



Faculty – Grade II listed, medieval church, heavily restored internally in 1856 by William Butterfield (1814-1900), and externally in 1868-69 by R. P. Pope – Disposal of nave pews by William Butterfield and introduction of 150 'Icon 40' chairs by ICS Church Furnishers – Removal of surplus C20th furniture, including metal altar rail, three kneelers, a small lectern and Lady altar – The Victorian Society objecting to the removal of pews – DAC recommending the proposals despite those objections – No-one choosing to become a party opponent so faculty application formally unopposed – Whether proposals causing harm to significance of listed church building – Whether any such harm outweighed by the benefits of the proposals – Faculty granted*

Application Ref: 2025-111608

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Sunday, 15 February 2026

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

St Paul, Wooburn

THE PETITION OF:

Charlotte Lawson (Churchwarden)

Christopher Berry (Churchwarden) and

The Reverend Paul Cudby (Incumbent)

This is an unopposed faculty petition determined on the papers and without a hearing.

Objections were received to this petition from The Victorian Society but they did not choose to become a party opponent

The following cases are referred to in the judgment:

Re Jesus College, Cambridge [2022] ECC Ely 2

Re Holy Trinity, Clapham [2022] ECC Swk 4, (2023) 25 Ecc LJ 276

Re Holy Trinity, Sunningdale [2026] ECC Oxf 1

Re St Alkmund, Duffield [2013] Fam 158

Re St Laurence, Combe [2022] ECC Oxf 5

Re St Luke the Evangelist, Maidstone [1995] Fam 1

Re St Peter & St Paul, Aston Rowant [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265

Re St Stephen, Redditch [2025] ECC Wor 2

JUDGMENT

Introduction and background

1. Wooburn is situated in the County and Archdeaconry of Buckingham. It lies to the south-west of Beaconsfield, and to the east of Marlow. According to the entry at p. 758 of the volume of *Pevsner's Buildings of England* for Buckinghamshire (2nd edn., 1994, by Nikolaus Pevsner and Elizabeth Williamson, with Geoffrey K. Brandwood), Wooburn has three main parts. The church of St Paul stands in Wooburn Town, “*which joins up with Bourne End and has nice cottages and houses behind the church*”. *Pevsner* describes the church as

Almost entirely Victorian, although never really rebuilt. The external work was done in 1868-9 by R. P Pope who added the parapet and stair-turret cap to the C15 tower, replaced the tracery with his own Decorated designs and added the battlements to the nave and chancel. By Pope too, the roofs and chancel arch. William Butterfield had already worked on the interior in 1856-7, reflooring and reseating it, and rebuilding the C12 piers.

2. This is an online faculty petition, dated 12 November 2025. The petition is brought by the two churchwardens, Charlotte Lawson and Christopher Berry, and the incumbent, the Reverend Paul Cudby. The proposals for which a faculty is sought are described in the petition, and the Notification of Advice issued by the Diocesan Advisory Committee (the **DAC**), in the following terms:

Disposal of nave pews by Architect William Butterfield (1814 - 1900) and introduction of 150 Icon 40' chairs by ICS Church Furnishers. Removal of surplus 20th Century furniture as detailed in the statement of need, including metal altar rail, three kneelers, a small lectern and Lady altar.

3. The public notices were duly displayed, both inside and outside the church, and on the diocesan website pursuant to rule 9.9 of the Faculty Jurisdiction Rules 2015, as amended (the **FJR**), between 16 November and 16 December 2025. No objections have been received in response to any of these notices. This proposal enjoys the full support of the Parochial Church Council, most recently at a meeting of the PCC held on 11 November 2025.

