

**IN THE CONSISTORY COURT OF THE DIOCESE OF CARLISLE**

**IN THE MATTER OF CHRIST CHURCH, SILLOTH**

Determined on the papers and without a hearing

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**JUDGMENT**

**Delivered on 11 May 2022**

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**A. Introduction**

1. The Rector and two churchwardens of Christ Church, Silloth seek a faculty permitting the introduction of 100 chairs to the Church.
2. Although the proposals are supported by the Diocesan Advisory Committee, the Victorian Society has objected to them. This judgment explains why I have decided to direct that the faculty should be granted, notwithstanding those objections.

**B. The Church**

3. I take the following description of the Church from the General Statement of Significance dated July 2021 and prepared by Paul Grout Associates.
4. Christ Church Silloth is a fine Victorian building occupying a prominent position in the centre of the town opposite the Green. It dates from 1870, with the spire completed in 1878. It is in a simple Gothic style with steep slate roofs, granite and sandstone walls and a tall, almost detached broached spire sited to the west. It is undoubtedly a striking and highly significant building in the town, and is listed Grade II.
5. Internally, the building has a simple overall plan with the main entrance through a lobby below the Tower. The lobby has high arches with granite columns and rib vaulting with an opening for the bells. This connects via a draught lobby to the main internal spaces. There are 5 bay Nave arcades with Aisles and Transepts and a semi-circular Apse forming the

Chancel. The arcades have dressed circular stone columns and capitals which have been left in the rough and not carved. The spandrels and internal walls are all constructed in exposed brickwork laid in patterns of red and yellow bands which are laid alternately in projection and recession.

6. The decorative internal brickwork in coloured bands is also noted in the English Heritage Listings Notice.

### **C. The Proposal**

7. The proposal is for the introduction of 100 upholstered chairs to the Church. In October 2021 works were completed that involved the provision of level access at the main entrance, introduction of kitchen and toilet facilities, and provision for a raised platform extending the chancel into the nave for a nave altar and as a stage for concerts and performances. The same scheme of work involved the removal of most of the original pews in order to create an open space.
8. Some of the removed pews were retained, to be used as moveable seating. The proposed new chairs would be used as additional seating in the nave, when required.
9. It seems clear to me that the PCC has gone to a great deal of trouble to reach its choice of chair (see paragraph 18, below).
10. At first, the proposal was for the use of a “Hudson” chair, supplied by Winscombe Furniture and finished in a red fabric. That supplier subsequently went out of business, so that the petitioners now propose the use of an alternative timber framed chair supplied by Alpha Furnishing, being product reference A1LSE. They would like to introduce 100 such chairs, 20 with arms and 80 without. They would be used in addition to 50 stackable, metal framed chairs with wooden seats and backs, already used at the Church.
11. Images of the “Hudson” chair and of the Alpha Furnishing one do show some differences in design. The latter has a ledge underneath for a kneeler and the timber frame at its back is rather more pronounced than in the Hudson design. Significantly, the Alpha Furnishing chair is available upholstered in the same Wine colour “Advantage” fabric as was first proposed for the Hudson chair.

#### D. Consultation

12. Historic England made no material comments on the proposal.

13. The Church Buildings Council response dated 19 October 2021 reads:

*“The new chairs are to replace the original pews (now removed as part of the recent reordering). The Council does not encourage the use of upholstered chairs, for the reasons outlined in our guidance on seating, available on our website. In this case, the majority of the pews, which were part of the original ensemble designed for the church, have already been removed. The Council acknowledges the need for seating, and that the parish has chosen new chairs with red upholstery so that they are comfortable, and in keeping with the remaining pews and carpet. However, it encourages the parish to consider our published advice so that the new seating will offer the flexibility and ease of maintenance that is desired, whilst at the same time being more sympathetic to the Victorian interior. Unupholstered, stackable seating may be a better choice. The Council does not wish to object to the chairs, but encourages the parish to consider their options carefully.”*

