occasional worshippers use wheel-chairs, or are registered blind. These valued members of the church community already need two hands to ease their way to their seat in the pews. Introducing a hinged door that they need to hold open then close while they do that is said to be highly impractical and to lack compassion. Hinged doors with roller catches are said to present an added risk of trapped children's fingers and other bodily harm from doors opening and closing as people pass. St Clement's is said to be a growing church, with growing children's groups, and to be working hard to make itself a church attractive to young families as well as all other ages. The church would be deeply concerned that re-instated pew doors would be a cause of accidents and present a barrier in appeal and anxiety for young parents especially. Taking into account the church's informality and common use of movement in services, it is submitted that the sound of opening and closing pew doors would further have an indecorous effect on the church's worship. If one asks members of the

congregation who knew the church in the 1950s to share their memories of the doors, it is said that they seem only to remember the constant ‘banging’. None regret their removal.

In conclusion, the church points out that one of the stated aims of this faculty proposal is about making the church interior a more welcoming and hospitable space for all ages. Reinstating the pew doors would work against this significantly, and so the church strongly urges the court not to uphold this amendment to the proposal.

(3) Upholstered chairs in the side aisles

The Victorian Society insists on new furnishings “entirely of timber and un-upholstered” in the side aisles. The church has carefully considered a range of stackable chair options and has chosen a timber chair stained appropriately to blend in with the historic pews. Consulting other churches for their experience, the church is not, however, convinced that models in our price-bracket which offer “un-upholstered” seats are any more resilient, long-lasting or comfortable (a voiced concern of our older members) than those that are upholstered. As stated in the July 2019 ‘Response to DAC’s site visit and recommendations’, the church remains convinced that its choice of wooden, stackable upholstered chair is right for its needs – reflecting a preference voted on by the whole PCC. The church very much hopes that its choice of chair is accepted as appropriate.

12. As one particular concern of the Victorian Society is the reinstatement of the pew doors, the court was naturally concerned to establish how they had come to be removed from the pews and stored on the mezzanine level of the church in the first place. Unfortunately, the court has been informed by the Registry that, from records dating back to 1955, it “cannot see any faculty granted relating to pews or pew doors”. A copy of this Judgment should be provided to the archdeacon so that he can consider whether any steps should be taken to establish how the removal and storage of the pew doors came about in the mid-to-late twentieth century (and also how the side-aisle pews came to be stacked close together, unused).

13. The court concurs with the observations of the petitioners in response to the Victorian Society’s objections to their proposal to make the nave pews moveable. The court considers that any concerns about possible future harm to the pews from their movement are adequately addressed by the petitioners’ proposed mechanism for moving the pews; and further reassurance can be provided by the imposition of a condition requiring the churchwardens and the PCC to (a) undertake periodic reviews of how frequently the nave pews are being moved and how well those pews are standing up to such movement and ensure that written records of such reviews are retained within the church’s records and are made available for inspection by the archdeacon during his visitations and to the church’s architect or surveyor for the purpose of each quinquennial inspection report; and (b) end the practice of moving the nave pews if this is deemed harmful. The court also agrees with the petitioners’ response to the objection of the Victorian Society directed to the upholstered style of chair which the petitioners have selected to replace the aisle pews. Whether or not this style of chair would be appropriate for use in the nave of the church, the court considers that there can be no proper objections to the petitioners’ considered choice of chair for use in the side aisles.

14. The petitioners have already conceded the DAC’s insistence on the continued retention in storage of the pew doors and no longer seek to dispose of them. However, the petitioners strongly oppose reinstating any of the doors on to the retained nave pews essentially on the basis

that this would present new health and safety risks and challenges to the church's effective ministry, mission, and worship. The Victorian Society themselves recognise that that would entail the retention of a fixed block of pews. The court accepts the basis of the petitioners' objection in relation to the majority of the nave pews; but it considers that it should be possible to reinstate the doors to a limited number of nave pews without compromising the health and safety of members of the worshipping congregation or the effectiveness of the church's ministry, mission and worship. The court considers that such a limited reinstatement would reinforce the special architectural and historic interest of the church and would enhance its significance. It would also compensate for harm to the significance of the church that would be caused by the loss of the aisle pews and the occasional and temporary relocation and realignment of certain of the nave pews.

