

In the Consistory Court of the Diocese of Worcester

**Archdeaconry of Worcester: Parish of Suckley: Church of St John the Baptist
Faculty petition 18-30 relating to reordering of church building**

Proposed amendment relating to specification of chairs

Judgment

Introduction: the 2015 faculty

1. This is the latest, and hopefully final, chapter in the story of the reordering of the church of St John the Baptist at Suckley. It is therefore necessary to summarise that history briefly in order to understand the significance of what is now proposed.
2. The parish of Suckley is one of the largest in the county, but also one of the least populated – in remote, hilly countryside on the boundary with Herefordshire. The church is on the site of a medieval structure dating back to early Norman times; but the present structure was built in the late 1870s, to the designs of the Worcestershire architect William Jeffrey Hopkins. It is described by Bridges (in *Churches of Worcestershire*) as “a very urban looking church”; Sir John Betjeman noted that it “would grace a Birmingham suburb”. It is listed Grade II.
3. The parish in 2014 sought a faculty for what I described at the time as being “a remarkably ambitious programme of works” that would, if implemented in its entirety, have radically transformed the building into a multi-purpose space capable of use for much more than merely Sunday worship. They would, in particular, enable it to be used by the nearby school. There were twelve principal items of works proposed, together estimated to cost more than £300,000. The way in which they would have all been funded was not entirely clear.
4. I considered that the programme as it stood was unrealistically ambitious, and failed to command the whole-hearted support of both the worshipping community and those living in the neighbourhood. It had also raised concerns on the part of some amenity bodies. However, in April 2015, I granted a faculty to authorise, in principle, at least an initial tranche of works, as follows:
 - 1) the introduction of new heating under the floor, followed by either the installation of a new timber floor or the relaying of the tiles along all or part of the existing aisle and the laying of a new timber floor elsewhere;

- 2) the carrying out of adjustments to the pews in the nave, to make them moveable, and the purchase of suitable trolleys;
- 3) the introduction of toilet and catering facilities along the north and south walls of the tower, at ground floor level, along with associated arrangements for water supply and drainage and moving of a memorial;
- 4) the introduction of storage cupboards along the west wall of the side chapel;
- 5) the erection of a new enclosure for the gas meters at the base of the north wall of the tower; and
- 6) the improvement of the access between the school and the church, and the reinstatement of the path to the vestry door.

As would be expected, that faculty was subject to a number of conditions as to the approval of details.

5. But there were a significant number of items that had formed part of that initial programme proposed in 2014 that I declined to authorise, including:
 - 1) the removal of the pews in the nave, and their replacement with “more versatile seating, such as a mixture of stackable more comfortable pews and chairs to facilitate flexible worship and all other anticipated uses of the space” – save as authorised under (2) above;
 - 2) the provision of a nave altar;
 - 3) the provision of a new multi-purpose room in the area to the south of the chancel;
 - 4) the provision of storage – save as authorised under (4) above;
 - 5) the provision of improved IT facilities;
 - 6) the grading of the floor of the porch, to provide step-free access; and
 - 7) the provision of a new storage area for the lawnmower.

The 2017 application for an amendment

6. The parish then acquired both a new incumbent and a new architect. As a result, it submitted more detailed drawings and sought detailed approval for:
 - 1) the introduction of under-floor heating and new timber flooring;
 - 2) the removal of some of the pews;
 - 3) the screening-in and use of the vestry; and
 - 4) the introduction of a kitchenette, WC and upper room in the north transept.
7. By a second judgment, dated 17 November 2017, I authorized the first of these – the new heating and timber flooring – as the details that had now been submitted amounted to compliance with the relevant condition of the faculty.

8. But I declined to amend that earlier faculty to include the other items of works, as I felt that they should be the subject of a further petition, not least so as to enable those who had objected to the original petition to make representations, should they be so minded.
9. In particular, I did not authorise the removal of 24 out of the 36 existing pews, leaving in the church only ten, adjusted so as to be moveable. The majority of those proposed for removal were said to be affected by woodworm, and the parish considered that there was only space for ten pews (all shortened) to be retained against the wall or under the south arcade when the nave is in use for activities requiring a cleared central area.
10. The archdeacon then granted a licence dated 31 December 2017 authorising the temporary removal and storage of 24 pews, to enable experimentation with different layouts.

