

**In the WINCHESTER CONSISTORY COURT**

**ST. PETER'S CHURCH**

**SHIPTON BELLINGER**

**JUDGMENT**

**A. Introduction.**

1. This is a faculty application, dated the 19<sup>th</sup> September 2014, by the Rector and Churchwardens of St. Peter's Church, Shipton Bellinger ("the Church") to replace the existing font in the Church with a new font made of Purbeck stone, the new font to be installed on the south eastern side of the nave. It is proposed that the floor under the existing font be (a) repaired to match the surrounding area and (b) covered with a fitted carpet in keeping with, or forming part of, the surrounding carpet. The suggestion has been made that the existing font be offered for sale or given to another church or chapel. Failing a satisfactory sale or gift, it is proposed that the font be buried in a convenient place in the churchyard.

2. The application to replace the font was unanimously supported by a resolution of the Parochial Church Council ("the P.C.C.") at a meeting on the 27<sup>th</sup> February 2013. The proposal was subsequently recommended by the Diocesan Advisory Committee ("the D.A.C.") in February 2014. ChurchCare [the "Church Buildings Council"] are content to leave the matter in the hands of the D.A.C. In a letter dated the 22<sup>nd</sup> December 2014 ChurchCare's building officer stated:

"Based on the additional information provided on the history and significance of the existing font and the details of the proposed new font, we feel that the proposals will have a low impact on the interior of this Grade II listed church."

The Victorian Society has, however, objected to the application, and has become the Party Opponent. I have before me letters from Mr Tom Ashley, its senior conservation adviser, dated the 11<sup>th</sup> November and 19<sup>th</sup> December 2014. In addition, I have a letter dated the 27<sup>th</sup> October 2014 from Mrs Susan Turner of Salisbury Road, Shipton Bellinger. She opposes the application and has asked that her views be taken into account when a decision is made on the issue.

3. Both the Petitioners and the Victorian Society have confirmed in writing that they are content for me to make a determination of these proceedings under Rule 26 of the Faculty Jurisdiction Rules 2000. In the particular circumstances I am satisfied that it is expedient for me to make a determination on the basis of the written representations before me and this I propose to do. Nevertheless, in the light of the issues raised in the representations, I considered it crucial to pay my own private visit to the Church. This I did on the morning of the 21<sup>st</sup> February 2015. As will become clear in the course of this Judgment, my visit proved invaluable. Indeed, I would go so far as to say that, without visiting the Church, it would have been very difficult fully to understand and assess the issues in the case.

## **B. Background.**

4. Shipton Bellinger is a village a few miles to the west of Andover. It is on the edge of the Winchester Diocese and lies close to the garrison towns of Tidworth and Bulford. This is not without significance because, with the withdrawal of the Army from Germany, the garrison towns are filling up with military personnel and their families. Shipton Bellinger itself shows evidence of a large amount of new housing put up within the last twenty of thirty years. I am led to believe the population is now about fifteen hundred, and there are many young families in the village.

5. The Church is a Grade II building in the centre of the village. Its origins go back a thousand years, although nothing remains of the fabric of the Saxon/Norman building. The present building is formed of stone and flint, dating from the seventeenth century, but parts of it, including some of the stonework and the south door archway, are from the mediaeval period. There is a wooden-shingled bell turret. The design of the Church is very straightforward. It consists of a simple nave and chancel with bare walls and lancet windows. Towards the end of the eighteenth century the thatched roof was destroyed by fire. There was also considerable damage to the top of the walls and the windows. The building remained in poor condition until 1879 when a major restoration was undertaken at a cost of about £1600. This resulted in a tiled roof supported by an attractive set of wooden cross-beams forming the ceiling to the nave and chancel. The architect was a man called R J Withers, about whom little is known. He is certainly not regarded as a distinguished architect of his period. Accounts of the 1879 restoration suggest that, with the exception of the thatched roof, every effort was made to copy the original design of the building. The pews installed in 1879 seat approximately ninety people. There is space in the chancel for another twelve to fifteen people. The font, pulpit and chancel fittings were donated in 1879 by a former vicar of the parish.

