

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of St Mary and St Michael

In the Parish of Trumpington

Reverend Mandy Maxwell and Edmund Brookes
Petitioners

PRELIMINARY MATTERS

1. The Church of St Mary and St Michael dates back to the late 13th century and is listed Grade I. Work and restoration was carried out in the 19th century on the exterior and interior of the church. The high-pews were removed in 1854 and replaced with new seats then described as being of “good material and admirable design”. They lasted 20 years and were replaced with the Butterfield Pews which remain in the church.
2. The church remains a building of architectural and historic significance. Primarily it is regarded for the quality of its surviving mediaeval fabric and important memorials. It is accepted that much of its present character is due to a series of 19th century restorations.

THE APPLICATION FOR A FACULTY

3. The petitioners have submitted a Petition to carry out substantial alterations of the interior and exterior to include, together with some minor works which I have not listed:
 - (a) A new lavatory in the current vestry;
 - (b) A new vestry at the west end of the south aisle;
 - (c) The removal of the pews from the north and south aisles to allow for better circulation;
 - (d) A new kitchenette and hospitality area in the north chapel;
 - (e) The main entrance to the church to be through the north porch as it once was, with work being carried out within the porch to allow for disabled access;
 - (f) Restoration of the Victorian floor in the chancel;
 - (g) the creation of enlarged children's area in the South Chapel
 - (h) rewiring of the church and new lighting throughout, and
 - (i) work in the churchyard to include resurfacing of the path to the north of the church

4. The estimated cost of the work is £1,250,000 of which they have approximately £100,000 put aside. The petitioners ask for 10 years to complete the works. They are confident that they will be able to raise the money required to carry out the work over time.
5. There has been a substantial housing development in Trumpington and the petitioners see this as an opportunity to grow the church community. That growth has already begun and it is encouraging that the number of children attending the church can no longer be adequately accommodated.
6. I visited the church on 29th April, not in order to take evidence, but to see for myself the size of the vestry, the two chapels and the nave and to look at the way in which the pews are presently arranged particularly with a view to the space around the pews.
7. I took away with me a copy of "The Trumpet", the parish magazine, which is produced "...for the whole community of Trumpington by St Mary and St Michael Parish Church". It is well produced and runs to some 32 pages. The cover identifies that it is distributed free to over 6,000 homes within the parish. There are grounds for believing that this is a church with potential to grow its congregation.

CONSULTATION

8. I do not intend to cover every point raised in the consultation process but identify the important issues which arose.
9. The Victorian Society, whilst fully supporting the principle of improving the churches facilities and accepting that many aspects of the proposals are uncontentious, restrict their concerns to the removal of the Butterfield box pews from both side aisles. The Victorian Society points in particular to their robust and charming detail, the strong blind tracery panels which reflect the architectural qualities of the building and that they are unusual examples of box pews by Butterfield.
10. They submit that there are already flexible spaces within the church without requiring the pews to be removed and it is essential that these proposals are fully justified and that the public benefits of the proposals are shown to outweigh the harm to its significance.
11. Historic England confirmed that they had considered the comprehensive documentation submitted with the consultation and was satisfied that a clear and convincing justification had been provided in relation to the wide-ranging

elements of the alterations and that the impact of the works would not cause an unacceptable level of harm to the significance of the church. Whilst the extent of the reordering would cause some harm to the significance of the church they were of the view that the level of harm would be less than substantial and would be mitigated by the benefits that would accrue through fulfilling the present and future needs of the parish and community.

12. The Church Buildings Council (“CBC”) had concerns about the removal of approximately half the Butterfield pews and wondered whether it would be possible to shorten some of the pews or remove a smaller number of pews. They were concerned that the removal of the front pew to allow wheelchair access would leave the pew frontal requiring adaptation because of the greater length of the second row of pews. They were of the opinion that this could not be justified where there are other areas at the rear of the church where wheelchairs or buggies could be housed whilst allowing the users to participate fully in the service.
13. They had comments to make about staining the Theo Chairs which the petitioners intend to introduce; the disposal of some chairs with inscribed dedications; the use of carpet in the children's area; the effect on the appearance of the church of the proposal to plaster the walls and ceiling of the north chapel and they suggested that it should be established as to what degree it would improve the condition of the church and its thermal performance, and for the petitioners to justify why the new vestry could not be put in one of the chapels.
14. The Society for the Protection of Ancient Buildings (“SPAB”) made some detailed suggestions to improve the proposals, in particular whether the present vestry could be used to provide lavatories and also a smaller vestry rather than placing it in a new construction at the west end of the south aisle, that they would like further information on the deterioration in the stonework before accepting that it was necessary to replaster the north chapel, the need to look for other more appropriate materials for the construction of the kitchenette than by using the pews that they intend to remove, that consideration be given to switching the intended use of the south and north chapels over, and that an alternative to carpet is considered for the children's area.
15. Overall they were concerned that the cumulative impact of the proposed interventions will result in a level of harm that has not yet been justified and that there were several unresolved issues that needed attention.