The 2018 faculty

11. As a result of my 2017 decision, the parish then sought a second faculty for a further phase of works improvements, as follows:
 - (1) the alteration of paths and porch to provide level access into the church;
 - (2) the installation of WC and kitchenette in the north transept, and the creation of a Sunday School room above;
 - (3) the introduction of glazed partitions to enclose the vestry;
 - (4) the introduction of storage in the base of the tower, behind a new partition screen;
 - (5) the redecoration of the church;
 - (6) the alteration of ten pews to make them moveable (with two fixed pews to remain by the font);
 - (7) the disposal of the remainder of the pews and their replacement with Chorus Theo stacking chairs.
12. There was some uncertainty as to the number of pews to be retained. Historic England initially objected to the scheme on the basis of the number of pews being lost, but withdrew that objection on the basis that 17 were to be retained. The Victorian Society and the planning authority had been consulted, on the basis of the retention of 17 pews, but had not responded.
13. It then appeared that the Parish was proposing to retain only 12 pews, and to dispose of the remainder. However, it was not clear which five were to be disposed of out of the 17 shown as being retained; nor whether the DAC or any of those consulted would object to their removal.
14. I therefore determined the petition on the basis of 17 numbered pews being retained, as shown on drawing 319B. And I stated, for the avoidance of doubt, that if any of those 17 pews were to be removed, that would need to be the subject of a further petition.

15. There appeared to have been no major objection to the temporary removal of the pews. One member of the congregation (who had also been a longstanding member of the PCC, and an objector to the original faculty petition) had objected to making that arrangement permanent.
16. As for the details of what was now proposed, I noted that no-one had raised any objections; and that it was a significant improvement on what had previously been proposed. I therefore concluded that the harm caused to the significance of the church as a building of special architectural or historic interest is modest.
17. I accordingly granted a faculty, by a letter dated 31 May 2018, subject to conditions including that:
 - (a) no works should be carried out until a detailed specification for the new timber screens and the replacement chairs had been submitted to and approved in writing by the Diocesan Advisory Committee (DAC) or, in default of such approval, by the Court; and
 - (b) the works should be thereafter carried out in accordance with the details thus approved.
18. It is that faculty, granted on 11 June 2018, that is the subject of the present proposal.

The present proposal

19. The new timber floor, with underfloor heating, was duly installed in August 2018, and 17 pews were retained, having been adjusted so as to be moveable. And some second-hand stacking chairs were introduced on a temporary basis. During the summer of 2019, alongside those, samples of four chairs were made available, to enable a trial to take place. Since at least some of those on offer were upholstered, fabric samples were also available for consideration.
20. The parish now wishes to amend the specification of the chairs to be included in the new scheme, from Theo oak chairs to Alpha SB2M chairs, upholstered in Granola Aquaclean. They give three reasons in support of this request.
21. First, as noted, they had tried out various alternatives – the Theo chair originally preferred; two chairs similar in appearance to the Theo, one upholstered; and the SB2M. The SB2M was rated the most comfortable and the most popular. And the granola (beige) Aquaclean fabric had been well received.
22. Secondly, after using the new space for eighteen months, and in the light of their experience with the various users of the church (churchgoers, visitors, the school, the toddler group, and those attending events), the parish “strongly” believed that a lightweight high-stacking chair upholstered in washable stain-resistant fabric (such as the SB2M) would be more suitable than an all-wood chair (such as the Theo).
23. Thirdly, the works already carried out had cost more than anticipated, largely due to unforeseen problems with utility connections. And fundraising for the second phase, to provide toilets and kitchen, was still to come. The parish were therefore forced to investigate savings wherever possible; and the SB2M chairs cost

£62.94 each, compared to £222 each for the Theo. That would represent a saving of £14,315 for the 90 chairs expected to be required.

