

1 December 2015

In the Consistory Court of West Yorkshire and the Dales  
(Diocese of Leeds)

15-157C

In the matter of St Aidan, Hellifield

## Judgment

1. By a petition dated 15 September 2015, the priest-in-charge and churchwardens seek a faculty for a reordering of the interior of this grade II listed church. The reordering comprises:
  - i. removal of 4 pews from the nave;
  - ii. construction of nave dais with removable communion rails;
  - iii. re-stating [presumably 'reinstating'] 2 half pews to either side of dais;
  - iv. removal of choir pews (retaining frontals)
  - v. introduction of hardwood upholstered chairs for use in chancel;
  - vi. installation of hand rails;
  - vii. carpeting of dais;
  - viii. removal of funeral bier;
  - ix. removal of two riddel posts from sanctuary and side altar curtains;
  - x. removal of large desk from vestry.

### **Opinions expressed by consultees**

2. The DAC issued a Notification of Advice on 12 August 2015 subject to four provisos. One related to the retention of the riddel posts; and one was a technical requirement concerning the carpet. The other two concerned the choice of chair and new location of bier and suggested that these matters should be subject to further submissions to the DAC, presumably prior to consideration by the chancellor.
3. Historic England, by letter dated 2 June 2015, raised the two matters concerning the riddel posts and carpet which duly became provisos to the DAC certificate. Subject to this, it indicated that it had no further comment to make.
4. The Victorian Society made a number of observations during the course of the consultation process. In particular, Mr Thomas Ashley of the Society sent a lengthy email to the DAC secretary on 2 June 2015. The inspecting architect, Mr Mike Overton, produced a point-by-point response to the Society's observations in an email dated 17 June 2015 and sent some photographs the following day. Ms Sophia Laird, who by this time had succeeded Mr Ashley at the Society, responded to this by letter dated 10 September 2015, persisting in a number of objections to which I shall turn shortly.
5. On 22 September 2015, the Victorian Society was served with special notice of the petition inviting a response within 21 days. Nothing further has been heard from the Victorian Society: it has not sought to become a party opponent and with the

passage of time I can only assume that it has no further representations it wishes to make. Accordingly, I proceed to determine this matter taking into account the observations of the Victorian Society identified above together with the response made on behalf of the petitioners.

### **The proposals**

6. This is a relatively modest proposal which seeks to create a more flexible space both for worship and for concerts and to create something of a proscenium dais into the nave to suit the liturgical practice of the small but devout worshipping community. I have been impressed by the way in which the parish has engaged with the DAC in exploring practical ways of achieving their vision for the building, adopting an approach they have styled 'Attractive, Welcoming and Engaging'. They have thought through issues such as sight lines (for both sacred and secular use) and access for those who have limited mobility. In addition, they have addressed how the building might best be used to attract and retain families, particularly those with young children. They have been assisted not merely by the DAC but by the inspecting architect whose professional skills have been instrumental in framing a proposal which seeks in a straightforward way to realise the ambitions of the parish.

### **The objections of the Victorian Society**

7. The Society has offered a fulsome response to the proposals which is sensitive to the aspirations of the parish and has, to borrow from statute, 'due regard to the role of a church as a local centre of worship and mission' (Care of Churches and Ecclesiastical Jurisdiction Measure 1991, s 1). It does not object to the construction of a nave dais nor to the removal of certain pews. It is agreeable to the introduction of free-standing chairs in the chancel, but objects to the selection of *upholstered* chairs. It also objects to the carpeting of the chancel creating, so the Society maintains, a domestic ambience which would compromise the architectural character of the building. The Society further maintains that the riddel posts should remain in place. Mr Ashley's email concludes, leaning perhaps towards hyperbole:  
'these details are presently wholly inappropriate, and would result in unjustified and unacceptable harm to the character of the listed church as a building of special architectural and historic interest.'

8. The Society's more recent letter restates its position, with particular emphasis to its objection to *upholstered chairs and to the carpeting of the chancel*. These are generic objections of principle applicable to all churches, the first being frequently shared by the CBC (which has not been involved in this case). The objection in this – and every case – is that they are visually incongruous and quickly deteriorate. Good quality hard furnishing, supplemented if necessary by removable cushions, is said to be more in keeping with the aesthetics of the church interior.
9. As for carpeting, the Society rejects the suggestion that it is the only 'family friendly' floor covering and points to many public buildings with hard flooring that provides a safe environment for children. It emphasises how historic flooring can add interest and colour to a church interior rather than the bland homogeneity of a fitted carpet.