The church

4. The church of St Paul, Wooburn was first listed on 21 June 1955. It is listed Grade II*. The listing entry reads:

Parish church. Originally late C12, with mid C14 N. chapel and chancel, and W. tower added 1442; all heavily restored, internally 1856 by Butterfield, externally 1868-69. Knapped flint, stone dressings, tiled roof to N. chapel, lead roofs to remainder. W. tower, nave, aisles, chancel, N. chapel now used as vestry. C19 off-set buttresses. Re-fenestrated 1868, except for N. chapel, with traceried windows in Decorated style with segmental heads, hoodmoulds and carved head stops. W. Tower is of 3 stages with battlemented parapet, moulded plinth and strings, diagonal buttresses, and pinnacled octagonal stair turret at S.E. corner. Bell chamber has 2-light openings; W. side has single light to second stage, large 3-light window, and moulded doorway. Nave has battlemented clerestory with C19 carved head gargoyles and 4 bays of 2-light windows. Aisles have C19 ornamental stone brackets to moulded eaves, and 3 bays of 3-light windows, the S. aisle with similar E. window and 2-light W. window. N. chapel has C14 traceried windows with arched heads, 2 to N. of 2-lights restored C20 with plastic stone, 3-light E. window partially restored with cement. C19 N. door with shaped Caernarvon arch. Small C19 chimney. Battlemented chancel with 2 bays of 2-light windows to S., and 3-light E. window. Interior: moulded tower arch; late C12 4-bay nave arcades of unmoulded 2-centred arches on cylindrical piers; C19 chancel arch on corbel columns, moulded arch to N. chapel. 2 piscinae in chancel, one cusped and with a shelf, another in N. chapel. Fittings: 2 chests, one C13, the other C17; rood screen by Sir N. Comper 1899, slightly later screen to N. chapel by studio of Comper; other fittings and glass mid C19. Monuments: large wall tablet to Philip Lord Wharton 1695, with Ionic pilasters, flanking scrolls, and open segmental pediment with coat-of-arms; 2 C18 wall tablets; 6 brasses, C15-C17, one to infant Arthur Wharton d. 1614.

Neither the Historic England listing entry, nor the entry in *Pevsner*, mention the pews (beyond a reference in *Pevsner* to Butterfield “re-seating” the interior).

The Statement of Significance

5. The illustrated Statement of Significance explains that the parish of St Paul, Wooburn consists of the parish church of St Paul and a daughter church, St Mary, which is used as a pastoral centre. The parish comprises a collection of small villages, with a population of about 5,000 people, situated in the Thames Valley, equidistant between the larger towns of High Wycombe and Maidenhead. Positioned towards the south end of the parish, the church stands on a triangular plot, with the A 4094 on one side and residential roads flanking the other two sides. The plot also includes a free-standing, early 20th Century church hall. St Mary, which is a chapel of ease, is situated at the north end of the parish, in the mainly residential area known as Glory Mill, and was completed in 2001. This replaced a small church built around 1900.

6. The nave of the church was built c.1180, the north chapel and the chancel c.1360, and the tower was added c.1442. By 1849, the interior of the church was in a very neglected state; and in 1856 the church was temporarily closed to allow the restoration of the interior, by Butterfield, to commence. Nearly all the pillars in the nave had to be rebuilt, the foundations were underpinned, the floor was replaced, and the old lath-and-plaster vestry room was removed. The tower arch was opened to the nave, and also the arch into what is now the vestry.

New seating was installed in the nave, as was a stone font, a reading desk, a lectern, new communion rails, and an altar, the church being returned to service in 1857.

7. In 1868, the external appearance of the church was changed significantly, when the entire building was re-faced with knapped flint. At the same time, some of the walls (previously up to eighteen inches out from the perpendicular) were re-built, stone windows were erected, a new clock was installed, a new roof was put in place, and some stained-glass windows were fitted. The church was re-opened in October 1869.

8. In 1900, new seating was placed in the chancel, and a reredos was installed behind the high altar. At the same time, the wooden screen, with two seraphim and a cross above, was put in place. The glass and wooden screens between the nave and the tower were erected in 1932; and two years later, the Lady Chapel, with an altar, crucifix, candle sticks, and altar rails, was set up in the south-eastern corner of the nave. In 2006, this side chapel was moved into the east end of the vestry to create an area for personal prayer and reflection. In its place is now the worship band and choir/music corner. In 1967, urgent repairs needed to be carried out: rainwater was coming through the roof, and several parts of the floor had become unsafe. In 1968, work was commenced to renew the chancel roof completely. Together with the main floor joists, the floor in the nave was replaced, and the whole church was re-decorated; the work being completed by the end of 1969. The last major work undertaken to the building was the replacement of the aluminium roof that had been installed in the 1970s. This had suffered major cracking due to expansion and contraction, and the building had suffered from water ingress. An initial investigation to assess the severity of the damage was carried out in 2014 when it became clear that it was necessary to replace the entire roof. This was done in 2016-17, using terne-coated stainless steel, which is estimated to have a life expectancy in excess of 50 years.