6. It is this Victorian font which is the subject of the present Petition. It is positioned near the main entrance to the Church. The font is shown in a good photograph which accompanies the Petition. It rises to about four feet above floor level and is approximately three feet square. Each corner is rounded and rests on a short column. The font sits on a plinth approximately six feet by four feet. By any standards it is a large font for a small parish church. No mention is made of it in the Third Edition of



Pevsner's "Buildings of England" Hampshire volume, published in 1967. In the Fourth Edition edited by Michael Bullen, published in 2010, it is described as

"Outsize, showy High Victorian....by Withers in top gear".

I am uncertain what the last three words of this description add to the first two.

### **C. The Petitioners' Case.**

7. It is proposed that the Victorian font and plinth be removed and replaced by a small font in the corner of the nave adjoining the chancel on the other side from the pulpit. At present this space is used by a lectern and a side table. The new font would be much simpler than the existing one. It would be much more in keeping with the general design of the building. A photograph of the proposed new font is submitted with the papers. It would be of Purbeck stone with a brass or copper pipe down the middle for drainage, and with a brass plug to seal the bowl for baptisms. A similar font exists in Martyr Worthy church, elsewhere in the diocese.

8. The Petitioners point out that over the last decade or so the Church has been maintained to a high standard:

"The proposed changes are considered to be appropriate and in keeping with the appearance and atmosphere of a village church. It is anticipated that the change in the position of the font will bring the Church up to date with the expectations of its current reach and mission, and will serve its needs for at least the next few generations."

The Statement of Need continues:

"Social gatherings after main services and on other occasions have been constrained by the size and position of the present font, causing people to trip over the large step on which it stands; and it was thought by priests and the P.C.C. that the placing of this

sacred vessel at the front of the nave to balance the pulpit would be a more focussed and reverential setting for celebrating the sacrament of baptism.”

9. A sister church in the benefice, St. Nicholas, Fyfield, was recently granted a faculty by the Deputy Chancellor for an almost identical project. Both parishes have very much in mind the vision of Bishop Tim of Winchester:

“to live the mission of Jesus through imaginative use of sacred space”.

In the present instance the removal of the font would go hand in hand with the removal of a number of the pews and the lowering of part of the nave floor:

“to afford different configurations of the pews, and flexible spaces for both liturgical and communal gatherings”.

Currently, through “Messy” Church and Family Worship, every effort is being made to attract families and young people into the Church, and visits from the village school are encouraged. The Fabric Reserve Fund is currently in a healthy balance, so the proposal can be afforded.

10. The Petitioners summarised their reasons for their proposal in a submission to the D.A.C. in January 2014:

“At the time [1879] the old font may have seemed appropriate, but now its shortcomings appear to be:

- (a) it is much too large for a small mediaeval church;
- (b) with its large stone platform...it occupies too much space in a small church without side aisles;
- (c) the Church would be improved by a much smaller font in the style of a font which may have been a predecessor of the current 1879 font;
- (d) a new font positioned at the front of the nave would be more appropriate for modern services; and

(e) the removal of the old font would leave a much larger area of useful space at the back of the nave, thereby expanding the use of the Church for many other activities.”

In the Statement of Need the conclusions are that a new smaller font in the suggested position:

“will make a more coherent sense of the interior for its use for mission and ministry in the twenty first century, and make the building more accessible.....”

and it will promote:

“the spiritual and community life of the parish, through the use by the parishioners of their parish church”.

#### **D. The Case for the Party Opponent.**

11. In its Particulars of Objection the Victorian Society state:

“The removal of the Victorian font would harm the character of the Church as a building of special architectural and historic interest. No compelling justification for the removal of the font has been put forward”.

