

IN THE CONSISTORY COURT
OF THE DIOCESE OF MANCHESTER

RE ST WERBURGH CHORLTON-CUM-HARDY

JUDGMENT
delivered on 25 March 2022

Introduction

1. St Werburgh Chorlton-cum-Hardy [“the Church”] is not listed under the Planning (Listed Buildings and Conservation Areas) Act 1990. It was built between 1899 and 1902 and designed by R B Preston, who was the then Diocesan Surveyor who undertook a range of commissions for the design of new churches throughout Lancashire and North Cheshire. His designs were very typical of the late Victorian and early Edwardian era and were typically inspired by late gothic detailing. His churches were often built to limited budgets, making the most of simple and cheap materials.

2. The Church is of a traditional design with a nave, aisles and a chancel. The nave structure is of timber hammerbeams. There are vestigial transepts containing a chapel on the south side and what originally was the organ chamber on the north side. The organ has been removed and the area converted into a meeting room. The Statement of Significance records that the most significant historical contents of the church are:

- 2.1. the carved choir stalls, the carved oak pulpit and the carved font in Caen stone, all described as of moderate significance;
- 2.2. the churchwardens` seats and screens, described as of low to moderate significance; and
- 2.3. the carved oak Chancel screen, a memorial to commemorate those who died in the First World War, described as of high significance.

3. Adjacent to the Church is a Hall.

4. Even prior to the pandemic it seems that the church was in decline and had been so for many years. It had a Sunday morning communion service attended by fewer than 15 people, and a monthly Saturday morning Prayer Book communion service attended by fewer than 5 people. The church had lost a sense of connection with the local community. It was adjudged to not be viable without significant intervention.

5. The Diocese decided that something needed to be done and in July 2020 Revd James Neal [“the Rector”] was appointed as assistant curate and became Rector in March 2021. He describes the position from that time thus:

“Since our arrival and making significant changes to the pattern of ministry and mission within the church and community we have seen steady growth in our worshipping community, now gathering around 50 people regularly on a Sunday and connecting more widely in the community with around 200 people, particularly young families who are so present in the locality. We now have a functioning PCC and Standing Committee, and our giving is in a healthy position to see us move to sustainability in the future.”

6. So it was that on 11 November 2021 the Church was designated as a Resource Church by the Diocese with the purpose of developing outreach and growth and it forms a key part in the Diocesan vision for both revitalising the Diocese and growing the church.

7. The idea of such a Resource Church was given strong support by the Church Commissioners in 2020 when they expressed support for the plans to re-order the Church and was keen to fund them, as to which see below.

8. By their Petition dated 31 December 2021 the Rector together with David Hawkins and Emma Quintrell, both churchwardens, [together described as “the Petitioners”] sought a faculty for “re-ordering of church building as per plans and documents provided”. The summary of the application referred to “repurposing St Werburgh’s to make space accessible for exciting future”. Although all those concerned knew what was encompassed within such descriptions, it should be expressly recorded that the proposed works involved a very substantial re-ordering of the Church.

9. Such proposed re-ordering had the unanimous support of the Parochial Church Council [“the PCC”] on 29 November 2021 on the understanding that the Rector would discuss the plans with the wider Church congregation. The PCC considered various options for such re-ordering. The option unanimously approved by the PCC referred to the works as follows:

“Using the East entrance by the Hall and by levelling the Chancel which becomes the entrance foyer, thus reducing the need for ramps. This option also ties in the Church entrance with the Hall entrance. The Lady Chapel would be levelled out too but maintained as a separate room. The toilets would be housed in the Mansfield room and eventually a glazed modern entrance built in the space adjacent to the Hall on St Werburgh’s Road. Planning permission has been granted for external changes to the Church buildings. Internally, the War memorial screen is going to be kept. The marble steps to the Chancel will be kept but flattened and the floor behind them will be levelled. The Lady Chapel will be enclosed to give a private space. The West screen and the font to be removed. Large storage cupboards to be installed in their place. A submission has been put in place for the removal of the pews by James and Amy. ... The building work will take approx. 6 months with the aim of being completed by Christmas 2022.”

10. It is not suggested that the Rector did not discuss the plans with the wider congregation, as the PCC’s decision envisaged that he would.

11. The estimated cost of the proposed works is £ 363,579.

12. The Petition records that £ 375,000 is already available by way of grants, presumably from Strategic Development Funding [“SDF”] by the Church Commissioners.

13. At its meeting on 6 December 2021 the Diocesan Advisory Committee [‘DAC’] recommended such works for approval by this court. It also confirmed the DAC’s opinion that the proposed works were not likely to affect the character of the Church as a building of special architectural or historic interest and did not recommend consultation with any other body.

