

IN THE CONSISTORY COURT OF THE DIOCESE OF ROCHESTER

Re: ST MARGARET OF ANTIOCH RAINHAM

J U D G M E N T

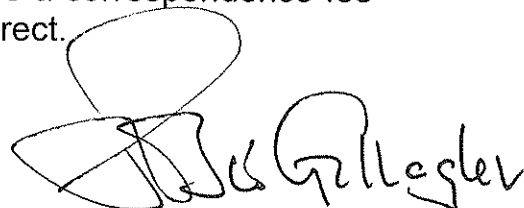
1. By a petition presented on 16th November 2016 the petitioners, being the Incumbent, the Reverend Judy Henning, and the Churchwardens, Mrs Janet Garnons-Williams, and Mrs Desiree Willis, have applied for a faculty for the reordering of the western end of the south aisle of the nave of the church.
2. The proposed works include: the removal of three areas of pews to the west of the north/south cross passage in the nave; the introduction of stackable chairs, including some with arms, and folding tables; the extension of the two storerooms beneath the organ pipe cabinets, one each side of the tower arch; the introduction of low level storage cupboards along the south external wall and against the east face of the below organ store room, on the north side of the tower arch; alterations to the hot water radiator heating system; the removal of three raised pew platforms and replacement with solid tiled floor construction, maintaining the existing clay tile solid floor walkways; and redecoration.
3. The cost of the proposed works has been estimated at £63,833.00 plus VAT. The PCC has £85,000.00 available to fund the works if a faculty is granted.
4. The church is Grade 1 listed with parts dating back to the 14th century, but, as is commonly the case with mediaeval churches, with many additions and alterations occurring over the ensuing centuries.
5. The PCC at a meeting on 8th November 2016 by a majority of 15 to 1 resolved to approve the proposed works.

6. The DAC by its Notification of Advice dated 21st October 2016 recommended the proposals, and gave as its opinion, inter alia, that such were not likely to affect the character of the church as a building of special architectural or historic interest, or the archaeological importance of the church, or the architectural remains existing within the church or its curtilage. It did however, issue certain recommendations and provisos, which I will return to below.
7. The Public Notice, advertising the proposed works has produced objections from the Victorian Society and, out of time, from Mr Barry Kemp, the church organist.
8. For reasons which are doubtless perfectly understandable, neither has elected to be joined as a formal party opponent to these proceedings. Assuming therefore, that all consent, I am content to deal with the petition on written submissions, but this, inevitably, deprives me of the opportunity of hearing and seeing the objectors give evidence, and of having that evidence tested in cross examination.
9. Historic England were consulted, and by their letter of 30th August 2016, written after a visit to the church by the author of the letter, indicated that they were; "content with the current proposal." They specifically commented that they were content with: "the proposed pew removal in that we consider the Victorian pews to be of minimal significance and that the proposed floor consolidation will not detract from the existing floor tiles or established aesthetic."
10. Mr Kemp's objection is restricted to the works sought to be carried out in the choir vestry. These are designed to provide more storage space. He asserts, without any detailed supporting evidence, that the cupboards are unnecessary, and that the works to an area used by the choir would restrict the provision of seating for them to use before the start of a service. Bearing in mind that Mr Kemp's objection is out of time, lacks particularity, relates to what I call practicalities, and comes from an individual who does not seek to become a formal party opponent, I reject his criticisms of the proposed works.
11. Objection is made on a different basis by the Victorian Society. In the email letter from Ms Sophia Laird, dated 23rd December 2016, in which they state that they do not wish to become formal party opponents, they nonetheless make clear that they wish to "register... strong objection to the proposed chairs which will cause gratuitous harm to this highly listed building They make no attempt to blend in with the existing joinery or character of the building. The incongruous and inappropriate design and colour of these chairs will cause harm to the character of the church."

