

**IN THE CONSISTORY COURT OF THE DIOCESE OF EXETER**

**In the matter of North Tawton: St Peter**

**Application reference: 2019-031673**

**JUDGMENT**

1. By a Petition dated 6 September 2021 the church architect and the then vicar for St Peter's Church, North Tawton applied for a faculty to permit substantial reordering of St Peter's, which is a Grade 1 listed building of 13<sup>th</sup> century origin, but largely comprising 15<sup>th</sup> and 16<sup>th</sup> century fabric with some 18<sup>th</sup> century and late 20<sup>th</sup> century internal reordering. The opportunity to consider reordering appears to have arisen following receipt of a very substantial legacy left to the church by the late Clifford Newcombe. Whilst concerns are expressed as to certain aspects of the scheme, it is broadly supported by Historic England ['HE']. The Diocesan Advisory Committee ['DAC'] does not object to the works being approved, provided a number of uncontroversial provisos are adhered to. Wide ranging objections have, however, been submitted by ten parishioners. In accordance with the Faculty Rules, each objector has been given the opportunity to become a formal 'party opponent' to the Petition via a letter from the Registry date 11 November 2021. None of the objectors has opted to take this further step and their detailed letters of objection will therefore be taken into account, along with the process of response and further reply that has been conducted on paper.
2. In addition to considering the substantial documentation that has been submitted by the petitioners and all those who have been involved in the consultation process, I had the benefit of visiting the church on 31 May 2022. I am very grateful to all those who attended and made my visit both informative and welcome.
3. The detailed elements of the reordering scheme are:
  - (a) Enlarge the ground floor meeting space (Mortimer Room) extending it further east into the main body of the church, beyond the current reach of the gallery above, to the be level with the east pillar of the porch. The enlarged space would incorporate the north and south entrances providing direct access from outside

into the new enlarged Mortimer Room. The enlarged room would have sliding glass doors giving access into the centre aisle and both side aisles.

- (b) Extend the first floor gallery above the new enlarged room creating more space for the choir and an adaptable meeting/exhibition space overlooking the nave.
  - (c) Reinstate the meeting room in the south aisle and introduce a toilet and a lift to the south aisle. The Petitioners envisage the southern room being used as the church office.
  - (d) Remove the current spiral staircase from the centre of the Mortimer Room, and create a new staircase in the north corner around a platform lift.
  - (e) Renew and enlarge the kitchen in the tower.
  - (f) Introduce an access toilet in what is currently the vestry. This is to be accessed by the platform lift.
  - (g) Lower the porch floor and introduce ramp to provide an accessible entrance. Additionally introduce a glass door to allow the existing door to stay open to give a more welcoming entrance into the church.
4. Within the scheme the two central elements are (a) and (b), the enlargement of the ground floor meeting room and the first floor gallery that sits above it. The gallery, which accommodates the organ and some rows of seating, was apparently installed in the 18<sup>th</sup> century and was given new frontage in Victorian times. The meeting room was created in the 1980's by closing off the space directly underneath the gallery. The space beyond the meeting room, looking West, is taken up by a toilet, kitchen area and vestry which sit beneath the back of the gallery and/or the tower. The overall plan, in essence, is to push the front of the gallery and meeting room out into the nave so that they are in line with the Easterly edge of the South porch, rather than its Westerly edge as at present. The remaining proposals seek to tidy up and enhance the existing toilet, kitchen and vestry facilities, together with creating better internal disabled access in that space.
5. In order to make space for the enlarged gallery and meeting room, it is proposed that the back two rows of pews in the nave and the transepts should be removed and placed up in the new gallery space. The body of pews in the church are in good order, but their key feature is that many have fine medieval bench-ends.

6. The Statement of Need describes a need to enlarge and reconfigure the space in the meeting room which is said to limit those circulating in it over coffee after a service to around 10 and restrict those that can be seated for meetings to about 15. The plan is for there to be seating for 40 people and for the post-event circulation space to be similarly enlarged in what will be 'a warm adaptable space'. The new space will provide better facilities for youth group meetings and for catering. The first floor expansion will provide office space (for the first time in the church), an additional toilet and expanded space for well attended services. The gallery could also be reconfigured to provide additional meeting space. Finally, an accessible toilet is to be installed in the vestry and the kitchen area rationalised and expanded. The Statement of Need describes a growing number of church members and those attending meetings.
  