14. The Victorian Society also responded to the proposal, stating as follows:

*“Having reviewed the submitted information I am afraid we must object to the new seating proposed for this church. The national importance of Christ Church is formally recognised in the building’s Grade II designation. It is a coherent piece of Victorian design, with a particular in-the-round, landmark quality externally, and an especially pleasing and impressive display of integrated polychromatic brickwork internally. It is a fine building that is more than worthy of its Grade II listing.*

*We are surprised that details of the new seating were not established when agreement was reached on the recent reordering of the nave and aisles. Nonetheless, that the majority of the original seating has already been removed does not change the fact that the proposed chairs fall far short of the quality of design and materials that will be necessary in any acceptable new seating. You will be aware of the guidance issued by the Church Buildings Council on the issue of new seating in historic churches, but the parish in this case may not be. It is, clearly, highly relevant, and perhaps most helpful if I copy directly from it the most pertinent passages. Section 6 of the guidance, entitled ‘Selecting new seating’, states:*

*‘With many years of experience and having seen a range of completed schemes, the Church Buildings Council generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary.*

*The Council's experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long lifespans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design.*

*Upholstered seats are not considered to be appropriate for the following reasons:*

- *They have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church;*
- *Experience demonstrates that upholstered seating needs more regular refurbishment (wear and tear, staining) than seating without upholstery. This is especially true of multi-use churches where it will be normal to eat and drink regularly on the chairs;*
- *They are heavy and therefore more difficult to arrange and stack;*
- *The addition of soft furnishings can alter existing acoustics;*
- *Wood tones and textures fit well within church buildings and have been used for centuries in this context, whilst some colours have associations with other types of buildings such as offices.'*

*As the guidance paper also states, 'as it is statutory guidance, it must be considered with great care. The standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically and convincingly'.*

*I'm afraid we do not consider that the information prepared in this case sets out any such reasons.*

*Having dispensed with much of its historic seating, there is, undoubtedly, clearly a need for new seating. But there is no need for seating that is upholstered, or that would heavily erode the character and appearance of the historic interior. The chairs proposed – quite apart from their aesthetic unsuitability – are not very easily stacked, or very high, and are likely to be quite heavy, and therefore inflexible. No mention is made of storing the chairs, so are we to presume that they will be left out the vast majority of the time? If the intention is to store them when not in use, then their general bulk, weight and lack of ease of stacking would only make that more difficult. There are, in other words, chairs, or even stackable benches, that would be more appropriate to the historic interior in visual terms, as well as far more practical than the chairs that are proposed.*

*In light of the above we must object to the proposed new seating and ask that the parish revisit its proposal. Given that the proposal fails to abide by the C of E's statutory guidance*

*on new seating in historic churches, we hope also that our views in this case would be echoed and supported by the DAC.”*

15. *In response to my query the Society confirmed that it did not wish to become a party opponent.*

16. *The Victorian Society’s submission was considered in detail by the DAC at its meeting on 8 December 2021. The DAC chair then wrote to the Victorian Society to explain its views, as follows:*

*“I write to you in accordance with a resolution of the DAC to explain its conclusions in relation to the comments which you submitted on behalf of the Victorian Society with regard to the Faculty Application submitted proposing new chairs for Christ Church, Silloth in Carlisle Diocese. Your concerns and objections were reported in full to the meeting of the DAC considering the ... faculty application. In preliminary discussions in relation to the replacement chairs, the Archdeacon and the DAC had recommended to the Church looking at the alternative of un-upholstered chairs. At the DAC Meeting the points that you raised were each considered and debated in turn.*

*We are certainly in agreement in relation to your assessment of the architectural and historic quality of Christ Church itself. It is a key part of the planned development of the settlement being a prominent landmark in a nodal position. The external stonework is intimately linked to the development of this small port and seaside resort with the granite which forms bulk of it having been imported by the North British Railway from Ireland. Both this type of stone and the manner of its use are untypical of local structures. Internally, the use of bands and chevrons of red and yellow brickwork evokes the architecture of a Victorian railway station rather than that of the traditional local churches.*