In his letter dated the 11<sup>th</sup> November Mr Ashley submits that the arguments for the removal of the font “are not persuasive”:

“If the plinth of the font is a problem, an application should be made to remove the plinth; to remove the font as well would be to throw out the baby with the bathwater. If there is a desire to celebrate baptism at the front of the nave, a second font (which could be moveable) should be used, as is done in churches across the country, and the existing font left alone”.

He cites a proposition of law to be found in Professor Hill’s “Ecclesiastical Law”

Third edition at page 271:



“...there does not appear to be any canon or rule of law which prevents there being more than one font in a church, although one font is normal”.

He suggests the idea of burying the existing font in the churchyard is “incomprehensible”. In summary:

“The historic font should be retained. If necessary, alteration should be made to the plinth, and a second font used for baptism at the front of the nave.”

12. In his letter dated the 19<sup>th</sup> December Mr Ashley states:

“the removal of the font would cause harm to the special architectural and historic interest of St. Peter’s Church for which there would be no sufficient outweighing benefit”.

He continues:

“even if the font were to be conveyed to another church or placed in storage, its removal from St. Peter’s Church would be sufficiently harmful to the nationally-important building, and is so poorly justified, that we would strongly object to the proposal in any case”.

He deprecates the D.A.C.’s apparent readiness to contemplate the burial of the existing font, arguing:

“There is no evidence in the Statement of Needs that the parish has given any consideration to the accommodation of the existing font, or considered other options to the disposal of the font, or that the D.A.C. has encouraged them to do so.”

In Mr Ashley’s view:

“St. Peter’s is not a mediaeval building; it might best be characterised, like so many other churches, as a Victorian re-imagining of one”.

13. Mr Ashley is unimpressed with the alternative font proposed. He describes it in trenchant tones:

“A modern knock-off of a run-of-the-mill Georgian design would clearly be a downward exchange for the Victorian font – a characterful and architect-designed part of a coherent and major re-ordering scheme”.

As for the suggestion that the proposed font in its new position would give more space at the back of the nave, he says:

“compelling evidence that wholesale removal of the font is absolutely necessary to create such space has simply not been presented – it is not clear what the space created by removing the font from the rear of the church would be used for, or how much is required – and that more sensitive options such as relocation of the font or removal of its plinth (which might also be harmful, but which we would be willing to discuss) would not suffice”.

In saying this, however, Mr Ashley frankly admits that he has not visited the Church himself.

#### **E. The Letter from Mrs Turner.**

14. In her letter dated the 27<sup>th</sup> October Mrs Turner, who is a member of the congregation and on the electoral roll, writes:

“I do not see any requirement for the re-location at this time. The church is rarely full. There is a very good village centre and sports and social club, which provide a venue for larger functions. If the decision is taken to move the font, do we really need to buy a new one – why not use the present one? In these times of financial anxiety I feel the money involved could be better spent on other projects.”

#### **F. The Response from the D.A.C.**



15. Mrs Cathy Roberts, the Head of the D.A.C. was, not surprisingly, concerned by the criticism from Mr Ashley about her Committee's position.

In an email response dated the 11<sup>th</sup> November she wrote:

"As you can imagine the D.A.C. does not recommend the destruction of fonts. However it has been the direction given to us by our ecclesiastical lawyers that, in accordance with Canon Law F3, the font bowl shall only be used for water at the administration of Holy Baptism and for no other purpose whatsoever. If it is not possible to locate the existing font with the Church or have the font used for baptism by another church or have the font stored securely, then the last resort would be to bury the font in the churchyard. We make parishes aware of the need to consider the future of the existing font, when the very rare instance of a parish wishing to introduce a new font occurs and encourage them to consider its accommodation as part of the faculty application."

#### **G. The Response from the Petitioners.**

16. In letters dated the 26<sup>th</sup> November Mr R. Hiscocks, on behalf of the Petitioners, responded to the criticisms of the proposal from the Victorian Society and from Mrs Turner. As to the former he said:

"The Church at Shipton Bellinger is fundamentally mediaeval, and in any event is small with little or no room for a font the size of the existing one".