Procedure

24. In my 2017 judgment, I considered the basis on which a consistory court should consider a request to amend a faculty. I held as follows:

- “14. It sometimes occurs that a parish wishes to amend a faculty. This may relate to something trivial, such as altering the detailed specification of some element of works that have been authorised, or extending the time within which works are to be carried out. But it may be something more major, and potentially controversial, such as removing twelve pews instead of six. A variation of this would be where a faculty authorises works, but requires the details of the works to be approved before they are implemented; the details are then submitted, but not in accordance with the original approval. The present case is an example of the latter.
15. The Rules provide that a chancellor may amend any faculty (Faculty Procedure Rules 2015, r 20.3). And there is nothing to stop anyone – in particular a parish – inviting the chancellor to make such an amendment. The Rules do not specify what kind of amendment may be made, nor what procedure is to be followed. However, the chancellor is only permitted to take such action if it seems “just and expedient” to do so. That means that a faculty should not be amended if it would be unjust to any of those who were involved – that is, those who made representations in relation to the original petition, or who might now wish to make representations. But the very existence of the power means that it cannot be right for a chancellor to insist that any change to works that have been authorised must be the subject of a new petition; were it otherwise, there would be no need for the reference to expediency.
16. It seems to me that it will normally be appropriate to amend a faculty without further ado where the change is very minor, and in particular where it amounts to doing something that has been permitted, but in a different way. However, more caution should be exercised where a proposed change relates to the substance of the works. So, for example, if a parish is granted a faculty to introduced blue chairs, but now wishes to choose a slightly different shade of blue from the one approved, that can probably be authorised with no further consultation. But if it wishes to save money by using a quite different quality of chair, or to choose a bright red one, that may need to be the subject of further consultation.
17. And if the change is to do something significantly different, that will obviously need to be the subject of an entirely new petition. That does not mean that the new petition will necessarily be refused; but it would not be just to prevent those who might wish to make representations from doing so.
18. Deciding whether a particular proposed change can be authorised by amending a faculty is bound to be a matter of fact and degree. But one test is likely to be a consideration of the probability of the change raising objections distinct from those that might have arisen in relation to the original proposal. And that in turn may require consideration of whether (and why) the original proposals were controversial. So, for example, if a parish is permitted to replace a pipe organ with a digital organ, and subsequently wishes to amend the detailed specification of the stops, those who supported or objected to the petition on

principle are not going to be troubled by the revised specification. But if at least some of the objections were on the basis of the cost of the new organ, and the revised specification is likely to increase the cost yet further, there might be more cause for concern, perhaps leading to a request for a revised justification.”

25. On that basis, I decided that the substitution of one type of freestanding chair for another was capable of being authorised by an amendment to the existing faculty, without the need to submit a completely new petition. However, the amended specification would need to be the subject of consultation with all of the bodies notified of the original proposal – that is, Historic England, the Victorian Society and the local planning authority (Malvern Hills District Council). I would also wish to be told the views of the Diocesan Advisory Committee (DAC).

Representations from consultees

26. Historic England declined to make any comment.

27. The Victorian Society commented as follows:

“In short, we would object to the proposed amendment, although we do not wish to be made a party to proceedings. The reseating of this church cannot be considered independently from the great amount of work and scrutiny that went into formulating, and ultimately broadly agreeing, the proposals for the wider reordering of the building. The judgments reached on the acceptability of the reordering – and the major concessions in certain cases that were made – were informed by an understanding of the nature and quality of seating that would be introduced in place of the removed benches. The reordering entailed significant harm to a largely intact and high-quality Victorian church interior. That harm was only acceptable, and was partly mitigated (rather than being compounded), only if aesthetically appropriate, high quality new seating was to be introduced, a fact made clear by the Victorian Society and by Historic England during the consultation process and a condition of approval in the subsequent faculty.