9. The pews, of varnished pine, date from 1857, when they replaced the earlier box pews. They are of a basic, rustic construction, and were refurbished in 2001, when a number of them needed repair. There are sixteen individual wooden chairs, made of softwood and used by the band. These were moved from the old church building of St Mary in the late 1990s, after it had been declared unsafe to use.

The Statement of Needs

10. The parish's illustrated Statement of Needs begins with a summary. This explains that St Paul, Wooburn is moving ahead with its vision of '*Reviving, Refreshing and Respecting*' what God is doing with, and within, us. Many aspects of the parish's vision action plan have already been started or completed; but work on different service formats has highlighted the current constraints of the church building, and the need for a more flexible space that can be adapted quickly and easily. As set out in the parish profile, the parish would like to move from being a *welcoming* church to an *inviting* one. The presence of pews creates a number of limitations upon the effectiveness of the way the church building can be used. The parish's aim is to create a church building that is more comfortable and inviting; one that can be used more effectively and creatively for worship and church-related activities, and by the wider community, by replacing the majority of the pews with chairs. This will enable the space to be used in new, and exciting, ways, whilst making the church more inviting to visitors when they first enter the building. The intention is to keep pews along the north, south and west walls, and in the chancel, thereby maintaining some of the more recent Victorian heritage of St Paul's, whilst moving forward to meet the changing needs of its congregation and local community. Previous improvements to

the church have included the building of an accessible toilet and a kitchenette area, along with the introduction of wi-fi to enable livestreaming. The parish believe that the introduction of chairs will add further to this positive progress, and assist in moving the life, and the work, of the church forward. In the medium to longer term, there are three key elements to the parish's full vision for their church building: (1) Replacing the majority of the existing pews with chairs; (2) Refurbishing and conserving the floor space in the nave; and (3) Upgrading the existing sound system. The present proposal addresses the first of these elements, with the removal of 31 pews from the centre of the building, and their replacement with 150 ICS ICON 40 chairs.

11. Part I of the Statement of Needs addresses the church building and the parish; their existing worship and mission, community use of the church building, and future vision; and other facilities in the surrounding area. Part II addresses the needs of the church and the parish, including the creation of more flexible space within the church building to allow for a greater variety of styles of worship, and wider community events, than is currently the case; and the limitations created by the existing pews, and the very specific issues to which their inflexibility gives rise. The parish explain how a more flexible space would be used, in terms of worship, baptismal services, equal access for all, community and hospitality, meetings, concerts, and events. The parish identify the alternative options they have considered to resolve the existing issues, and improve flexibility. The conclusion they have reached is that replacing the pews with chairs will give the greatest flexibility in the medium to longer term. By keeping a row of pews on the north, south, and west walls of the church, the parish will maintain this element of their heritage within the church building. The parish also explain their reasons for the other elements of their present proposal. The Lady altar was moved in 2006 to enable a dedicated space for the worship band. The altar has been stored in the inner vestry, which was set up as a Lady Chapel but has not been used. It is proposed that the altar is disposed of by finding a new home for it in another church, or by dismantling it and burning the wood, with the ashes being distributed in the churchyard. Items of surplus furniture from the original church of St Mary, which have not been used for 20 years, including a lectern, vicar's kneeler, altar rails, and 16 non-stacking, wooden chairs (eight of which are used by the worship band) would also be sold or disposed of. Finally, the parish would propose to pass on a number of vestments to other churches who use them regularly (which St Paul does not), retaining a suitable number in case they should ever be used again in the future. This would create space for the storage of unused chairs during services.

12. Part III of the Statement explains the individual elements of the present proposal in detail, addresses the consultations that have been undertaken, and deals with the relevant finances. Part IV addresses the reasons for the proposal, as follows:

The life and the work of the church is changing and there are an increasing number of occasions where a more flexible layout creates a more practical and inviting space. The occasions where pews need to be moved has increased significantly in recent years and the limitations are only partially overcome as there is nowhere to move the pews which aren't needed. Moving the pews is also a heavy job and poses a health and safety risk.

The new vision which has been adopted by the congregation has made a clear case to create more flexible space to serve the needs of our worshipping congregations and our local community. It will open further opportunities for both these groups to use the space in new and exciting ways.

In choosing the ICON 40 chairs there is confidence that they will complement the existing building and its heritage. We do not believe that moving to chairs will detract from the historical significance of the building but do anticipate that it will enhance the experience of people using it, be this for public worship, one-off events or community activities.