7. Historic England's final response is very largely supportive of the proposed reordering on the basis that 'the scheme achieves the well articulated need of the PCC to create a larger and more flexible non-liturgical space, while improving the existing fragmentation at the West end'. HE does however raise three remaining areas of concern:
  - a) The creation of a potential imbalance in the North/South aspect of the church by enclosing a further bay into the new meeting room space;
  - b) The further enclosing and fragmentation of the vestry. HE favour maintaining the current external access and not sub-dividing the vestry space;
  - c) The replacement of the 15<sup>th</sup> century South aisle door.
  
8. In their response to the HE the church architects have updated and expanded the Statement of Significance. The response to point (b) is:

"We note your comment regarding the compartmentalisation of the vestry and north west corner of the meeting space. We would like to point out there are currently several existing activity areas needing to be retained in the new design. These are Toilets; a kitchen; boiler room/store; meeting rooms; a staircase to the gallery; north and south lobbies and a meeting space.

In addition the church urgently need an access toilet and baby changing facilities. The brief also needs to simplify the current design to make the space more welcoming and to improve the reading of the original medieval interior. All this must be achieved while complying to the DAC requirements to open up the east/west access (which Historic England support) and improve the north/south axis. These requirements considerably reduce the design options and consequently it is inevitably that some areas will have to

be compartmentalised to accommodate the requirements. The focus has therefore been to identify and maximise poor or unused spaces to declutter the rest of the scheme. We believe the current design fulfils all the requirements of the brief while accommodating the needs of the DAC/HE.”

9. With respect to point (c), the architects confirm that there has been some misunderstanding as the door which is to be removed is not the 15<sup>th</sup> century South aisle door but a 19<sup>th</sup>/20<sup>th</sup> softwood door in poor condition. This no longer, therefore, appears to be an issue of concern.

10. Letters of objection have been received from the following parishioners:

Mr and Mrs Gregory

Mrs Hughes

Mrs Tye

Mr and Mrs Davies

Mr Whiteley

Mrs Fear

K. Searle

Mr Edwards

11. The objections made by parishioners are wide-ranging, but fall under the following headings:

- i. A good number of other venues for meetings are available in the town and the present room serves the church's needs (which are declining);
- ii. Reduction in capacity of the nave;
- iii. Loss of pews;
- iv. Points concerning the layout of the entrances, stair, toilets and kitchen area;
- v. The legacy should be spent in other ways;
- vi. It is premature to move ahead until there is a new incumbent;
- vii. Issues as to process.

12. Each of the points raised by objectors has been responded to, point by point, by the petitioners.

## Discussion

### (a) Funding

13. Before turning to the detail of the application, it may be helpful to clarify the role of the court in determining an application for a Faculty of this nature. As I explained during my visit to the church, a Faculty application is similar to an application for planning permission or listed building consent. The court acts as a signalman on the railway, either giving permission for the application to pass through or not (subject to conditions). Save in cases where it may be obvious that a parish has no funding or has not contemplated how funds are to be raised, it is not the business of the Consistory Court to become involved in how a parish may raise or spend its finances. These are matters for the PCC. It is within the PCC that local parishioners may raise issues as to spending priorities and decisions. These are not matters for the court when considering whether any proposed change to the building should be permitted or not. The same approach must apply to the question of whether the changes should be advanced before a new incumbent is appointed.

### (b) The expansion of the gallery and meeting room

14. The principal elements of the planned reordering are clearly the pushing out of the gallery and meeting room further into the West end of the nave. This proposal has the support of the PCC, and no objection is raised by the DAC or HE. Given the significance of the proposal in spatial terms, the fact that the two bodies concerned with heritage do not object to these proposed alterations to a Grade 1 listed building is of importance when considering the overall merits of the scheme. The PCC has identified a need for this expansion in terms of enhanced flexibility, local demand and mission. This 'well articulated' need is accepted by HE, who also identify the benefit of improving the existing fragmentation of the West end.
15. Many of the parishioners who object to the project do not accept that there is sufficient need to change from the present layout. The availability of other local venues is cited, and it is said that there is really no problem caused by a lack of space given the current numbers who use the church. In response, the petitioners say that the point is that any

other venue in town is not within the church. The purpose of the change is to enhance the ability of the church building to be used by church members, and others, for purposes connected with the church or otherwise to expand the 'mission' of the church in the town.

