

In the Consistory Court of the Diocese of Salisbury

In the Matter of Shillingstone, Holy Rood

Judgment

1. The Incumbent and Churchwarden of this parish have petitioned for a confirmatory faculty in relation to works which were undertaken under the authority of an Archdeacon's Licence for a Temporary Minor Re-ordering granted by the Archdeacon of Sherborne on 11 July 2019. The works comprise the removal of eight pews and two pew frontals from the west end of the nave together with the consequential floor repair and making safe of exposed electrical wiring. It is proposed that the pews and frontals, which have been stored securely until now, shall be disposed of by sale to local purchasers where possible.
2. The works remove the two blocks of pews to the west of the crossing, opening up a space at the rear of the nave. The pews have been removed since October 2019. The effect of the proposals is therefore clear to any who have used or visited the church since that time, albeit with the necessarily reduced use and experience consequent upon the limitations imposed upon places of worship as a result of the current global pandemic.
3. Consultations have taken place, both with the appropriate statutory bodies and with the local community.
4. The Diocesan Advisory Committee recommends the work for approval. The Church Buildings Council and the Society for the Protection of Ancient Buildings have no reservations about the proposals. Historic England suggests the retention of a physical marker between the formally furnished east end of the nave and the newly open area to the west to ensure that the crossing remains legible and the historic pattern of movement through the building is preserved. The Victorian Society suggests that the retention of the frontals would "lessen the impact of disposing of a bank of pews and could sustain a sense of the dignity and formality of entering the building."
5. It is clear that there is some high feeling about the proposals locally. The local consultations have produced letters of objection from 16 individuals of 11 households and letters of support from 10 individuals of 9 households. None of the bodies consulted or objectors have decided to take party status in the proceedings, but I take account of the views expressed in determining this Petition.

6. The Grade I listed 12th century Church of the Holy Rood in Shillingstone was much remodeled and extended in the late 18th and early 20th centuries. A reordering by F.W. Hunt in 1888 added the north aisle and arcade as well as introducing the bench pews with which this application is concerned. G.F. Bodley was responsible for a further reordering in the early 20th century. According to *Pevsner*, Bodley was critical of Hunt's work. A further reordering in the 1970s removed Bodley's rood screen and in the 1980s the benches were removed from the north aisle and upholstered seats were introduced in their place.
7. The 1888 benches are described by Historic England as "of relatively moderate significance and simple design" and by the DAC as "not of great significance". Their principal contribution to the significance of the building is in their impact on the tranquil and orderly layout of the interior.

The objections

8. Any concerns of the statutory bodies are set out in the documents before the Court and the main issues referred to in the comments above.
9. The nature of the local objections expressed are varied, and I have read and carefully considered all of them. A number of the objectors have raised concerns about the lack of publicity and consultation in relation to these proposals. Some of this disquiet has come about as a result of a misunderstanding of the processes involved. The pews were first removed under the authority of an Archdeacon's Licence under rule 8.2 of the Faculty Jurisdiction Rules 2015. This useful mechanism allows parishes to trial and experiment with minor reordering schemes on a temporary basis before making a final decision about any changes to their buildings. At the time of the Licence granted in this case, such changes were limited to 15 months before steps needed to be taken either to reinstate the works or to seek permanent authorization for them through the grant of a faculty. I note that the maximum period has, since April of last year, been extended to 24 months. No permanent changes of this type may be made to the building without faculty permission, and the appropriate public notification occurs at the stage when the decision has been made to make the works permanent and a faculty sought.
10. The Faculty Jurisdiction Rules 2015 require Public Notices to be displayed for a period of 28 days. Given the constraints on the opening and use of churches (and indeed general circulation of people within communities) imposed by the current pandemic, I gave directions in March 2020 for alternative and additional provision of public notice involving the use of parish websites/social media pages/local newsletters etc. The Petitioners exceeded these notice requirements by repeated publication of notices in the benefice newsletter, the parish magazine, postings on Facebook and the display of posters, photographs and formal Public Notices. I am quite satisfied that more than adequate notice was given.

11. It is also clear from the letters that at least some of the objections are based on the misapprehension that all of the pews are to be removed from the church, rather than just the rear four rows. Some of the objectors also seem to be of the understanding that modern chairs are to be introduced into the church to replace the removed pews. That is not the case. The existing chairs will continue to be used as necessary whilst they are still in adequate condition, but no replacement chairs are to be introduced to replace the pews. Any future introduction of a body of replacement chairs will need faculty permission and the Petitioners recognize that a more appropriate and better quality chair will be needed when compared to the modern upholstered which were introduced in the 1980s. That is not a decision for today.
12. Equally, it is clear that a number of the objections are influenced by strong feelings arising from the authorized removal of pews from a neighbouring parish last year, which caused some disquiet in the local community. I make it clear that the circumstances of Shillingstone church, as with all churches, are unique. In determining the appropriateness or otherwise of these proposals I must have regard to the circumstances of this parish and this church building, and not be influenced any distresses felt arising from the circumstances in Okeford Fitzpaine.
13. Some of the objections are founded on concern about losing the link to past generations by being no longer able to sit on pews which have been used by those who have worshipped in the building before us. There is also anxiety expressed for ageing members of the congregation from the lack of physical support provided by chairs (as opposed to pews) when kneeling and rising. I consider that these objections can be safely answered by the fact that the main body of the nave will remain fully pewed with these same benches and that at all but the largest of services the entire congregation can be accommodated in the remaining pews. Equally the retention of the majority of the pews ameliorates any concerns about any potential links between these pews and some carved woodwork in the Old Rectory next door (although I have seen no evidence to support this link).
14. The remaining objections centre around a concern that the removal of these pews damages the sense of sanctity or the traditional character of the church interior; that it creates an open, rather cold space without discernable benefit to the church. The retention of the pews on castors is suggested as a compromise.