In considering our options we have consulted with the DAC and also with other churches as to their selected choice of chair.

In a separate appendix addressing financial matters, the parish express their belief that the increased flexibility of the unpewed nave space will support the generation of additional funds in the future as the church building will be of greater value to the community for concerts and large meetings. The parish believe that moving the church of St Paul into the 21st century will improve the sustainability of the church for the future, building on the current congregation, and reaching out to the local community they serve.

13. Plans uploaded to the online faculty system show the location of the pews that are to be retained, the planned use of the flexible worship space, and the layouts for ‘Messy Church’, smaller services in the round, concerts, and hospitality events. The parish have also produced a document, with two photographic images of the pews in the nave viewed from the south-east end of the church, which demonstrates that retaining pews at the east of the nave would give less space than the parish currently have for ‘Messy Church’ in the church hall, and would therefore provide no room for further growth.

Consultation

14. On 23 April 2025, **Historic England** were consulted regarding the proposal to remove the pews. Andrew Scott, an Inspector of Historic Buildings and Areas, responded on 3 June 2025. Having observed that he had the opportunity to visit, and get to know the church building, on 20 May 2025, he writes as follows:

St Pauls, whilst medieval in origin, is predominantly Victorian in date having been restored internally by William Butterfield in 1856 and externally by R.P. Pope in 1869. The interior of the nave is very impressive, the centrepiece being the roodscreen, crucifix and two seraphim designed by Sir John Ninian Comper in 1899. The church however also retains interior fittings associated with Butterfield, one of the most prominent of Victorian church architects. The Chancel fittings are coherent and attractive, as is the pulpit and font. The nave pews, whilst dating to Butterfield’s reordering, are less significant, being relatively undistinguished examples of mid-19th century woodworking. The pews are in mixed condition and are moveable, since the pew platforms were removed in the 1960s. Therefore, it is Historic England’s view that these pews are largely of limited significance. Given that the Parish have made a good case that being able to use the nave more flexibly would enhance the life and mission of the church, we accept the principle of pew removal and chair replacement.

We have no objection to the proposed replacement chair, which would enable a more consistent seating to be used throughout the church, compared to the more mixed arrangement currently used. We also have no objection to the removal of the items which came to the church from the old St Mary’s building.

We understand the floor refurbishment will come forward at a later stage, and we look forward to being consulted on this in due course. Generally speaking, we would recommend that a high-quality material, usually stone or tile, is used. We would make the same

recommendation here; this is an important building and a spiritual and civic space; a floor is needed that contributes to, rather than detracts from, its dignity and grandeur.

Recommendation

Historic England has no objection to the proposals. The pews are in our view of limited significance and the church has put forward a good case for the need for their removal in order to enhance the life and mission of the church.

15. **The Victorian Society** have also been consulted about the proposed removal of the pews in order to create a flexible worship and community space. In an email dated 3 June 2025, the Society's senior conservation adviser makes the following comments on the proposals:

Wooburn is a highly significant Grade II listed building, and although it has medieval origins what can be seen today is primarily a Victorian building. The interior of the church was notably refurnished by Butterfield and later by Comper who installed the remarkable rood screen. Butterfield and Comper are amongst the most highly regarded designers [of] Gothic Revival church furnishings, even if their work is dramatically different in character. Butterfield's furnishings date from the earliest period of 19th century work to the building and are highly significant, as the work of an important architect and as a substantially intact ensemble of benches, reading desk, font and altar rails. Although the benches are simply designed, they are in good condition and pleasingly decorated with quatrefoil stencilling on the ends. In addition to forming an integral part of a comprehensive ensemble of furnishings the benches provide architectural order and hierarchy to the interior, directing the focus towards the chancel and Comper's magnificent rood screen. The removal of a substantial number of benches would harm the significance of the building by eroding the completeness of Butterfield's ensemble of furnishings, and the contribution they make to the architectural order and focus of the nave. The retention of a small number of benches around the perimeter of the interior would preserve examples of the benches as items of church furniture, but not the important contribution they make to the significance of the building as part of an ensemble of furnishings by an important architect, and the architectural order of the interior. Considering the potential harm to the significance of the building, options to retain a meaningful mass of the benches must be explored further. Options such as shortening and making the benches moveable with castors (as has been trialled successfully at St John's, Cirencester) should be explored further. This would allow flexibility with the capability to arrange the benches in a traditional layout in the nave that would better preserve the significance of the building. The statement of need mentions the desire to rationalise storage and the vestry, if a carefully considered storage plan is put together ways of storing moveable benches at times when the maximum flexible space is required should be achievable without impacting too much on space. If this option is pursued the choice of replacement chair is acceptable, but we recommend it is stained to match closely the finish of the historic furnishings to preserve the harmony of the interior.*

16. Special notice of this petition has been served on the Victorian Society. By email dated 9 February 2026, they have indicated that they do not wish to object to this petition; but they ask that I consider their previous submission in making my determination (as I do).