16. The petitioners answered the various points raised by the consultees. I do not intend to deal with the minutiae of that response. The key issues addressed were:
- (a) Why the lavatory should be in the vestry and possible amendments to the detailed layout within the lavatory;
 - (b) Further justification for siting the new vestry at the west end of the south aisle and why putting it in either of the chapels would reduce available space for the children or the kitchenette and because it is not possible to accommodate a reduced vestry and the lavatory in the one space;
 - (c) There was good evidence that the church was originally plastered with mature hot lime plaster and that the clunch, which has now been exposed for about 150 years, is deteriorating. They admit that the reinstatement of the plaster will be a dramatic change in the appearance of the church but it could be argued that the significance of the historic fabric is not harmed in any way and that it was Butterfield who caused great harm in having the plaster stripped off. Had the traditional coatings been maintained, there would be no need for replacement or complex conservation techniques;
 - (d) The plastering of the ceiling in the north chapel can be justified when a comparison is made with the ceilings in other parts of the church. The ceiling is not medieval but likely to have been part of Butterfield's restoration;
 - (e) The petitioners are firmly of the view that the South Chapel is the preferred place for children's activities to accommodate the growing number of children, presently 15 to 20;
 - (f) The carpet in the children's area will consist of a breathable mat and will not extend over the entire area;
 - (g) The existing chairs are heavy and cannot be stacked and very few have a connection with current parishioners;
 - (h) The need for flexible spaces is justified in over three pages of the response, together with photographs to illustrate the problems faced at present;
 - (i) As to the pews it is accepted that they are charmingly detailed and do contribute to the church's significance to a degree but the petitioners do not think that the church would be any less significant with a reduced number of Butterfield pews. Because the pews are in fact a mixture of oak and softwood they cannot be considered as the best examples of quality craftsmanship as one would expect if they were to be considered very significant from the outset. The intention when

installed was to seat as many people as possible rather than any consideration as to their contribution to the significance of the church.

17. In justifying the level of harm which may be caused by the proposed alterations, they submit that whilst the church is rich in historical character much of what can be seen today is the result of unfortunate and misguided 19th century interventions which would never obtain consent today. The removal of the plaster both inside and out was considered appropriate then but the intervening decades have proven it was a decision detrimental to the church's fabric. The use of pews within churches throughout the long history of the church in England is chequered in any case and always subject to the whim of fashion. Taking the overall history of the church the current pews are modern and should not cripple the church from being able to function and be occupied as a living piece of heritage.
18. The CBC responded on the following points:
 - (a) The junction with the window in the vestry is unsatisfactory and further options should be considered;
 - (b) A number of the memorial chairs should be retained;
 - (c) The chairs to be installed should be stained to tone with the existing pews which will be less jarring and will allow the chairs to integrate better in the existing finishings;
 - (d) The actual benefits with regard to insulation in the South Chapel, including the ceiling, need to be calculated;
 - (e) There needs to be further justification in the statement of needs to support the number of people both existing and anticipated for current and proposed events.
19. SPAB responded as follows:
 - (a) Because it is accepted that the work to install a lavatory in the vestry creates an awkward junction with the window, the parish should consider carefully what really needs to be accommodated within the space so that a more sensitive layout can be proposed. They should give further recognition to the significance of the mediaeval niche;
 - (b) In order to understand the desire for flexible open space the society would be helped by having the activities described together with the facilities that each group would need and the number of people who would use the building at any given time, including at Sunday worship;

- (c) The parish to consider keeping the mediaeval coffin lids together and possibly retaining them in their current location within what will be the vestry;
- (d) They remain concerned that the colour of the lime plaster to be introduced in the South Chapel, to which they do not object in principle, may result in an incohesive interior. They would be assisted by any data to help support the case from a technical point of view and expect to see the proposed specification for the lime plaster;
- (e) They continue to have reservations about the use of the discarded pews to build the kitchen units and would encourage the parish to consider this in more detail together with what treatment might be required for the re purposing to be successful.