He submits that the font was out of place when it was installed:

"St. Peter's Church is not a Victorian building".

Further, he argues:

“if the building is to be subject to changes from time to time as a developing and living church, then the time has come to have another change, and the people here wish to replace the present font with one much smaller in a different position”.

The Petitioners have no wish to bury the font in the churchyard, but are conscious of the provisions of Canon F1:

“Our much preferred alternative would be to find a large Victorian Church which could make use of the 1879 font”.

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17. In response to Mrs Turner, Mr Hiscocks makes the following points:

“i). It is specifically in the Church that the additional space is needed. The Church is always full on numerous special occasions and festivals throughout the year. Extra space is also needed for enlarging the social activities in the Church after each Sunday service.

ii). The present font is too big and out of proportion in any event; and it would be even worse if based in front of the congregation close to the lectern...

iii). The P.C.C. is keen to widen the social activities in the Church thus expanding the congregation. Therefore the P.C.C. considers that the cost is justified. The estimate for the new font itself is £3,312 including V.A.T. The figure of £10,000 referred to in the application is the P.C.C.’s approximate estimate of the maximum fund which should be reserved to allow for labour and extras.”

#### **H. The Law.**

18. Following the principles set out in *In re St. Alkmund's Church, Duffield*(2012) a Chancellor necessarily has to carry out a balancing process when considering a potential change to a church.

“(i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

(ii) If the answer 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.

(iii) If the answer to question (i) is “Yes”, how serious would the harm be?

(iv) How clear and convincing is the justification for carrying out the proposals?

(v) Bearing in mind that there is a 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?”

19. Before considering these questions in the context of the present case, it is appropriate to refer to another Court of Arches decision, *In re St. Peter's Church, Draycott (2009)*, which involved a proposal to sell a Victorian font to a private collector. In that case, however, (a) the font was introduced into the church when the building was consecrated in 1861, so it formed a vital part of the building from the start; (b) it was a work of artistic distinction designed by William Burgess “whose work now enjoys a very high reputation amongst specialists in the field of nineteenth century decorative arts”, (c) “the church would be diminished in interest by the disappearance of a work of considerable architectural, artistic and historic importance”, and (d) the justification put forward for the sale was the financial benefit accruing to the parish. Since the very recent *Wootton Armet* case (with which I am particularly familiar), any argument based on financial grounds has to be scrutinised



with especial care. The present case is not founded on such an argument. As can be seen, it raises an entirely different issue.

### **I. The Decision.**

19. I observed earlier in this Judgment that a visit to the Church has proved invaluable in understanding the issues involved in the case. Four features became very clear from my visit.

(a) The Church is essentially mediaeval in appearance. The renovation in 1879 restored the building to what it must have looked like in previous centuries. It is common knowledge that, in many instances where a Victorian architect was responsible for repairing and renovating an old church, he could not resist adding significant architectural touches of his own. That is not, however, the case with this Church. Mr Withers succeeded in carrying out his brief to renovate the Church to its original appearance. Leaving aside the font, there are no architectural frills. Instead, it has all the hallmarks of being a simple, little country church which has been in existence for centuries.

(b) This leads on to the second feature. The building is small. There are no side aisles. Space is very limited, particularly in the area where the font stands at the west end of the nave. This is well illustrated in one of the photographs accompanying the Petition, and it becomes abundantly clear when stepping into the building through the main door on the south side.

(c) The font itself is large and out of proportion to the small scale of the Church. It dominates the west end of the building. I noted at the time of my visit that

“it towers over the nearest pews”.

(d) The fourth feature which becomes apparent upon a visit to the Church is that there is no particular artistic merit in the design of the font. It is not unattractive in itself, but it is not in the same league as the artistic item being considered in the *Draycott* case. This is not to say that the font has no market value; but, in terms of its contribution to the significance of the architectural and historic interest of the building, it is at best modest and at worst negligible.