15. Since the church of St Clement is a Grade II* listed building, this faculty application falls to be addressed by reference to the series of questions identified by the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 (as affirmed and clarified by that Court's later decisions in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at paragraph 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193 at paragraph 39). These are:

- (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 not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- (3) If there would be harm to the significance of the church as a building of special architectural or historic interest, how serious would that harm be?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building, 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?

16. The first of the *Duffield* questions cannot be answered without first considering the special architectural and historic interest of the listed church as a whole and whether this would be adversely affected overall by the proposed works. The court needs to consider whether the proposed works will adversely affect the appearance, the character, and the setting of this Grade II* listed church, not in the abstract, but rather as "a building of special architectural or historic interest". When considering the last of the *Duffield* questions, the court has to bear in mind that the more serious the harm, the greater the level of benefit that will be required before the proposed works can be permitted; and that serious harm to a church listed as Grade I or Grade II* should only be permitted in exceptional cases. As this court recently observed in the case of *Re St Peter & St Paul, Astown Rowant* [2019] Oxf 3 (at paragraph 7), when applying the *Duffield* guidelines, the court has to consider whether the same, or substantially the same, benefit could be obtained by other works which would cause less harm to the character and special significance of the church. If the degree of harm to the special significance which would flow from the proposed works is not necessary to achieve the intended benefit because the desired benefit could be obtained from other, less harmful, works, then that is highly relevant. In such

circumstances, it may be unlikely that the petitioners could be said to have shown a clear and convincing justification for proposals which would, on this hypothesis, cause more harm than is necessary to achieve the desired benefit. At all stages when applying the *Duffield* guidelines, the court should bear in mind that the desirability of preserving the listed church, its setting, and all the features of special architectural or historic interest which it possesses, is a consideration of considerable importance and weight. The court has directed itself by reference to these expanded guidelines, which it has borne very much in mind. Naturally, the court had also paid due regard, as it is enjoined to do by s.35 of the *Ecclesiastical Jurisdiction & Care of Churches Measure 2018*, to the role of the church as a local centre of worship and mission.

17. The court must begin by identifying the significance of the church as a building of special architectural or historic interest. This is to be gathered from the listing description. The church of St Clement is a highly important, and extremely early, example of church-building in the revived Norman style. Although later, the fixtures, and particularly the pews, that were installed as part of Bruton's refurbishment in the 1870s are highly interesting and important in following the style of the existing building, as well as having intrinsic design merits of their own. However, the court considers that later changes to the interior of the church, made in the mid-to-late twentieth century, have tended to detract from the church's former consistency of style, and its "intactness", and have served to reduce the relevance, and the significance, of this particular aspect of the church's listing description.

18. Having identified the particular significance of the church, the court agrees with the Victorian Society that most of the proposed works will cause no harm to that significance. The current pulpit lacks historic significance because it is not the Victorian original referred to in the listing description but one fashioned from re-cycled choir stalls in the 1970s reordering. It detracts from access to, and the use of, that part of the chancel staging. Removing the modern communion rail will not result in any harm to the significance of the church building but will enable the sanctuary tiling behind to be more visible and so allow one of the more beautiful features of the church to be more readily enjoyed by parishioners during worship and by the public when visiting at other times. The relocation of the font will enhance its historic significance and re-unite it with its base. The court considers that the only aspect of the proposals that will cause any real harm to the significance of the church are the proposed changes to the pews that remain in the church. In the light of the changes to the church made in the mid-to-late twentieth century, the court considers that the harm caused by the loss and disposal of the pews from the side aisles will be low. A clear and convincing justification for this part of the proposal has been demonstrated; and the resulting low level of harm to the church's significance that would be caused by the permanent loss of the pews from the side aisles is far outweighed by the public benefits that would flow from the resulting enhancement in the role of the church as a local centre of worship and mission.