20. The Victorian Society submitted that:

- (a) The parish had not articulated their need for flexible space and specific information would be helpful to understand the need. Some additional details have been provided, but the exact needs of the parish and how particular spaces will contribute to this remain vague;
- (b) While some potential users are mentioned no details of their requirements are given and it is unclear why this should necessitate the removal of all the box pews from both aisles;
- (c) They remain unconvinced that a compelling case has been made to remove all the box pews from both aisles bearing in mind the significance of the pews. Their softwood construction does not reduce this significance.

21. On 15th November 2024 the petitioners provided a further response. Within that document was a “Spatial Audit” which provided the sort of information which the societies had wanted to see. Dealing with specific points raised in the second round:

- (a) The Box Pews in the nave will remain, other than to remove the front row, creating greater flexibility at the front both liturgically (including Communion) and for community use such as performing space at concerts. This proposal includes plans for a more substantial nave altar which takes up slightly more space than the existing provision.
- (b) The North Chapel: will house activities which are presently held in other community spaces away from the church which are expensive to hire and not always available. The area will be used for Messy Church monthly, something that they have been unable to hold since Covid for the lack of adequate facilities;

- (c) Larger events, such as the Harvest Supper, cannot be accommodated in the church even though the South Chapel and Chancel are also used;
- (d) The side aisle pews are only needed at very large weddings and funerals and their removal, together with moving the font, will improve circulation enormously especially as the north porch will provide the main access to the church;
- (e) The South Chapel is to be a dedicated children's area and, at present is impeded by the sideways facing pews;
- (f) It is impossible for wheel chairs and rollators to use the north aisle and there are similar impediments to the use of the south aisle. Removing the pews would eradicate this hindrance and nuisance.
- (g) Space freed up in the south aisle will allow the Rainbow Nursery, local Wildlife Group, Memory Café, Mothers' Union, community hubs, health and fitness activities, and educational courses to be brought into the church where tables and chairs can be set out. Quiz nights and board games for young people could be brought back into church. The space would allow them to promote more exhibitions in the church;
- (h) In response to the CBC's second round comments the petitioners suggest that the proposed lavatory partition, whilst not ideal, is by far and away the best configuration for the toilet. It is not going to be a major detraction to a relatively modest element in a secondary area to the church that will not be generally on view and their architect is content that it can be suitably detailed and resolved. The PCC strongly feel that the memorial chairs are uncomfortable and extremely heavy to lift, cannot be stacked and they do not wish to retain them. They are content to follow the recommendation as to a darker stain for the chairs. With regard to the proposed insulation of the North Chapel, in all likelihood, it will be difficult and expensive to calculate and quantify the benefits. If that is required they are minded to drop this proposal;
- (i) In response to Victorian Society, they hope that the spatial audit and other details they have set out provides a justification for what they seek. A flexible space will allow for better community use of the church and circulation, which is already a problem, will only get worse with greater use. They accept that access to the proposed new vestry will be difficult but there will be room for most wheelchair users to get through or for any wheelchair user to do so from the west of the church. They have carefully weighed the historical and artistic significance of the Butterfield pews against the significant restrictions they place on the church's ability to use the church, and to safeguard the future viability of the church.

22. In summary the petitioners argue that maximising the use of Church space for the benefit of their changed community needs, is vital for the future survival of Trumpington Church and the changes are long overdue. Trumpington has grown from around 4000 people to over 12000, and is now the largest parish in Cambridge. They must adapt to thrive.

APPROACH TO THE ISSUES

23. Before considering the first of the Duffield Questions, in accordance with In Re St John the Baptist, Peshurst (9th March 2015), I must first decide what is the special architectural and/or historic interest of the church as a whole. I have taken as my starting point in relation to answering the relevant Duffield Questions that this is a Grade I Listed building.
24. In considering whether I should grant the Faculty I have followed the guidance laid down in In Re St Alkmund, Duffield:-
- (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 to question (i) 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 iii, iv and v do not arise unless the answer to question (i) is “yes”.
 - (iii) 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 rôle as a place of worship and mission) outweigh the harm? In answering this question, the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.