*The Carlisle Diocese supports the Guidance of the CBC regarding the issue of new seating in historic churches but is of the view that this guidance must be interpreted in relation to the historic, architectural and aesthetic character of the ... particular church and in relation to the particulars of the proposals. In the case of the interior of Christ Church with its alternating band and chevrons of yellow and red brickwork and its colourful Victorian stained glass the DAC considered that coloured upholstery was not out of character as it could be in a church with an interior of plain, ancient stone or uniformly coloured brick. The DAC was informed of the applicant church's diligent investigation of alternative designs of seating. A copy of the letter to the Society from the incumbent explaining these researches was forwarded to the DAC. This described the visits that were made to other churches to view*

*different designs of chairs in use and consider how they might have aged over time. Different designs of chair were borrowed and taken to Christ Church so that they could be viewed in that setting and so that the comfort of chairs in use could be compared and their ease of movement assessed. Prices were obtained for comparison. The church members considered that the upholstered chair design would look appropriate in Christ Church. The upholstered chairs that they had viewed did not appear to have aged poorly. The Church already possesses some timber chairs which would be retained and be used for events at which the upholstery could be damaged such as by messy church or serving refreshments. Unlike other Cumbrian Churches there is not a risk of upholstery being damaged in floods.*

*The Victorian Society consultation response referred to the difficulty of moving and stacking heavy, upholstered chairs which could undermine flexibility of use. Having borrowed chairs to consider their rival merits, the members of Christ Church who would be moving the chairs considered that their preferred, upholstered chairs were not too heavy for them. The DAC did not think it knew better than the people themselves how easily they could move chairs. The Society expressed concern that the bulk, height and weight of the chairs would make them difficult to store and move. However, the recent re-ordering of the church has provided ample, screened storage that would be easy to use and thus avoid the need for the chairs to either remain set out the whole time or be stored in stacks in full view.*

*The CBC Guidance makes reference to wooden chairs representing better value for money and that an ergonomically designed wooden chair would provide as much comfort as an upholstered one. The members of Christ Church have costed different chairs and their expected lifespan and do not find that they are uneconomic for them. Having tested the various chairs for comfort, support and stability they concluded that their upholstered preference gave them most comfort, support and stability for their proposed uses. The DAC considered that the congregation and townspeople, who would be sitting on the chairs, had most knowledge as to what they found comfortable.*

*In this colourful Victorian church interior and for the other reasons outlined above the DAC considered that the proposed chair design would be acceptable and consequently resolved to recommend approval to the Chancellor. We are sorry to find that in this instance we have come to different conclusions to those of the Victorian Society but can assure you that our conclusions were not lightly reached."*

17. The DAC reflected this stance in the Form 2 dated 5 January 2022. The DAC recommended the proposals for approval by the Court, notwithstanding the objections raised by the Victorian Society. It confirmed that in its opinion the character of the Church as a building of special architectural or historic interest would not be affected by the proposals.
18. The PCC also responded in writing to the Victorian Society's submission in the following terms:

*"The Church Council of Christ Church, Silloth when planning for the re-ordering of the church visited a number of churches to look at the work they had done.*

*Each of the churches that had completed their re-ordering projects had, where pews had been removed, a variety of different chairs, all of which were upholstered seating.*

*St Barnabas, Carlisle*

*St John the Evangelist, Carlisle*

*St Mary's, Windermere*

*St Andrew's, Botcherby*

*In addition, we had experience of upholstered seating at*

*St John's, Houghton*

*Holme Cultram Abbey*

*St Aidan's Church, Carlisle*

*And others from various personal visits across the country.*

*Over the summer, the church has been using metal framed wooden chairs, which the congregation found uncomfortable to sit on for any length of time. The metal framed chairs are similar to the design of the "Abbey Chair" as supplied by Trinity Church Furniture.*

*For comparison we brought together various chairs of different designs and presented them to the congregation for them to try out.*