19. For the reasons stated in paragraph 13 above, the court does not consider that any harm will result merely from the proposal to make the nave pews moveable; rather, such harm will result from the potential for the realignment and relocation of the nave pews (even if only occasional and temporary) which is the intended object, and will be the effect, of implementing that aspect of the intended works. The court considers that such harm would not be "serious", but it would be more than merely "minimal". The court's assessment is that such harm would be "moderate". The court notes that the petitioners have expanded upon their justification for this element of the re-ordering proposal in their response to the comments of the Victorian

Society. The court is satisfied that the petitioners' Statement of Needs, as amplified and fortified by their October 2019 response, provides a clear and convincing justification for the proposal for the temporary, and occasional, relocation and realignment of certain of the nave pews. The court is also satisfied that the public benefit that would result from this particular aspect of the re-ordering proposal, in terms of improving the flexibility and effectiveness of the church's ministry, mission, liturgy and worship, would far outweigh the resulting harm to the church's significance. The court concurs with the assessment of Historic England that "the Parish have demonstrated a clear need for more flexibility"; and it notes Historic England's support for making the nave pews moveable "as this would allow a greater degree of flexibility on an occasional basis without the loss of the bulk of the Victorian seating". However, the court considers that the same, or substantially the same, benefit could be achieved by undertaking, at the same time, other works which would mitigate the harm that would be caused to the character and special significance of the church by the temporary, and occasional, realignment of certain of the nave pews, namely by reinstating the doors to a limited number of the nave pews, thereby restoring their original character and appearance. As stated at paragraph 14 above, the court accepts the basis of the petitioners' objection to reinstating the doors to the majority of the nave pews but it considers that it should be possible to reinstate the doors to a limited number of those pews without compromising the health and safety of members of the worshipping congregation or the effectiveness of the church's ministry, mission and worship. The court also considers that such a limited reinstatement would reinforce the special architectural and historic interest of the church and would enhance its significance. For this reason, the court considers that it is appropriate to include, as a condition for the grant of a faculty for the proposed works, a requirement that the remaining pew doors are to be reinstated on at least three of the rows of nave pews either side of the central aisle, with the precise details to be agreed with officers of the Diocesan Advisory Committee or (in default of agreement) as may be determined on reference back to this court.

19. For these reasons, I will grant a faculty on the following conditions:

- (1) The remaining pew doors, which are currently stored within the church, are to be retained.
- (2) The remaining pew doors are to be reinstated on at least three of the rows of nave pews either side of the central aisle, with the precise details to be agreed with officers of the Diocesan Advisory Committee or (in default of agreement) as may be determined on reference back to this court.
- (3) The churchwardens and the PCC are to (a) undertake periodic reviews of how frequently the nave pews are being moved and how well those pews are standing up to such movement and are to ensure that written records of such reviews are retained within the church's records and are made available for inspection by the archdeacon during his visitations and to the church's architect or surveyor for the purpose of each quinquennial inspection report; and (b) end the practice of moving the nave pews if this is deemed harmful.
- (4) The petitioners are to consult with officers of the Diocesan Advisory Committee regarding the manner of disposing of the redundant pews.
- (5) The relocation of the font and its stone base should be undertaken in consultation with the church's architect.

(6) The petitioners are to inform the church's insurers before any works are commenced and are to comply with any recommendations or requirements they may make or impose.

20. I also direct that a copy of this judgment should be provided to the archdeacon so that he can consider whether any steps should be taken to establish how the removal and storage of the pew doors came about in the mid-to-late twentieth century (and also how the side-aisle pews came to be stacked close together, unused).

The Worshipful Chancellor Hodge QC

Advent Sunday 2019