

**IN THE CONSISTORY COURT OF THE DIOCESE OF LEICESTER
RE SCALFORD ST EGELWIN THE MARTYR**

JUDGMENT

1. This is a petition to build a community room at the west end of the Nave (the bell tower end) of the church, to re-locate its Font and to create an access door in the servery to the store area.
2. I grant a faculty subject to conditions.

REASONS

Factual background

3. The Church of St Egelwin the Martyr is a medieval Grade II* listed building dating from the 13th and 15th centuries. St Egelwin was the brother of Kenwalch, King of the West Saxons from 642 - 654. The church is located at the centre of the village of Scalford, approximately 6 kilometres north of the market town of Melton Mowbray, Leicestershire. The church was restored in 1858 by Leicester based architects William Millican and Thomas Smith. According to *Nichols*, St Egelwin the Martyr is buried in the churchyard. This is the only church in the UK dedicated to St Egelwin.
4. St Egelwin's is currently used twice a month for services, namely for a Benefice communion with an average of 30 communicants and "Praise on Sunday" with a congregation of 10. The Church is also used for weddings, baptisms and funerals as well as for special occasion services. A Benefice/ Administration office is situated within the church and some PCC meetings are also held there.
5. In respect to community engagement, St Egelwin's is open every day for silent prayer. It holds regular social events during the year including monthly Village Lunches, Supper clubs and a monthly Fish and Chips tea. The PCC also has a strong relationship with Scalford Church of England Primary School. The school uses the church throughout the year for a variety of different purposes such as education lessons, religious understanding, whole school productions, services celebrating major festivals and end of term whole school and family services.
6. There used to be a Methodist Chapel in the village that had a kitchen and two small meeting rooms to be used by the Community. The rooms were also used regularly by Scalford Primary School as additional teaching space.

7. However, in 2019/2020 the Chapel was sold for use as a private dwelling and there has been no additional space created in the village to replace the meeting rooms lost by the sale. This has led the school and other community groups to remain in need of similar space in the village. There is no land upon which the school itself could expand. There is a Village Hall in Scalford used for larger groups but it is designed mainly for sports and is often booked up primarily for sports, parties, bingo and dinners. This has severely limited the Hall's availability for smaller community groups. There is also a Public House which has small inter-linking rooms but it cannot accommodate up to 20 people and is unsuitable as a venue for children to frequent.

The proposed work

8. Resulting from a series of consultations, the PCC wish to create a meeting room in order to make the Church sustainable for the future. The proposal seeks to offer a replacement option to the Chapel's meeting spaces that were lost by its closure. The PCC is also keen to develop a hub for the Deanery and considers Scalford well suited geographically to serve all three Benefices as the centre for them to collaborate, co-operate and pool resources. The Benefice has no other church able to offer user-friendly meeting space.
9. The proposal is for the creation of a meeting room with independent lighting and heating in the under-utilised open space between the vestry and the servery. The new screens of the meeting room would encroach further into the nave than the vestry and servery by approximately 1150mm. The design will also impact two columns at the west end of the nave by enclosing them within the new room. The columns will be visible within the meeting Room.
10. The meeting room will have bi-folds to allow the space to be opened back out to be part of the whole Nave for corporate worship and/or larger meetings/activities. A small flat roof similar to that of the vestry and servery is also proposed. However, this will be at a higher height than both adjacent rooms due to the stairs to the tower being through the proposed meeting room which requires extra head-room.
11. Due to the creation of the meeting room, it is proposed that the Font currently situated near the centre aisle at the west-end of the Nave is re-sited. The Font, is 19th Century, of coloured marble with a cast terracotta figurative panel. It is proposed that the Font is re-located to the east end of the North Aisle with a sight line from the South door. Whilst the PCC acknowledge this is not the traditional place for a Font, it is considered a more visible location for congregations and also provides space for families to gather round. The Font will not be on its present plinth which has proved to be a trip hazard. The siting of the Font in the south aisle just inside the door is also considered to have merit as a feasible location.