What is proposed now is neither aesthetically appropriate nor high quality. The proposed chairs are not suitable for any listed church interior and their presence at St John’s would mar its appearance and heavily erode its character. All published guidance on the reseating of historic church interiors advises against the introduction of upholstered chairs. The chairs in question have indeed been introduced into other churches around the country; but that is not relevant to the question of their appropriateness here, and it is far from an endorsement. A great many churches have undergone regrettable changes or reworkings: that should not justify further and unrelated inappropriate works elsewhere.

A well-designed all timber chair (such as the Theo) is at least as comfortable as upholstered seating (which can often be painfully uncomfortable), and has practical benefits, such as physical lightness, stackability and flexibility. They are generally hardwearing and less prone to tearing or staining (the chairs the church has been using demonstrate this issue). Critically, they are far more aesthetically appropriate to the context of historic church interiors.

It is essential that St John’s is appropriately furnished, and we urge that the conditions of the original faculty concerning the seating of the church are upheld.

28. The planning authority commented it was regrettable that the oak chair was not considered appropriate, and that there was no padded version of the Theo, as

the wood was preferable in terms of appearance to the chrome frame of the chair now proposed. However, it understood the advantages of that alternative chrome chair in terms of comfort and cost. It also considered that the colour and fabric of the proposed chair were acceptable and would not detract from the interior of the church.

29. The DAC's view was as follows:

"The committee are content with the proposed change of chair. They are delighted that the partnership with the school is working well and there is increased use of the church for community events – the main drives of requesting the original reordering – and understand that not everything that is originally proposed in a scheme makes it to the final cut as the use of the church develops and financial situations change.

The chair proposed (Alpha SB2M) is probably not as good-quality a piece of furniture as the original (Trinity Theo) but is a chair that the committee have been content to recommend into other places where flexibility and cost-effectiveness are key proponents of proposed schemes. The committee also note that this scheme has chairs working in combination with pews: ie. chairs are not the sole seating, and the chairs need to be able to support a variety of different events in addition to worship in the form of school activities and community activities.

It is therefore likely that the SB2M will have a slightly shorter lifespan than the Theo, but this is mitigated by a considerably smaller up-front cost (3:1 ratio in terms of cost) and lifespan can still be measured in terms of generations. The committee are also content with the proposed wipe-clean upholstery and the chosen shade. The vice-chair of the committee has seen the example chair in the building (when present for a site visit regarding the sound system) and notes that it has been carefully chosen from a wide range of colours to suit the building, especially with its modern timber floor, recently installed.

In conclusion, the committee would be happy to support the change proposed by the parish."

Consideration

30. I have quoted the representations of the Victorian Society and the DAC in full, as they seem to me to encapsulate eloquently two opposing views as to proposals of this type.
31. In short, the Victorian Society is saying that the reordering of this church needs to be seen as a whole. Any loss of pews from a largely intact Victorian interior is regrettable; but if that is to happen, any new seating needs to complement the original pews being retained. The Theo chairs that were originally chosen are well-designed, and all-timber. The SB2M chairs now preferred are unsuitable for any listed church, and would mar its appearance and heavily erode its character. The Theo is at least as comfortable as upholstered seating, and has practical benefits, such as lightness, stackability and flexibility; and is less prone to tearing and staining. Critically, it is "far more aesthetically appropriate".
32. The DAC also notes that the new chairs are to be seen in combination with the retained pews. It accepts that the SB2M will have a slightly shorter lifespan than the Theo, but one still measured in generations. And the price of the SB2M is

one third of that of the Theo. The DAC makes no comment as to its aesthetic suitability.