17. **The Society for the Protection of Ancient Buildings** has also been given the opportunity to comment on the proposal for the disposal of pews; but it has indicated that it is happy to defer to the views of the Victorian Society on this occasion.

The DAC's Notification of Advice

18. The DAC's Notification of Advice (the **NOA**) is dated 3 November 2025. It was issued following discussions at a full meeting of the DAC held on 8 September 2025. This had been preceded by a site visit on 14 November 2023, attended by three members of the DAC (including the Archdeacon). At that time of the DAC's September 2025 meeting, the proposal under consideration had involved the "removal of pews from the central nave and introduction of Alpha Furniture Jacob' chair". The published minutes of the relevant part of the meeting record:

The committee agreed that the parish had demonstrated that the space created by clearing of half the nave pews would not equate to the space already utilized by Messy Church in the Church Hall; it would in fact be smaller. This would make the use of the nave for Messy Church impractical and would leave no room for the growth of the service. It was resolved therefore that the parish had demonstrated a clear need to remove all the pews, and consequently the committee supported the removal of all the nave pews.

It was agreed that whilst the replacement chair should complement the interior, there was now not a requirement for the chair to fit visually with the character and tone of the pews. Therefore, there was more scope to have a lighter (in weight) chair which would be more practical to stack and move around the church.

The committee heard that the parish had considered an additional 7 chairs since receiving the DAC's feedback in May and had obtained samples in the church of 5. The parish had settled on the alternative option of the Jacob chair, made by Alpha Furnishings. The committee raised concerns over the lack of comfort the Jacob chair appeared to offer. Whilst the lighter oak was preferred, it was noted that its colour would be very similar to the oak flooring, making the seating difficult to discern for those with visual impairments. The committee resolved to delegate the agreement of the replacement chair to the sub-committee.

19. The NOA recommends this proposal for approval by the court, without any provisos. The DAC advises that this proposal is likely to affect the character of the church as a building of special architectural or historic interest, although not the archaeological importance of the church, nor any archaeological remains existing within the church or its curtilage. Notice of the proposal has therefore been displayed on the diocesan website, pursuant to FJR 9.9. The NOA also records that the parish's explanation of how, in formulating this proposal, they have had due regard to the net-zero guidance (issued by the Church Buildings Council under s. 55 of the Dioceses, Pastoral and Mission Measure 2007) on reducing carbon emissions is adequate.

20. The NOA records that objections have been raised by The Victorian Society and have not been withdrawn. The DAC's principal reasons for recommending that the proposal should be approved despite those objections are stated to be as follows:

The DAC felt that the example of St John's Church in Cirencester raised by the Victorian Society was not a useful nor fair comparable. St John's Church, Cirencester is cathedral-like in its scale and thus it has a large volume of interior space in which to move the relatively smaller number of pews it retains. In comparison to the pews at Wooburn, the pews at Cirencester are visibly lighter with a slimmer framework, making them more suitable to moving on castors. It was noted that the Victorian Society had not visited the church of St Paul's, Wooburn.

The committee agreed that the petitioners had demonstrated that the proposal would bring substantial benefits to the parish, enabling them to host Messy Church within the church building and provide greater accessibility.

The DAC agreed that whilst the pews hold some significance as a whole collection, the pews are not an important example of Butterfield's work, and the benefit of the proposal outweighs the loss of the pews. The DAC therefore resolved to support the disposal of all the nave pews.

The legal framework

21. Since St Paul, Wooburn is a Grade II* listed church building, the court is required to have regard to what have become known as the *Duffield* guidelines when determining this faculty application. These are named after the decision of the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158, and have been considered, and refined, in later cases. The court must first consider whether the implementation of these proposals would cause any harm to the significance of this church as a listed building of special architectural or historic interest. As part of that process, the court must first identify the nature of that significance. If so, the court must then consider how serious such harm would be, and how clear and convincing is the justification for carrying out the proposals. The court must bear in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building. Where a church is listed Grade I or II*, only exceptionally should serious harm be allowed. The court must ask itself whether the petitioners had demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits which would outweigh any resulting harm. At paragraph 87 of their judgment, the Court of Arches made it clear that in this context, 'public benefit' includes:

... 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.