10. The Society also argues for the retention of the riddel posts, and makes the point that as the Eucharistic focus will be relocated to the nave altar on the raised dais, the justification for their removal (making the area around the main altar more easily navigable) is less compelling.

### Assessment

11. The issue for my determination is relatively narrow. I remind myself that the burden of proof is on the petitioners and that the approach commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158 requires me to be satisfied that any harm to the significance of the church as a building of special architectural or historic interest is outweighed by the proven needs of the parish.
12. In particular circumstances of this case I am so satisfied. In my assessment the petitioners have made out a good case of need in respect of the proposed reordering, which the Victorian Society very fairly concedes. I do not consider that the introduction of upholstered chairs would be harmful. They may be a false economy but that is a judgment for the PCC. In my view, their presence would not be deleterious to the aesthetics or architecture of this building. Similarly, a fitted carpet may not be to everyone's taste, but any harm (in the *Duffield* sense) would be slight and fully justified by meeting the need of the parish as I have sought to summarise above.
13. In respect of both these matters, and the removal of the riddel posts as well, the determinative feature seems to be that all these proposals are wholly reversible. In *Re Holy Trinity, Eccleshall* (30 July 2010), the Court of Arches observed:

65. Taste, and in particular liturgical fashion, is subject to constant change, and what seems appropriate in a church to one generation may no longer be welcome in the future. With this in mind the faculty jurisdiction has always favoured changes which are reversible. This matter is addressed in Newsom & Newsom *Faculty Jurisdiction of the Church of England*, 2nd ed. (1993) page 128:

"One principle that is common in all the cases [on Re-ordering] is that, since tastes have changed and will certainly change again, a re-ordering should normally be reversible. [...] The Dean of the Arches in *Re St Mary's, Banbury* dealt with this point, saying that when a re-ordering is desired by the incumbent and PCC it should normally be allowed "if it can be done without necessitating a permanent and irreversible change to the building".

Mr Hill drew our attention to one of his own judgments in the Consistory Court of the Diocese of Chichester, *Re St Mary, Barcombe* (24 November 2009), where he had held at para 32, that: "The reversibility of the proposals [for a minor re-ordering] is a significant, and arguably determinative, feature in this regard."

66. No doubt with this principle in mind, the petitioners' written representations of 6 October stated: 'The proposed scheme reflects the high desirability that changes to the church should be capable of being reversed in the future. Current fabric will be neither damaged nor displaced by the scheme'. But apart from the Chancellor's comment during the site visit of 4 June to which we have already referred, namely that the trouble with introductions such as this was that they were very rarely removed again (which does not really grapple with the principle at issue), there is no indication that reversibility was taken into account by the Chancellor.

67. We regard this as an error [...]

14. In all the circumstances of this case, not least the reversibility of the proposals, I am of the opinion that, when the principles of *Duffield* are properly applied, they lead inevitably to the conclusion that this petition should be allowed. This includes the disposal of the bier and the desk which are not contentious. However, proper steps are to be taken to explore whether a

museum or other appropriate home can be found for the bier. I therefore order that a faculty shall pass the seal subject to the following conditions:

- (1) That no chairs are to be ordered or introduced into the church until the choice has been approved by the chancellor, the advice of the DAC having first been sought and obtained. Regard will be had to the extent to which the petitioners have considered alternative types of chair which are not upholstered;
- (2) The carpet should be 'breathable' and not foam-backed;
- (3) The riddel posts are to be safely and securely stored within the church in such manner and location as shall be approved by the archdeacon, and a proper photographic record is to be taken prior to their removal;
- (4) The petitioners are to use their best endeavours to store the choir stalls safely and securely within the church, or if necessary off-site, in such manner and location as shall be approved by the archdeacon. If that proves impossible or impractical, the choir stalls are not to be disposed of without prior approval from the chancellor;
- (5) The bier is not to be removed from the church until the chancellor has approved the petitioners' proposal for its relocation to a suitable alternative location or other disposal.

The Worshipful Mark Hill QC  
Chancellor

1 December 2015