*The "Theo" chair designed by Simon Pengelly, which despite its numerous awards and being attractive to look at was found to be particularly uncomfortable. Both plain wooden and upholstered versions were tried out.*

*Churchill "Deluxe" chair, from Rosehill which is an upholstered chair.*

*Winscombe Furniture "Hudson" chair, which was the preferred chair for a few reasons.*

*The cost (which was not the primary reason for the selection); the seat height and width; and was found to be the most comfortable. The frame of the chair (a light oak/beech colour)*

*and fabric (red to match existing soft furnishings and carpet) have been chosen to complement the red and yellow brick courses that are a feature of the church.*

*For comparison, the relative costs for the chairs works out at*

*Hudson Chair    £110*

*Deluxe Chair    £100*

*Abbey Chair    £176*

*Theo Chair    £225*

*The relative costs (apart from the Hudson Chair where we have obtained a written quotation) do not include all the options for arms, and in the case of the Abbey & Theo chairs for any upholstery.*

*We approached the existing users of upholstered seating to ascertain the longevity of the fabric, and no issues have been identified.*

*There is a guarantee on the frame and fabric of all of the chairs, even the wooden ones do not come with a guarantee that is longer than 10 years.*

*In the selection of the chairs, we have considered the needs of the less mobile of the users and some of the chairs purchased will have arms to help people when sitting or standing.*

*The church has retained some (12) of the pews, to link back to the architectural features of the Victorian design of the church. The existing metal framed chairs will be retained for additional seating when required for larger events and services.*

*We have worked closely with our architect, Paul Grout, to ensure that the re-ordering of the church is sympathetic with the Victorian Heritage of the church, and as our professional advisor, he is supportive of the church's choice of seating.*

*Christ Church, Silloth embarked on the re-ordering project to make the church a flexible, open, safe and welcoming church building which can be used for a wide variety of activities alongside its regular worship.*

*Having completed the re-ordering of the church, we are now having to use a variety of different chairs to supplement the pews that have been retained, the use of which is not practical and neither visually pleasing nor in keeping with the fabric of the church, and we wish to proceed with the application for a faculty for the aforementioned Winscombe "Hudson" chairs as soon as possible.*



*The church therefore would request The Victorian Society to acknowledge that the church has considered various options and relevant guidance when coming to its decision, and review its decision to object to the introduction of the chairs:*

*The chosen chairs and fabric will complement and not detract from the existing fabric of the building.*

*The chosen chairs have been examined and selected by the congregation from various options.*

*Upholstered chairs are used extensively by other churches as part of their re-ordering, including other Victorian buildings.*

*The church has retained some pews as an example, looking back to the original design of the church.”*

19. The consultation responses, the DAC’s advice and the PCC’s response to the Victorian Society all concerned the initial plan to use a “Hudson” chair. As I have noted, that proposal subsequently changed, and it is now proposed to introduce a chair supplied by Alpha Furnishing.
20. In these circumstances I asked the DAC to confirm whether its advice changed. Similarly, I asked that the Victorian Society and other prescribed consultees should be given an opportunity to make any further observations.
21. In response, the DAC confirmed that it fully supported the newly proposed chairs as being “suitable for the colourful interior of this Victorian Church”. Historic England confirmed that it did not wish to offer any comments. The Church Buildings Council maintained its advice as stated above and said it was content to defer further consideration to the DAC. The Victorian Society made no further submission.

#### **E. The Applicable Legal Principles**

22. This application engages the series of questions identified by the Court of Arches in the case of *Re St. Alkmund, Duffield* [2013] Fam. 158 at paragraph 87 (and see *Re St. Peter, Shipton Bellinger* [2016] Fam. 193 at paragraph 35). The questions are:
  - (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

- (2) If not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- (3) If the answer to question (1) is 'yes', how serious would the harm be?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the 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 role as a place of worship and mission) outweigh the harm? In answering question (5), 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 to a building which is listed Grade I or II\*, where serious harm should only exceptionally be allowed.