22. As I observed at paragraph 19 of my judgment (in this diocese) in *Re St Laurence, Combe* [2022] ECC Oxf 5, following the *Duffield* guidance, the court must bear in mind that:

- (1) The burden rests on the petitioners to demonstrate a sufficiently good reason for making any changes to a listed church building;
- (2) The more serious the harm, the greater the level of benefit that will be required before the proposals or works can be permitted; and
- (3) Only exceptionally should serious harm be allowed to a building which is listed Grade I or II*.

The court must also consider:

- (4) Whether the same, or substantially the same, benefits could be obtained by other proposals or works which would cause less harm to the character and special significance of the church building. As I pointed out in my judgment (also in this diocese) in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265 at paragraph 7:

If the degree of harm to the special significance which would flow from proposed works is not necessary to achieve the intended benefit because the desired benefit could be obtained

from other less harmful works, then that is highly relevant. In such circumstances, it would be unlikely that the petitioners could be said to have shown a clear and convincing justification for proposals which would, on this hypothesis, cause more harm than is necessary to achieve the desired benefit.

23. In *Re St Stephen, Redditch* [2025] ECC Wor 2 (in the Diocese of Worcester) Chancellor Humphreys gave consideration (at paragraphs 27 to 32 of her judgment) to the meaning of the expressions ‘serious harm’ and ‘substantial harm’, specifically in relation to proposals for the creation of further rooms on a mezzanine level to be introduced above the ground floor of a Grade II listed church building as part of major re-ordering proposals. As I understand her judgment, the Chancellor was of opinion that no issue could be taken with the propositions: (1) that ‘substantial harm’ should be equated with ‘serious harm’; (2) that this represents a ‘high test’, with the key being the seriousness of the degree of harm to the significance of the particular church building in question; and (3) that for harm to the significance of a church building to be considered as ‘serious’ (or ‘substantial’), its impact must be such that its significance is either vitiated altogether, or is very much reduced, so that very much, if not all, of that significance is ‘drained away’. At paragraph 33 of her judgment, Chancellor Humphreys concludes that:

Ultimately therefore, the determination of the level of harm to the significance of [the church building] caused by the proposals is a matter for me, informed by the representations of both the petitioners, the objectors and by the other evidence in the case. Similarly, the weighing up of the public benefit of the proposals and balancing them against the harm is also a matter for me, taking into account the evidence filed in the case.

I agree with, and would endorse, this description of the task that befalls me. For a fuller description of the decision-making function, and the process involved in assessing the degree of harm to a listed church building; and weighing any countervailing public benefits, and the church’s needs, against such harm, reference may usefully be made to paragraphs 87 to 96 of the characteristically full and detailed judgment, borne out of his considerable experience as a diocesan chancellor, of Chancellor Petchey (in the Diocese of Southwark) in *Re Holy Trinity, Clapham* [2022] ECC Swk 4, (2023) 25 Ecc LJ 276.

24. Finally, at paragraph 81 of my judgment in *Re Jesus College, Cambridge* [2022] ECC Ely 2 (handed down as Deputy Chancellor of the Diocese of Ely) I referred to the requirement, enshrined in s. 35 of the *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*, to have due regard to the purposes served by a church. This provides that:

A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to the role of a church as a local centre of worship and mission.

I explained that the statutory predecessor of that section (s. 1 of the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*) had been considered by the Court of Arches (Sir John Owen, Dean, and Chancellors Goodman and Sheila Cameron QC) in *Re St Luke the Evangelist, Maidstone* [1995] Fam 1. This was the first occasion on which the Arches Court of Canterbury had sat in its new constitution as a three-member court. At page 7 of the report, the Arches Court held that in the absence of words expressly limiting the wide jurisdiction long enjoyed by chancellors, the section could not be said to apply to chancellors, since they were not persons who carried out ‘functions of care and conservation’. Rather, in carrying out their functions under the faculty jurisdiction, chancellors were required (in the words of what is now s. 7 (1) of the *2018*

Measure) to “hear and determine ... proceedings for obtaining a faculty”. However, the Arches Court went on to make it clear that: “If the section had applied to the chancellors it would have added nothing to the existing duty and practice of chancellors.” I recorded that I understand this to mean that, independently of s. 35, when exercising the faculty jurisdiction, a chancellor should have due regard to the role of the particular church as a local centre of worship and mission. I also note, and bear in mind, the Court of Arches’ observation (at page 8 of the report) “... that a church is a house of God and a place for worship. It does not belong to conservationists, to the state or to the congregation but to God.”