The *Duffield* Guidelines

15. The *Duffield* guidelines (set down by the Court of Arches in the decision of *Re St Alkmund, Duffield* [2013] Fam 158) must be used to assist in determining a petition of this sort. The first question addressed by those guidelines is whether the proposals, if implemented, would result in harm to the significance of the church as a building of special architectural or historic interest. The second guideline goes on to state that if the answer

to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals. Questions 3, 4 and 5 do not then arise.

16. I have carefully considered whether the proposed changes would result in harm to the significance of this church as a building of special architectural or historic interest. I have concluded that they would not. The proposals seek to remove eight pews and two frontals from the west end of the church. The pews themselves are simple, pitch pine benches. It has not been possible to trace any maker and most consultees accept that they are modest pieces of furniture. A significant block of pews is to be retained populating the main body of the nave which will retain the sense of order and calm provided by this 19th century seating. Although the definition of the crossing and the historic direction of movement about the building may be diluted by the removal of the benches and frontals, it will still be clearly readable within by the building by virtue of the clear distinction in the flooring between the aisle and the west end. Were the pews to be removed in their entirety, as appears to be the belief of at least some of the objectors, then I would have no hesitation in finding that harm would be caused to the special significance of the building, but I find that this relatively modest proposal does not meet that threshold in the context of this particular church and these particular benches.
17. Despite the determination that no harm would be caused to the special significance of the listed building, the Petitioners still face the burden of displacing the ordinary presumption in favour of things as they stand. Accordingly, I turn to the question of whether these proposals are justified by the evidence which the Petitioners have provided.
18. Proposals such as this one are very often justified by the need for a free space within the church which can be used flexibly for a number of purposes. I am very mindful that this congregation already has free space available to it within the building since the north aisle was cleared of pews in the 1980s. Why is this additional space needed?
19. The north aisle space is clearly well used and generally left set-up for its principal uses: a small chapel; a coffee making area; a children’s area. It is said that the pillars between it and the nave give it a naturally rather distinct or separate nature.
20. A prayer table has been set up in the new west end space. The Petitioners argue that its location offers an immediate message of welcome to those entering the building and that it speaks of a church whose life is centred on prayer – it is a missional space. They also say that the space has reduced crowding in the narrow exit to the building and provides a previously unavailable welcoming space, encouraging those in the building to linger and chat after services without fear of blocking the doorway. Importantly, the Petitioners emphasise the need for the building to speak of an inclusive

community. Before now, wheelchair and pushchair users have had to sit in the cleared north aisle space, separate from the congregation and their friends and family with limited views as a result of the pillars. The only alternative has been to block the aisles. The intention is that the newly opened up space at the west end will enable wheelchair and pushchair users to feel more included in the services by sitting in the main nave space. The Petitioners say that the newly open space is also used well for small acts of worship and as part of the available space when larger services are held. They say that it creates an easier and more welcoming space around the font for baptisms.

21. Having considered all of the evidence and representations provided I am satisfied that the Petitioners have discharged the burden upon them in proving that the proposed change is justified. They have provided ample evidence of the uses to which the space has been applied. Even in these times of pandemic, with consequential limitation in the use of the building, it is apparent that the space provided by the removal of these pews has and will continue to be put to good and effective use. The ability to better welcome and include young children and the disabled in worship and the provision of an open space at the door for welcome and circulation at the beginning and end of services in particular are needs which cannot be met by use of the north aisle space. To retain the pews on castors would serve little or no purpose. Even if moveable, the pews would need to be stored within the church when pushed aside. The Petitioners' justification is built upon the desire for an open space at the west end of the church, not simply the need for occasional additional flexibility.
22. The proposition that the frontals should be retained without the pews in order to maintain the structure and dignity of the interior would also have the effect of substantially defeating the purposes of the proposals. Wheelchairs and pushchairs would still be separated from the main congregation by the frontals, the flexibility of the space would be significantly limited. I acknowledge the need to retain an ability to clearly read the demarcation of the crossing as part of the history of movement around the building. However, the location of the crossing is clearly marked in the layout of the existing flooring, ensuring that the reading of this part of the church will not be lost. I accept the advice of the DAC that the Petitioners have made a good case for their removal, and that their retention would be limiting.
23. In the circumstances I direct that a faculty shall pass the seal confirming the works done under the Archdeacon's Licence.