DISCUSSION

25. No one has requested to become a Party Opponent.
26. In my judgment the petitioners have, finally, sufficiently justified the need for the works to be carried out. I am in agreement with the societies that the original Statement of Needs failed to address this issue in enough detail. The growing size of Trumpington and the enthusiasm within the PCC and the church as a whole to embrace the opportunity which this provides for growth is encouraging.
27. As to specific issues which have arisen, I have no doubt that putting the lavatory in the present vestry is a good solution. I appreciate that questions remain over the detailing of the junction with the window and further consideration should be given to this by the architect in discussion the DAC. Further the significance and beauty of the medieval niche in the vestry is at present under recognised; it is used to store items in a haphazard way. It is to be hoped that this feature will be better represented when the vestry is repurposed as a lavatory
28. The construction of the new vestry at the west end of the south aisle seems to be a practical solution and, subject to the detailing of the woodwork, uncontentious. There is insufficient room in the present vestry for it to house a lavatory and a vestry.
29. As to the medieval coffin lids, in their present position they are difficult to see and, if they are incorporated in the new vestry will vanish from public sight. Further consideration needs to be given to where they should be placed in the church. Whether they can be co-located with the Sir Roger de Trumpington brass effigy to make a more prominent display of both the lids and the effigy may be worth consideration.
30. Having visited the church I find the north chapel, particularly in comparison with the south chapel, to be a dark and presently uninviting space. Whilst the proposal to lime plaster the area is bold, in my judgment, whatever the thermal benefits may be, it has the advantage of returning the chapel to its pre-Victorian design and will brighten this part of the church up immeasurably. Further it will protect the clunch on the walls which can be seen to be crumbling. Over time the colour will soften. Whether the church will decide to lime plaster other areas as they must have originally been will remain to be seen. I agree that it may not be possible to calculate the thermal benefits without expending a great deal of money but there is sufficient

general data on the positive effects of lime plastering to have some confidence that it will assist as an insulation.

31. The construction of the kitchenette in the south chapel is uncontentious. The use of the wood from the pews, whether they should be treated or whether it should be constructed from other timber needs to be resolved by further discussion between the petitioners, the architect and the DAC. In principle, and bearing in mind that pews to be removed are unlikely to be used in any other church, I am not against their use to provide a front to the kitchenette and possibly in other parts of its construction.
32. The removal of Victorian Pews always divides opinion. In many instances they are made from pitch pine and have little or no design features. That is not true of these pews. However it is not the intention of the petitioners to remove them completely. The number of pews that Butterfield managed to squeeze into the church is very high. The aisles are, as a result, very narrow and some pews on the north aisle were put at right angles to fill that available space. Whether or not all the pews were occupied in Victorian times, they are not now needed save on exceptional occasions which can be accommodated with stackable chairs.
33. In In Re St John the Baptist, Penshurst the court referred at the beginning of its judgment to the tension which frequently exists between on the one hand conservation of what is best in our heritage and on the other hand the requirements, or claimed requirements, of present day worship and mission. The reordering of St Mary and St Michael is an example of that conflict.
34. The needs of the church alter over time and at this time the need for flexible spaces which can be used by the church and by the community to re-establish the parish church at the centre of community life is more central to mission than the number of seats available year-round for worshippers. Without entering the debate as to whether all the Butterfield alterations to the medieval church enhanced or detracted from the architectural purity of the building, I recognise the need to allow the church to move forward in its mission. So long as a substantial block of the Butterfield pews remain in place, then the development of the building through the Victorian era will remain evident and can be recognised by those who enter the church.
35. The heavy memorial chairs are another example of seating brought into the church at some point during its development. Other than their solidity and the inscriptions on the chairs, they are of little aesthetic merit, nor is it suggested that they are. Not only are they cumbersome but they are uncomfortable. If they remain in the church they will remain unused. In my

judgment they should be removed but, where a chair was dedicated to a family member of someone who still worships at the church, they should be given an opportunity to have the chair retained. If they are content for the chair to be removed, it can be.