33. First, I agree with both the Victorian Society and the DAC that the chairs and pews should be seen together, as part of a whole church interior – as that will be how the church will be furnished for at least some of the time. The submitted drawing (102), dated March 2017, shows a layout with ten of the retained pews retained in the eastern (front) half of the nave – five to either side – and 40 chairs in the western (rear) half. Two pews are fixed to the wall alongside the font, at the south-west corner of the church by the main door. And five pews are shown (more faintly) to the edges of the southern aisle. That is clearly the layout that is being suggested as “normal”, presumably for Sunday mornings; and it is in that context, at least in part, that the suitability of each type of chair must be judged.
34. However, I note that the number of chairs proposed to be purchased is 90, not 40. That would enable them to be used throughout the nave with the pews (which have now been made moveable) out of the way, presumably joining those in the south aisle. And the parish observes that there have been a number of comments from regular users and visitors expressing a preference for the chairs rather than the hard pews – even though the chairs being commented on were the unsatisfactory ones on temporary loan. Such considerations lead me to guess that there may be a number of occasions on which the church will be largely filled with the new chairs – of whichever design. I therefore consider that the choice of chairs needs to be looked at also on that basis.
35. Secondly, I give relatively little weight to the cost of the two alternatives. I note that the original scheme was then estimated to cost £300,000; experience suggests that it would have ended up costing at least £400,000. Against figures such as those, the £14,000 saving made by choosing one type of chair rather than another is relatively minor – and would not justify the selection of a type of chair that was practically or aesthetically unsatisfactory. On the other hand, other considerations being equal, it is obviously sensible for a parish to choose a cheaper option where possible.
36. Thirdly, as to practical benefits, the Theo and the SB2M chairs are both stackable, in quantities of up to 25-30, and each weighs 4.4kg. Both are equally flexible – any chair can be moved. As for comfort, there appears to be a general preference for upholstered chairs to wooden ones, not just at Suckley. Clearly an upholstered chair is more liable to being damaged; but with 90 chairs being acquired, it would be possible to lose one or two from time to time; and it would take a long time before the number available was significantly diminished. It is also noticeable that the fabric proposed is said to be wipeable and stain-resistant.
37. Fourthly, quite apart from practical considerations, I see no particular basis for a general rule against upholstered chairs in listed churches. It is true that they were not used in the nineteenth century, but nor was electric light or modern plumbing. It is also noteworthy that many traditional pews have been slightly softened (in terms of both comfort and appearance) by cushions or runners.

Clearly it is better for all the chairs in a church to match each other; but no modern chair, however designed, will match a Victorian pew.

38. Finally, as to which type of chair is more aesthetically appropriate, I consider that a block of either 40 or 90 new chairs will look like a large block of new chairs, however well-designed each one may be. Those who prefer pews will not like either; those who prefer chairs will prefer either by comparison with a pew. Both of the two chairs under consideration in this case appear to be adequately attractive; beauty, as is commonly recognised, is in the eye of the beholder. One experienced judge (as it happens, a former diocesan chancellor) expressed it as follows:

“experts do tend to differ, and for every expert that one could find who said, looking at pure aesthetics, that something was exceptionally fine, one might quite easily find another expert who took exactly the opposite view.”¹

I am therefore not particularly swayed by the comment from the Victorian Society that the Theo chairs are “far more aesthetically appropriate”.

39. I note that the District Council is neutral – it prefers the Theo, as a wooden chair, but recognises why the parish has chosen the SB2M. And Historic England has declined to become involved.
40. In short, the evidence is that the Theo and the SB2M are both well-designed, although the Theo is probably likely to have a slightly longer lifespan; they are otherwise equally practical. One is upholstered, and thus probably more comfortable; the other is timber, and thus arguably more in keeping with the pews. In terms of appearance, each is unashamedly modern in appearance; some will prefer one, some the other. The SB2M is significantly cheaper.
41. And the parish considers that the SB2M is also more comfortable and more suitable for the use proposed.

Conclusion

42. I am therefore content that the faculty should be amended so as to allow the parish to use either the Theo chairs originally proposed or the SB2M chairs now preferred, upholstered in granola Aquaclean.

CHARLES MYNORS

Chancellor

13 June 2020

¹ *Winchester CC v Secretary of State* (1978) 36 P&CR 455, per Forbes J at p 472, upheld by CA, (1979) 39 P&CR 1.