20. In the circumstances I reject the arguments presented by Mr Ashley. This is not a “nationally-important” building. The font is not an artistic treasure. It is a disproportionately large structure which seems distinctly out of place in the small mediaeval-looking Church of St. Peter’s. For the reasons I have given, I am very doubtful whether its removal would cause any harm to the significance of the Church as a building of special architectural and historic interest. In this context I bear in mind that the proposal is to replace it with a smaller, less obtrusive font of a design as shown in one of the photographs accompanying the Petition. Far from being a run-of-the-mill creation, this alternative font would be crafted by an excellent team of stonemasons in Dorchester. In the designated place at the front of the nave opposite the pulpit, the alternative font would become an asset to the Church.

21. The justification for the removal of the font is very strong. I am satisfied that the congregation at St. Peter’s is thriving. There are many young families in Shipton Bellinger. The potential for more families to attend services is very considerable. The encouragement and enthusiasm are there. What is needed is more space. These days family worship involves meeting and greeting, and generally making people feel welcome. People want to have refreshment after a service. It is an opportunity for conversation to occur and friendships to develop. Unless this is done in every parish church, church-going as a regular practice will die out in the next generation or two.

22. The present font and its plinth drastically limit the space in St. Peter's for meeting and greeting after a service. It would assist if the plinth alone were removed, but the font itself takes up valuable space which could be better used in the way that I have indicated. Removal of the font and plinth would implement the Bishop's invitation "to live the mission of Jesus through the imaginative use of sacred space".

23. Positioning the new font at the front of the nave would not only free up space at the back of the Church, but would enable baptisms to take place at the front of the congregation. In many churches this has become the norm. Baptising a child in the face of the congregation is a way of symbolising the introduction of the child into the family of the Christian Church, and the welcome which, in turn, the Christian family gives to the child. This is what the congregation at St. Peter's would wish. Under Canon F1(2) I direct that the font should stand at the front of the nave. This is a similar ruling to one I gave many years ago in the reported case of *In re St. James's Church, Shirley*(1993).

24. In the circumstances I am satisfied that the ordinary presumption in favour of things as they stand has been rebutted in this case. If, however, my judgment that there is here no proven or quantifiable harm to the significance of the church as a building of special architectural or historic interest is considered to be wrong, then such harm is of a modest degree. As I have indicated, I am satisfied that the justification for carrying out the proposal is clear and convincing. In my judgment, for the reasons I have already set out, the public benefit from carrying out the proposal outweighs by a wide margin the harm done. Accordingly, I grant a faculty on the basis that the works should be carried out within the next twelve months or within such further time as may be allowed.



25. There is one major proviso. Burying the existing font in the churchyard should be regarded as very much a last resort. I require the Petitioners to do every thing they reasonably can by way of publicity and advertisement to find a new home for the Victorian font. It would fit very well in a large Victorian church or chapel. As I have said, it is not unattractive, and it may well be more suitable and imposing than an existing font in another place. Furthermore, careful analysis of the judgment in the *Draycott* case shows that it is legally possible to dispose of a redundant font by sale or otherwise (see paragraphs 49 to 57). If no offer is received from another church or chapel, then in principle I see no reason why it should not be offered to a museum, such as the Victoria and Albert, or the county museums in Salisbury or Winchester. Failing an offer from a museum, I see no reason in principle why it could not be sold on the open market. As I say, the very last thing I should wish to authorise is the burial of this Victorian font in the churchyard. The faculty is therefore granted on the proviso that (a) every reasonable attempt should be made to transfer the font to another church or chapel, (b) failing such transfer, museums should be contacted, (c) failing a museum, sale on the open market should be considered, (d) whatever disposal is contemplated, my prior consent will be required.

26. In the usual way the Petitioners must bear the Court costs.

**Christopher Clark**

**Chancellor of the Diocese of Winchester**

**March 12<sup>th</sup> 2015.**