## **F. Discussion**

23. As to the first question, the DAC's advice is that the implementation of the proposal to introduce these chairs would not affect the character of the Church as a building of special architectural or historic interest.
24. The Victorian Society's submission, on the other hand, does suggest that introducing the proposed chairs would result in harm.
25. This makes it necessary to consider each aspect of harm identified by the Victorian Society.
26. Firstly, the Victorian Society questions whether the parish has had due regard to the Church Building Council guidance, generally advocating the use of high quality wooden chairs without upholstery.
27. My view is that the evidence does indeed demonstrate that the parish has adopted the approach recommended by that guidance, albeit that ultimately the proposal advanced does not conform to the CBC's stated preference for unupholstered chairs. That is to say, I consider that the petitioners have undertaken an appropriate and sufficient exercise of evaluating the significance of the pre-existing seating; assessing and defining the need for new seating; giving consideration to the available options and deciding what to do; making an assessment of the impact of the proposed change on the existing building, its character

and historic fabric; taking expert advice (from Mr. Grout, the retained architect); and then selecting new seating.

28. I take into account that the Guidance Note to which the Victorian Society refers states that it *“is intended to guide parishes through the planning stages and the decisions involved”*. It is, of course, an important and useful expert guide: but it is not binding.
29. Secondly, the Victorian Society suggests that an upholstered chair is inappropriate because it will not be sympathetic with the historic environment of the Church and will not be consonant with its quality as a listed building.
30. In my judgment, that argument is not made out on the facts of this particular case. One of the hallmarks of the interior of this Church is its colourful internal brickwork (see paragraphs 4 and 5, above, and the DAC’s remarks quoted at paragraphs 16 and 21, above). The Victorian Society itself notes the *“especially pleasing and impressive display of integrated polychromatic brickwork”* at the Church.
31. For my part, I am persuaded that the choice of an upholstered chair with coloured upholstery is properly congruous both with the red banding in the internal brickwork of the Church, and with the carpeting already in place. From the photographs I have seen, and taking into account the submissions of the petitioners and the DAC, I am satisfied that the proposed chairs will indeed be sympathetic with the environment of the Church. In my judgment they will not *“heavily erode the character and appearance of the historic interior”* in the way the Victorian Society suggest.
32. Thirdly, the Victorian Society express a concern about the durability of the proposed chairs and the ease with which they may be stacked and stored.
33. So far as durability is concerned, I am satisfied that the petitioners have correctly and carefully considered this factor. They have made enquiries of other users of similar chairs in order to satisfy themselves on that point, and have chosen a chair that comes with a 6 year guarantee.
34. As to the stacking of the chairs, the evidence is that they can be stacked 5 high. The DAC refers to *“ample, screened storage”* for the chairs when not in use. I am, therefore, satisfied that the proposal is not compromised by this concern over storage.
35. In my judgment none of these challenges to the proposal, or any other of the contentions put forward by the Victorian Society, leads me to conclude that the introduction of the proposed chairs to the Church would result in harm to the significance of the Church as a

building of special architectural or historic interest. I agree with the DAC's views in that regard.

36. I would add, by reference to the terms of the CBC Guidance, that I consider the petitioners have in this particular case shown clear, logical and convincing reasons to depart from the recommendation to use an unupholstered chair.
37. This leads to consideration of the second question, namely whether the petitioners have shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted.
38. I consider that they have: and, further, that there are clear and convincing reasons why this new seating ought to be introduced to the Church. Indeed, both the CBC and the Victorian Society expressly recognise the need for some new seating.
39. If I were to be wrong, and in fact the proposed new seating would cause any harm to the significance of the Church, then I consider that any such harm would be at most modest, and clearly outweighed by the resulting public benefit identified by the petitioners. I am satisfied that it will see the Church further put to uses that are consistent with its role as a place of worship and mission.

**G. Direction**

40. In these circumstances I direct that a faculty should be issued in the terms sought by the petitioners.

JAMES FRYER-SPEDDING

Deputy Chancellor of the Diocese of Carlisle

11.5.22