

IN THE LEICESTER DIOCESAN CONSISTORY COURT

CHANCELLOR BLACKETT-ORD

IN THE MATTER of Shawell, All Saints

The Festival of Bishop Boniface, Martyr

5 June 2016

JUDGMENT

1. All Saints Church, Shawell is a small village church of medieval origin which was almost entirely rebuilt in 1865-6 by the London architect William Smith.
2. Its Listing of Grade II* is slightly surprising, but it is a remarkably complete building with its Victorian interior altered very little.
3. I have seen a copy of the architect's plan of January 1865 showing pews occupying most of the nave and north and south aisles. Those pews are almost all intact today, with the consequence that in the church there is very little storage space and a lack of circulating area around the font (or anywhere else), and nowhere to accommodate a toilet or a servery without removing some pews.
4. If any pews are to be removed for this purpose, those at the back or west end of the north aisle are logically those that should go.

5. The priest in charge and two churchwardens consulted the DAC and a consensus was reached that application should be made to remove some of the pews and install a disabled-access toilet and a new serverly in the place of some of the pews at the rear of the north aisle.
6. In principle I sympathise with this proposal, and there is no opposition to it.
7. The difficulty arises with the pews themselves. At first glance, the sixteen pews in the north aisle are identical. But after a little study of them, it is apparent that the rear nine pews (although some have counted eight, but no matter) are smaller, and plainer in detailing, than the pews further forward. On the plan of January 1865 which I have mentioned they are identified as being "children's" pews.
8. On closer examination, it is clear that these nine pews are themselves of diminishing size, with the smallest at the back.
9. The last pew at the extreme west end could only possibly be used by small children.
10. I have visited the church and (by chance) met one of the petitioning churchwardens. She was knowledgeable about the church and its history, and told me that even the oldest parishioners had no knowledge of the children's' pews being used as such, and there was no realistic prospect of them being used as such in the future. The separation of children from their families in church is no longer fashionable (if it ever was) and we do not know why it was thought desirable when the pews were installed in or about 1865.

11. The recital in the DAC notification is to the effect that of the nine children's pews which are to be removed, three are to be moved to face towards the font at the south-west and north-west corners of the nave.
12. The present architect's plans (I refer to plan 1405/3) show not three but four pews in that position, and the commentary on the plan is this:

"Existing 7 nos. Child's Pews (North Aisle), to be carefully removed (to be re-sited in rear of Nave as shown, the remainder to be stored elsewhere in the Church). Pew dais to be shortened to the 8th pew which remains..."

I interpret this as meaning that the architect had counted eight rather than nine pews, and that only the eighth, i.e. the most easterly of the children's pews, would remain in or near its present position, on the pew dais which at present supports it and will continue to support all the adult pews to its east.

13. Historic England has stated in a letter dated 12 September 2014 that in its opinion the value of the children's pews in their original position is sufficiently high, that it cannot support the proposal for their removal.
14. The Victorian Society, in a letter of 24 September 2014, is more conciliatory on the ground that, "no more than one of the original children's pews is to be lost..." but I am not quite sure, as a matter of arithmetic, how it reaches that view.
15. I have considered the suggested guidelines for consideration of such cases of this set out in paragraph 87 of the judgement of the Court of Arches in *Re St Alkmund, Duffield* (2012) and I ask myself, and answer, the five matters mentioned there as follows:

- (1) Would the proposal result in harm to the significance of the church as a building of special architectural or historic interest? The DAC suggests No, but I cannot agree. My view is that the church would to some extent be harmed historically if all or most of the children's pews were removed from their present position.
- (2) and (3) The harm would be appreciable but not very great.
- (4) The justification is good, for the pews to make way for the proposed toilet and servery, because I regard such facilities as almost essential to modern worship, and there is no better position for them in the church.
- (5) Will the public benefit outweigh the harm? I answer yes, but I consider that even if the toilet and servery are installed as intended, it will be possible to mitigate the harm in the way that I suggest below.

16. My view is that the area now occupied by the children's pews should be cleared of those pews to enable the disabled-access toilet and the servery to be installed, as is proposed, but that some at least of the children's pews should be preserved as pews in the north aisle. In particular:

(a) I am doubtful of the merit of putting any of them around the north-west and south-west corners of the nave, facing inwards towards the font. They will occupy some space which is valuable there. I cannot see that they would be used. At a Christening the

principal adult participants stand around the font. Children sitting on low pews behind them would hardly get a look in. I would not advocate the repositioning of any children's pews around the font unless the PCC positively desires this.

(b) I am not taken by the suggestion that any of the spare children's pews should be "stored elsewhere in the Church". The church lacks storage space, and once these pews have been removed and stored, I see no circumstances in which they will ever be re-installed. They as may as well be disposed of.

(c) I am in favour of retaining one or two near their original positions, as a matter of historic interest. I would be in favour of at least two rows (perhaps the two smallest) to be moved westwards to be situated immediately to the western side of the proposed servery. If this means the removal of an existing adult pew, so be it.

17. I am conscious that by making these proposals I am advocating something which is not suggested in the paperwork on this petition.

18. The PCC may well feel that my suggestions are impractical or otherwise undesirable.

19. I therefore direct that the petitioners and their architect must consider my suggestions and either
 - (a) put into writing a statement of why they disagree; or
 - (b) if they agree, make a new drawing embodying the suggestions, and ask that the petition can be treated as amended to reflect that plan.
20. Whichever course is adopted, the papers should be returned to the Registrar who may either direct that a Faculty should be issued accordingly or may return the matter to me to deal with it.
21. I would allow the petition as to all other matters, and would provide that the provisos in the DAC notification stand as conditions of the Faculty.

Mark Blackett-Ord
Chancellor
5/6/2016

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Leicester