16. In evaluating this aspect of the application, the court has to put weight upon the views of the PCC as represented by the petitioners. They are charged with taking forward the work of the church in North Tawton and they consider that there is a need to expand and enhance the space at the West end of the church for that purpose. That need is implicitly accepted by the DAC and explicitly accepted by HE. Secondly, the argument raised by the petitioners in response, to the effect that the fact that there may be other venues in town misses the point, is well made. An aim of this scheme is to increase the numbers in the town who come into the church, for whatever occasion, rather than taking church activities out of the building into a secular space.
17. There is a second 'need' in support of these changes which, whilst identified by the petitioners, is not prominent in their case, but which was clear to me, with the eyes of a stranger to the building, during my visit. In short terms, the current arrangement of area on the first floor under the gallery is a hotch-potch, with competition for the use of the limited space leading to not one of the various elements (meeting room, toilet, kitchen, stairs, vestry) succeeding in having sufficient room to achieve its individual purpose effectively. No doubt for the best of reasons, and no doubt because it was not possible to think of extending the gallery, too much was put into the space by those who planned the reordering in the 1980's. Having seen the meeting area with some dozen people in it during my visit, I readily accept the figures relied upon by the PCC for the number that can congregate there for coffee after a service or for a more orderly meeting.
18. On the above basis, there is a strong case, if to do so is not otherwise contra-indicated by heritage or other factors, for the ground floor space at the West end to be rationalised and expanded as is proposed. Again it is of note that HE fully accept this point so as to improve the 'existing fragmentation of the West end'. If the 1980's reordering had not taken place, then the case for change now might be differently balanced, but given the 1980's changes the case for radically improving them and sorting this area out is a plain to see.
19. The case for expanding the gallery is of a less clear order. Just as in the 1980's one suspects that the extent of the ground floor changes was dictated by the physical

boundary of the gallery, the case for change to the gallery now arises because of the strong case, as it is said to be, for expanding the ground floor accommodation underneath it. Nevertheless, what is proposed for the gallery will be an improvement. It will increase the number of people who, when it is needed for a large attendance, can be accommodated there and it will afford more space to an area which is, to a degree, somewhat cramped.

20. Changes of this nature within a church building come at a price and, as is often the case, the principal price here is the need to remove two rows of pews at the West end of the nave and transepts. The pews at St Peter's are good solid benches and the medieval pew ends are of particular note. Save for one of the objectors, the removal of the pews is not singled out as a specific cause of opposition, although all of the objectors assert that no change is necessary. HE accepts that these pews can be moved. The proposal is for them to go up into the gallery to replace the unremarkable seating that is presently there. Others will sit at the side of the church.
21. When considering proposals to remove pews, what is important is the impact of the removal on the building as a whole. At St Peter's the overall body of pews provides an important, stabilising, presence in the core of the building. If the removal of the two rows of pews had a material impact upon that aspect of the church's physical environment, then that would be a matter of significant concern. But that does not appear to be the case here and that is not a point made by any of the objectors or, notably, by HE.
22. Insofar as the removal of the pews might reduce the capacity in the nave, the petitioners' response is that that is not so. The reordering will increase the capacity in the gallery and, when the need arises, the partitions forming the meeting room can be swung back to allow for further seating underneath the gallery.
23. Drawing matters together, and on the basis that it is for change only to be approved if a positive case for such change is made out, I am satisfied that that is indeed the case here. Because of changes made in the 17<sup>th</sup> and 20<sup>th</sup> centuries, this is a church that does have a gallery and, on the ground floor, a meeting room and a number of other facilities. Currently, on the ground floor particularly, these facilities no longer meet the need for which they were installed. If the parish is in a position to do so, its plans for rationalising this busy area by expanding the footprint of the ground floor, and hence the gallery, are well thought out and justified. The result will significantly enhance the ability of users of each component part, in contrast to the present layout where too much is crammed into

the space. Any detriment, for example in the removal of the pews, is proportionate and acceptable. Permission will therefore be granted for these central elements of the reordering.

(c) Other features

24. Without any disrespect to those parishioners who have objected, I propose to deal with all other matters of detail very shortly. I have considered each and I am grateful both to the objectors for the clarity with which they have set out their concerns and to the petitioners who have responded to each on in detail. Having read through the documentation, and seen the layout on the ground during my visit, there is no one point that has been made that causes me to depart from the position of trusting the PCC, the church architect and the DAC to deal with these matters appropriately. Whilst the court respects the fact that others have a different view on matters of detail, there is no sufficient reason for the decision of the PCC on these points to be overruled.
25. Finally, point (b) [as I have adumbrated it] raised by HE as to the arrangement of the vestry also falls into this category. I am satisfied, for the detailed reasons given by the architect in response, that the various pressing parameters that are described mean that the proposal is a sensible one within the limited range of options available.

Conclusion

26. For the reasons that I have now given, I direct that a Faculty is to be issued in the terms of the Petition on condition that each of the provisos in the DAC Notice is to be satisfied.

The Rt Hon Sir Andrew McFarlane  
Chancellor of the Diocese of Exeter  
26<sup>th</sup> August 2022