12. In reply to this objection the petitioners have pointed out that the DAC and the PCC have considered the issues, and have concluded that, by way of example, chairs made of timber are heavy, and not easily stacked and stored, whilst lightweight stainless steel frames with a ply seat would add even more timber into the church. Thus the recommendation is for stainless steel framed chairs with upholstered seats and backs, which will provide; "relief from the timber interior," and, I assume, comfort.
13. In the email from the church dated 16th January 2017, it is stated that; "We did fully consider (the Victorian Society's preference) but in extensive consultation with our congregation they indicated a very strong preference for chairs with fabric seats and backs as they are more comfortable, 70% lower cost and no more costly on an ongoing basis, based on our own experience and those of other churches." The author of the email goes on to make the point that; "storage space in the church is very limited and requires maximum stacking into racks with a small footprint," that consequently; "there are very few chairs that are suitable," and that; the chairs proposed; "have been installed in many churches throughout the country, many Grade 1 listed, including some cathedrals."
14. It appears that The Victorian Society has not visited the church or entered into any direct discussion with the petitioners about the proposed works, and have made their submissions based on the photographs included in the faculty application. Thus it is said they; "do not realise that the chairs will normally be stored and only set out for major services and concerts and similar high attendance events such as funerals, of the order of 10 occasions per year." The pews that are being removed are effectively redundant.
15. In Re St Michael and All Angels Highworth 2016 ECC Bri 8 it was correctly noted that to some, pews have come to be regarded as being an essential part of the church's historic fabric, and that, as Chancellor Hill QC there observed; "The fondness with pews over many generations has been a noticeable feature of the Church of England which survives today." There can be opposing views with some wanting to maintain what they see as a link with the past, while others want to make the church more appealing and accessible. There is of course no theological basis for the retention of pews, nor is such sought to be advanced here.

16. In the instant case it is not the removal of the pews that is objected to but the use of the proposed chairs. The author of the email dated 16th January 2017, which I have already quoted from above, goes on to say; "We chose blue coloured fabric as it matches the carpet, kneelers and fabric in the rest of the church and around the altar and choir area, so they will coordinate well with the rest of the church. Our Lady Chapel has been furnished with 30 blue upholstered chairs since the 1980s." Moreover the only Victorian items in the relevant area of the church apart from the pews are the floor and a wall plaque which are being retained.
17. The petitioners also argue that the removal of the pews and the use of the chairs will; "add some colour and brightness to the area, which will enhance and make our church more attractive and welcoming, thereby increasing its use and attendances, so that we can increase our mission programme."
18. It seems to me that the argument in favour of need and desirability is irresistible for the reasons advanced by the petitioners. The Church is undoubtedly of special architectural and/or historic interest. Its Grade 1 listing establishes that. However, I do not accept that the provision of chairs which will be used only for high attendance occasions could be said to be such as to affect that special character of the church. In my judgment the test as set out in Duffield, St Alkmund 2013 Fam is therefore not engaged. If I am wrong in this respect then my finding is that no harm will be done by the provision of the chairs. The petitioners have further demonstrated a sufficiently good reason for the use of the chairs sought to be provided. To the extent that they may be seeking to depart from the Guidance Note on Seating issued by the Church Buildings Council under Section 55(i)(d) Diocese Mission and Pastoral Measure 2007, I am wholly satisfied that the petitioners have made out their case so that such departure is justified by reasons that are spelled out clearly, logically and convincingly. I refer to what I have recited at paragraphs 12-14 and 16-17 above.
19. For the reasons given above, I reject the objections advanced, and am wholly satisfied that the proposed works are both needed and are appropriate.
20. In passing I observe that had the Victorian Society been able to visit the church and see for themselves, first hand, the layout, and what had been done elsewhere in the church, and been able to engage with the petitioners on what was proposed and needed, much time and expense might have been avoided. I appreciate that there may financial constraints at work here, but communication is seldom costly, and rarely creates problems.

21. In the premises I direct that faculty issue. The faculty is to be subject to compliance with the six provisos recommended by the DAC in their Notification of advice. The works should be completed within 12 months or within such period as may be further ordered.
22. The petitioners must pay the Registry and Court costs of and incidental to the petition, in the normal way. There shall be a correspondence fee to the Registrar in a sum to be agreed, or as I direct.

A handwritten signature in black ink, appearing to read 'John Gallagher', written in a cursive style.

John Gallagher
Chancellor
27 March 2017