12. Lastly, the proposal is to improve accessibility between the servery and storage area by linking the servery and the storage space with a doorway. Currently, the store area is accessed by a door that would be in the new meeting room. The creation of a door to the store through the servery would mean there would not be a need to enter the proposed meeting space in order to access the storage area.
13. The need for the proposed works is said to be in order to meet the increased needs of the Community and Church. It is considered that a separately heated meeting room would accommodate meetings, discipleship, school teaching lessons and training events. There is also a present demand for meeting spaces by groups that used to use the Methodist Chapel such as the Women's Institute, the Community Choir and Salford Parish Council. The analysis provided within the Statement of Needs of current usage and projected usage, estimates that the creation of the meeting room will result in additional usage of at least 142 times a year. The projected usage is supported by letters from Community stakeholders.
14. Whilst the meeting room would be available for church meetings at no charge, it is also envisaged that a suitable hourly rate would be charged to other users, generating an income to help sustain the church for the future.
15. The works are also proposed as a strategy to reduce energy consumption and fuel costs. The creation of a separate meeting room to the nave would allow for the heating of only part of the building and would be a more affordable, efficient and environmentally friendly use of the Church. Currently, meetings at St Egelwin's occur in the nave which is a challenge to heat. The Statement of Needs explains that the current energy system takes 24 hours to heat the entire interior of the church due to it being a low energy electric system. The heating consumption estimates provided in the Statement of Needs for the newly proposed meeting room are particularly helpful and were based on the actual energy consumption in similar sized rooms within the Church. It estimates that it will be possible for the meeting room to be heated to a suitable temperature within approximately 2 hours and to a warmer degree compared to the heating of the entire Nave interior.
16. I am satisfied that a number of options have been considered in order to avoid and/or minimise the impact of the proposed works on the nature and character of the church. I was grateful for the detailed considerations and the rationale for why other potential and suggested options were discounted.
17. It is estimated that the proposed works will cost £60,000. The PCC currently have £55,000 in funds.

Consultation – support and objections

18. No parishioners have objected to the proposed scheme.

19. The proposals involve matters to which net zero guidance applies (that is, guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions).
20. The Leicester DAC is satisfied that the PCC has had due regard to net zero guidance, in formulating its proposal. The DAC recommends the proposals for approval by the court, subject to a number of conditions.

Letters of support:

21. The proposal received support from a number of community stakeholders including the Scalford Methodist Church, the Area Dean, the Scalford Village Hall Committee and the Scalford C of E Primary School.
22. Scalford C of E Primary School commented:

'We see the church as an extension of our school and as such would wholeheartedly embrace the opportunity of using the proposed meeting room as a classroom in partnership with the church. We frequently use the main church building for our teaching, but having an actual space similar to a classroom would make a tremendous difference to us [...]

We would like to use the room as a teaching space...Losing the chapel was a cruel blow for the school so we are holding out the hope that the church room could provide us with a fabulous solution.'

Historic England:

23. Historic England have been involved at various stages and the final design of the meeting room to an extent takes into account its comments. However, it remains concerned about the depth and width of the proposed meeting room and its resultant impact on the architectural qualities and detailing of the important interior. It cannot understand why the main body of the church cannot be used for larger groups and therefore does not consider this harm to be justified. It does not consider there is sufficient reason for why the meeting room could not be reduced in height thus reducing its impact on the church.
24. Historic England was invited, but declined to become a party opponent.

The Victorian Society:

25. The Victorian Society stated that, key to the 'multi-layered significance' of the church is the quality of the medieval architecture, especially the north aisle arcade, which is a fine example of Early English design and construction. The church also derives significance from later alterations and its restoration by

William Millican and Thomas Smith, Leicester based architects, not widely recognised but having a local significance. It accepted there is a local need for a medium-sized meeting space and made suggestions to the proposals to mitigate the damaging effect of the proposal on the interior.