14. By a further Petition the Petitioners sought a faculty to remove the 37 pews in the nave and replace them with upholstered stackable chairs.

15. The estimated cost of the removal of the pews and the replacement chairs is £ 11,000.

16. At its meeting on 10 January 2022 the DAC recommended such works for approval by the court.

The objection

17. The Public Notice which was duly displayed gave rise to a representation by Mr S C Hope, the organist at the church between 2012 and 2020, whom I was satisfied was an interested party. I cite his representation in full.

"I write this to register an objection to aspects of the re-ordering at St Werburgh's Church, Chorlton.

Rev James Neale and his team are devoted to their tasks of modern worship, but I think they and other superiors are going too far.

I do not agree to moving East End altar, choir stalls and lowering the floor. Also moving the font and canopy at west end and pews in the nave. These are part of the original Dedication of the Church. Any new people coming to Church should see original furnishings of the church as a visual education.

There can be morning services in the Nave or in the Choir stalls for Communion, singing etc. also Lady Chapel for small numbers.

A new ramp for the Hall and toilet facilities fair enough."

18. This was obviously a representation in relation to both faculties,

19. Mr Hope was asked by the Diocesan Registrar whether he wished to become a party to the proceedings by serving written particulars of objection or whether he wished me to take his views into account without becoming a party. He was informed that in default of him filing written particulars of objection, he would be treated as having elected not to become a party to the proceedings and that he wished me to take his views into account in determining this Petition. Mr Hope did not respond to such communication from the Diocesan Registrar.

20. I expressly confirm that, in deciding whether or not to grant the faculty sought, I have taken into account all the views expressed by Mr Hope. As will be apparent, I have myself asked a number of questions about the nature and extent of the proposed re-ordering.

21. I am satisfied that it is expedient that I should determine this petition on the basis of such written representations and without any hearing.

The legal principles to be applied

22. In determining whether I should grant a faculty, the burden of proof lies on the Petitioners who propose a change to the status quo and they must satisfy me on the balance of probabilities that it is appropriate for me to grant a faculty.

23. Had the Church been a listed building, which it is not, I would have been required to undertake a balancing exercise by reference to the series of questions

identified by the Court of Arches in *In Re St Alkmund, Duffield* [2012] Fam 158, at para 87, as affirmed and clarified by that Court's later decision in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at para 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193, at para 39.

24. I thus have to ask myself the simple question as to whether the Petitioners have persuaded me on a balance of probabilities that I should grant a faculty.

The Petitioner's case in favour of the proposed re-ordering

25. The very substantial costs reflect the fact that a radical re-ordering of the space within the Church is to take place. The justification for this, in the words of the Rector, expressed after the receipt of the objection, is:

“Central to our SDF funding bid is a clear statement that the church building, and adjacent hall will need to be renewed to help us achieve our missional aims and targets. Externally, we need better access as well as better integration of church and hall to reflect the new needs of a Resource Church. Internally, we are seeking to make best use of the space to welcome and serve those coming to faith in the context of contemporary worship.

Our building proposals therefore have two main perspectives which we believe will aid us in realising our vision:

1. We need the space to be accessible and welcoming.
2. We need the space to be repurposed for an exciting new future.

The Chancel has been a focus of worship since the church was built. We are aware this appears a radical change. However, with the Chancel no longer being in use for worship, we are aware that facing this direction means focusing on what was a thriving and alive but is no longer so. This change would allow what was once a thriving part of the church to be repurposed for now and the future as the place in which new life flows into the church in the form of people. (The new entrance will be through the chancel). We like the narrative of honouring what was and allowing it to be repurposed as a central element in a thriving future for the church.

We are proposing some major changes internally to the church. St Werburgh's is not a listed building, but we are aware that some of our changes mark a break with the past. The mosaic chancel flooring and choir stalls have associations for the existing congregation of 10-15 with how this space was once used. However, as explained above, this area is no longer used. The plans to revitalise St Werburgh's must reckon with the reality that without significant reorientation around welcome and mission there will be no future viability for the church.

We have explored a range of options for the building with our architect, Mark Pearce, and we believe we have found the best way forward. Our plans are about helping a

tired building, with a tiny and dwindling congregation, become a place for new life and growth for Chorlton. And they are about setting up St Werburgh's as a planting church that gives life to a much wider area. We are excited that the Diocese and Church Commissioners are so solidly behind our vision and look forward to refreshing the building to enable this vision to be a reality."