Analysis and conclusions

25. Since this is an unopposed faculty petition, and the petitioners have raised no objection to this course, I am satisfied that it is expedient in the interests of justice, and in furtherance of the overriding objective of the FJR, for me to determine this application without a hearing, and on the basis of the written and illustrative material that has been uploaded to the online faculty system, and is available to the court. Doing so will save expense, and will enable the court to deal with this case proportionately, expeditiously and fairly. I have not found it necessary to visit this church. That is because the considerable number of helpful images of the interior of the church that have been included within the documentation uploaded to the online faculty system have given me a very clear impression of the present layout and appearance of this significant church building. I have included a relevant selection of these images at the end of this judgment.

26. In considering this faculty application, I have had regard to the NOA, to the two, contrasting, consultation responses, and to all the documents, images, and plans uploaded to the online faculty system. As is always the case, I am extremely grateful for all the hard work undertaken by the parish, the Church Buildings Team, the DAC, and the statutory consultees in developing, and commenting upon, the parish’s present proposal. As I explained in my recent judgment (in this diocese) in *Re Holy Trinity, Sunningdale* [2026] ECC Oxf 1 (at paragraph 51):

There can sometimes be a tendency for parishes to treat statutory consultees as an impediment to the implementation of their plans. However, as a Chancellor seized with the occasionally unenviable task of determining sometimes contentious development proposals, I always find the invariably well-informed contributions, rooted in their deep knowledge and experience, of the CBC, Historic England, and the national amenity societies with a particular interest in churches or works the subject of a particular faculty application, of immense value and assistance to me. These serve to underpin the ecclesiastical exemption, which performs such an important function in achieving the essential compromise between the interests of conserving, and preserving, important examples of this nation’s invaluable built heritage whilst ensuring that its ecclesiastical components can continue to serve their primary function as living and working exponents of the role of a parish church as a centre of worship and mission in and to its local community.

In the present instance, it is the Victorian Society who have taken the lead in objecting to this pew removal proposal. I am grateful to them. I am also grateful to Historic England, who have supplied an alternative, but equally considered, opinion about the merits of this proposal; and to the characteristically careful analysis provided by the DAC.

27. Following the approach of Chancellor Humphreys in *Re St Stephen, Redditch* [2025] ECC Wor 2, it falls to me, as Chancellor, both to determine the level of harm that the implementation of the present proposal will cause to the significance of the church of St Paul, Wooburn, and

also to weigh up the public benefit of this proposal, and then to balance it against that harm. However, and inevitably, my determination is heavily informed by the factual, and expert opinion, evidence presented to me by the petitioners and the statutory consultees, and the advice provided to me by the DAC.

28. I am satisfied that the removal of all but a few of the nave pews from this church will cause some degree of harm to the significance of this Grade II* listed church building. I agree with Historic England that, whilst its origins are medieval, internally the church of St Paul is essentially mid-Victorian, both in date and in character. I find that the nave pews are simply designed and, in themselves, they are relatively undistinguished examples of mid-19th century woodwork. However, they date to, and are associated with, the 1856-7 reordering by William Butterfield, one of the most prominent of Victorian church architects. They also form an integral part of a comprehensive assembly of internal church furnishings, providing architectural order and hierarchy to this church interior, and directing the viewer's focus towards the chancel, with its coherent and attractive fittings, and Comper's later, and magnificent, rood screen. As such, I find that the removal of all but a representative sample of these pews will cause some degree of harm to the significance of this church as a Grade II* listed building of special architectural and historic interest. I agree with the Victorian Society that the removal of a substantial number of benches will erode the completeness, and integrity, of Butterfield's ensemble of furnishings, and the contribution they make to the architectural order and focus of the nave. However, I would assess such harm as moderate, and certainly much less than '*serious*' or '*substantial*'. I agree with Historic England that the pews themselves are of limited significance; and the retention of a small number of the benches around the perimeter of the church interior will serve to preserve examples of these benches as items of church furniture, as a reminder of the church's mid-Victorian heritage.