36. The proposal to introduce Theo Chairs is not contentious in itself, but the colour of the wood is of concern. I agree with the CBC that the wood should be stained to tone with the existing wood.

DECISION

37. Answering the Duffield Questions in turn:

Question 1: My answer is “yes” and it follows that I next move to Question 3.

Question 3: My answer is “yes”. but the extent to which it will adversely affect the special character of this listed building is a different consideration and can be ameliorated further by provisos to be imposed on the works.

38. **Question 4:** I find, taking account of the latest submissions from the petitioners, that there is a clear and convincing justification for carrying out the proposals.
39. **Question 5:** my answer is “yes”. I judge that the resulting public benefit in respect of opportunities for mission and putting the church to viable uses that are consistent with its rôle as a place of worship and mission outweigh the harm to the building knowing that there is a strong presumption against proposals which will adversely affect the special character of a listed building.
40. In assessing the harm to the building I judge that those alterations which I propose to allow will not cause serious harm to the building overall. Even if I am wrong about that, I find the need for such harm as will be caused by that which I have allowed to be justified exceptionally in any event.
41. I grant permission for all the works set out in the petition subject to the provisos, some of which were recommended by the DAC in their Notification of Advice, in this paragraph and further below:
- (a) The detailing of the junction with the window in the vestry is to be revisited by the architect and its final design agreed with the DAC before the work commences;

- (b) Details of all panelling and joinery in the proposed lavatory, the new vestry and the kitchenette is to be agreed with the DAC before the work commences;
 - (c) The works related to the lowering of the vestry floor and the trenching in the churchyard for the vestry toilet main drain, the water main supply to the kitchenette and the sub main and lighting cables is to be agreed with the DAC archaeological advisor before the work commences;
 - (d) If the DAC archaeological advisor is of the opinion that an archaeological watching brief is required, then that is to be established;
 - (e) If during the trenching and other work any fragments of human remains are discovered they are to be retained for reburial by the Minister. In the event that articulated human remains are discovered, works shall cease and the Diocesan Registry is to be informed;
 - (f) Any required tree works are to be agreed with the DAC tree advisor before the work commences and, if required, permission sought for the work to be carried out from the local authority;
 - (g) The specification for the lime plaster is to be agreed with the DAC, who should also consult SPAB for their views, before the work commences;
 - (h) In respect of the nave pews, the second row of pews on each side are to be removed and the front row and kneeler back are to be moved back into the space provided;
 - (i) The Theo Chairs are to be stained so that they tone with the existing pews, the colour to be agreed with the DAC.
 - (j) Any memorial chair which is connected to a member of the congregation who attends the church and/or is on the electoral roll cannot be removed unless it is with their permission;
 - (k) The medieval coffin lids are to be re-sited where they will be able to be seen by the public, the position to be agreed with the DAC.
42. In the event of agreement not being reached between the petitioners and the DAC, the matter is to return me for determination.
43. This is a huge project and the petitioners have asked for ten years to complete the works. The speed of the works will depend to a large part on the availability of the necessary funds. It is not possible to predict whether the church will have other calls on its finances over such a long period of time.
44. I applaud the petitioners for applying for a faculty to cover the whole of the reordering rather than applying piecemeal in several faculties. Having done so, it is prudent to add the following provisos:

- (a) The petitioners are to divide the work into three or more phases and identify what work is to be included in Phase I, that agreement has been reached in respect of the provisos relevant to that phase with the DAC, an estimate of the cost of Phase I and the time required to complete Phase I.
 - (b) The petitioners must show me that 70% of the cost of the work has been raised or promised to complete Phase I;
- 45. I will then grant permission for Phase I to begin and provide a time in which the works are to be completed. For the avoidance of doubt, it is for the petitioners to decide how much and what work is to be included in Phase I.
- 46. The same process is to be adopted for each subsequent phase; it will not be necessary for the previous phase to have been completed before applying to begin the next phase but the work cannot begin until the previous phase is completed.
- 47. Not only will this keep some control over the work and the time it will take but there are likely to be considerable benefits to the petitioners in terms of allowing contributors to see the building being enhanced, and to allow for any changes in design consequent on available materials and funding.

His Honour Judge Leonard KC
Chancellor of the Diocese of Ely
1st April 2025