26. Expressed rather more bluntly, it might be said that in recent times the Church had a dwindling congregation and no growth and was no longer viable and that, but for its repurposing as a Resource Church, it had no realistic future in continuing as a separate and distinct parish.

27. It is in this context that I have to determine whether I am persuaded that this application for a faculty for a very substantial re-ordering is justified.

Discussion and Determination

28. Initially the response by the Rector did not address the particular matters raised by Mr Hope, namely the removal of the East End altar and choir stalls, moving the font and canopy at the West end and the removal of the pews in the nave. At my request, he did so in a further submission. It is convenient to consider these separately.

The East end altar

29. The Rector explains that the reason for the removal of the East end altar is to turn the direction of worship westwards and to move the main entrance to the Church to the east end, in and through the chancel. Also levelling the chancel floor will allow a more flexible use of the space and accessible entrance, whereas the current accessible entrance is through the rectory garden and a back door. When the works are complete the chancel would be used primarily as a hospitality and welcome area with a serverly where the current altar is but could also be used as a smaller meeting venue or as a break out / café space. A welcome area and a space to break out were, he believed, an important part of welcome and were more in keeping with the more relaxed style of worship specifically designed to reach out to those in the parish.

30. In answer to a further query from me, the Rector said that the carved oak memorial screen would remain in its current location.

The font and canopy

31. The Rector explained that it was intended at the west end of the church to create a new dais area which would be the focal point of the worship area. Since that is where the font currently is, it needs to be moved and because the parish would prefer to use

a portable font rather than a fixed one because that is more in keeping with their style of worship, the current font was no longer required.

32. In answer to a further query from me about the reduction in the size of the dais, the Rector indicated that this was merely part of the evolution of the design process.

33. In answer to a further query from me as to whether the font could be relocated elsewhere, the Rector indicated that the font was not in good condition, is plaster and chipped and believed to be unremarkable and that the parish had no intention of using it in the future. Although the parish would be willing to retain the font and relocate it elsewhere in the church, it would prefer not to do so.

The pews in the nave

34. The Rector explained that removing the pews would allow for a more creative and flexible use of the space, whether for worship, conferences, courses or even parties and was felt to offer a warm welcome, a comfy seat and “an overall sense of something new, fresh and contemporary.” He believed that it was necessary to create an environment where people feel comfortable and have their preconceptions of church as forbidding and uncomfortable challenged. He believed that upholstered, stackable chairs were appropriate.

35. In answer to a further query from me, the Rector explained that the intention was to sell the pews, initially within the church family and any funds so raised would be applied towards the costs of the project.

36. Having carefully considered all the matters set out above, I am satisfied that the Petitioners have persuaded me that I should grant a faculty for the following reasons.

37. Although I have considered Mr Hope’s concerns that the Church he has worshipped at for many years is being very significantly and profoundly re-ordered, and not for the better, I have to bear in mind that the Church as it was, was failing, though lack of regular attendees and would, I suspect, in a very short time have been made redundant. The new opportunities which the newly re-ordered Church may not be to his liking, but it has to be conceded that it is succeeding in terms of growth and mission and that the Church is now a viable worshipping community.

38. I am satisfied that the significant changes to the fabric of the Church are necessary to make it a useful resource. What is proposed has the support of the PCC and is recommended for approval by the DAC. Moreover, I cannot ignore the fact that the Diocese has designated it as a Resource Church as part of its endeavours to

encourage growth and mission within the Diocese and that it has received very substantial SDF funding from the Church Commissioners.

39. I accept that it is appropriate to turn the Church westwards, to remove the east end altar and choir stalls and level the chancel floor. However, I will direct that a condition shall apply to the faculty that all reasonable efforts shall be made to ensure that the east end altar and the choir stalls are offered to other churches. Although I can find no reference as to what is proposed in relation to the carved oak pulpit, if it is to be removed, I will apply the same condition to such pulpit.

40. I note that the carved oak memorial screen is to remain in situ. It is the only part of the church furnishings which is of high significance.

41. Only because the font is chipped, it may be removed and destroyed. Had the position been otherwise, I would have directed that it should be located in some convenient place.

42. The pews may be removed in their entirety and replaced with upholstered stackable chairs on condition that all reasonable efforts are made to sell the pews, preferably to church members, but if this proves not to be possible, they may be disposed of in such manner as the Rector thinks appropriate.

Conclusions

43. Accordingly, and for the reasons set out above, I grant the faculty sought subject to the condition referred to in paragraph 39 above.

44. In accordance with the practice of the court the Petitioners must pay the costs of this application.

GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Manchester