29. Since I am satisfied that some, albeit modest, degree of harm will be caused by the parish's proposal for the removal and disposal of these pews, I must move on to consider whether such harm is outweighed by the needs underlying these proposals, and the ensuing public benefits they will bring. I must also proceed to consider whether the same, or substantially the same, benefits could be obtained by other proposals which would cause less harm to the character, and special significance, of this Grade II* listed church building. Whilst this latter consideration is not articulated expressly in any of the *Duffield* questions, it is implicit within the fourth of them: "*How clear and convincing is the justification for carrying out the proposals?*" If a desired benefit can practically be achieved in a way that causes less harm to the significance of the listed church building, it will not be necessary to cause that harm in order to obtain the resulting benefit. Whilst it is necessary to keep these two different aspects of the fourth of the *Duffield* questions firmly in mind, in this case (as in many others) it is convenient to address them together.

30. In answer to the fourth of the *Duffield* questions, I am entirely satisfied that the petitioners have established a clear and convincing need, and justification, for these proposals if St Paul is to move forwards towards fulfilling its vision for the life, worship, and mission of this parish. That need is fully articulated in the documents uploaded by the parish to the online faculty system in support of this petition, as summarised earlier within this judgment. It has been expressly recognised, and accepted, without any qualification, both by Historic England in their consultation response (as set out above), and by the DAC in its NOA. Historic England expressly acknowledge that the parish have made out a good case that their ability to use the

nave more flexibly will enhance the life and mission of this church. For this reason, Historic England accept the principle of pew removal and chair replacement; and they have raised no issue with the details of its implementation. I agree with the DAC's assessment that "*the benefit of the proposal outweighs the loss of the pews*".

31. For the same reasons, I am also satisfied that the same, or substantially the same, benefits could not be obtained by any alternative proposals which would cause less harm to the character, and special significance, of this exceptional Grade II* listed church building. I reject, as unrealistic and of no utility, the Victorian Society's suggestions that options such as retaining a meaningful mass of the benches, or shortening, and making the benches moveable with castors, should be explored further. I am satisfied, as is the DAC, that the parish have demonstrated a clear need to remove all the nave pews. The space that would be created by removing only half the existing nave pews would not equate to the space already presently used by 'Messy Church' in the church hall; in fact, it would be smaller. This would make the use of the nave for 'Messy Church' impractical, and would leave no room to 'grow' the service, in accordance with the parish's vision and aspirations.

32. No objections have been raised to the removal and disposal of the surplus 20th century items of church furniture, as detailed in the Statement of Need. The parish have demonstrated a clear and convincing justification for this part of their proposal, which will cause no harm whatsoever to the significance of the church.

Disposal

33. Overall, I am satisfied that the parish have fully justified, as being in the public interest, their present proposal on the basis that their ability to use the nave more flexibly going forward will enhance the life, vision, worship and mission of this church, despite the moderate harm that this will cause to the significance of this significant Grade II* listed church building. I wish the parish well in their endeavours to grow the Christian faith in Wooburn. As I have previously recorded, I would wish to extend my sincere thanks to the statutory consultees, to the DAC, and to the Church Buildings Team, for their assistance and advice with this online faculty application.

34. For the reasons I have given in this judgment, I have arrived at the clear conclusion that I should grant this faculty application. I propose to impose the following conditions:

(1) The Lady altar is to be disposed of either by finding a new home for it in another church, or by dismantling it and burning the wood, with the ashes being distributed in the churchyard.

(2) The parish are to consult the Church Buildings Team about: (a) the number, and the proposed location around the perimeter of the interior of the church, of the pew benches to be retained; and (b) the precise arrangements for the disposal of the surplus 20th century items of church furniture. In the event of any disagreement, this is to be referred to me for determination by way of letter to the Registry.

I will allow six months for the full implementation of this faculty.

David R. Hodge

The Worshipful Chancellor Hodge KC

Quinquagesima (The Sunday next before Lent)

15 February 2026

The south elevation of the church



Views of the nave pews





The worship band corner



The stage in the south-east corner of the nave



All Age Service (with little space at the front)



The pews viewed from the south-east





Messy Church in the Church Hall



The Children's Corner



A congregant attending with a walking aid



The limited space currently available for serving coffee



The limited space around the font



The proposed new chairs