26. Upon receiving revised plans, the Society was content to defer to the advice of the DAC and other consultees.

Historic Buildings & Places:

27. Historic Buildings & Places had some concern about the degree of projection into the nave of the proposed community space.

28. Upon receiving revised plans, the Society was content to defer to the DAC.

Church Buildings Council:

29. The Council visited the Church and provided comments on the proposals.

30. Upon consideration of the revised plans, it was content to defer to the DAC.

Site visit

31. On 9 October 2023, I visited St Egelwin's Church in order to consider:

- (1) the extent of the concealment of the Church columns;
- (2) the extent of the protrusion of the Community room into the nave (and in particular to envisage how the bi-folds operate to open the room back into use as part of the whole body of the nave);
- (3) the height of the Community room; and
- (4) the proposed new location of the Font

32. The visit was conducted in accordance with the helpful guidance in Re Holy Trinity, Eccleshall [2010] (Court of Arches) and Re St. Peter Shipton Bellinger [2015] (Court of Arches).

The Law

33. In determining this petition, the test set out in Re St Alkmund, Duffield [2013 Fam 158],

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 the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.

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 special 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 this question, 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 is to a building which is listed Grade I or II, where serious harm should only exceptionally be allowed.*

34. When applying the **Duffield** framework, Chancellors should bear in mind that the desirability of preserving the listed church or its setting or any features of special architectural interest which it possesses, is a consideration of great importance (**St Peter, Shipton Bellinger, Re [2016] Fam 193 [48]**).

35. Canon Law provides at Canon F 1 that:

“(1) In every church and chapel where baptism is to be administered, there shall be provided a decent font with a cover for the keeping clean thereof”

(2) The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible.

(3) The font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever”

Decision

36. The contentious parts of the proposed works relate to the height and depth of proposed meeting room, the concealment of the two columns and the re-location of the Font.

37. The proposal does result in harm to the significance of the church as a building of special architectural interest. The seriousness of the harm is in the

fact the depth and height of the meeting room will not respect the current architectural proportions of the church. The enclosure of the two columns disrupts the ability to read both columns and arcade, impacting on the importance of the interior space of the Church and its architectural design.

38. I am persuaded that the justification for carrying out the proposals outweighs the harm.
39. Since the closure of the Methodist Chapel, Scalford has had an urgent and present need for meeting space. The area identified within the church for the creation of a new meeting room is under-utilised but already used by worshippers for smaller meetings, celebrations and weekly events. The PCC's Statement of Needs demonstrates increased usage of the Church by congregants and the wider community if the current space was converted into a meeting room. I had particular regard to the letters from Scalford C of E Primary School that demonstrated a commitment to using the new meeting room regularly if the proposal was granted. This shows the proposal is an obvious opportunity for Christian ministry in the fostering of a closer relationship between the Church, school and the community. The increased use will also sustain the church building as an open place of worship and for the use and benefit of the public. The fact that the PCC has chosen to use bi-fold doors in order to re-open the room to be part of the nave for services and larger groups is particularly persuasive in mitigating the harm of the proposal.
40. Further, the creation of a smaller meeting room to be used instead of the Nave would reduce fuel consumption and costs. This is because only the meeting room would need to be heated and could reach optimum temperatures in significantly less time than is currently required to heat the entire Nave.
41. I am satisfied the PCC has given due regard to the need to reduce their carbon footprint, and the proposal to decrease energy consumption aligns with the Church of England's commitment to carbon neutrality by 2030.
42. I accept the proposed ceiling height is required in order to access the tower via the top step. Having visited St Egelwin's, I agree the proposed height is the lowest acceptable to ensure there isn't a health and safety hazard created by the new ceiling.
43. I was greatly assisted by the examples of possible room size and seating configurations to accommodate group numbers. I am satisfied that a room size of 20 - 24 persons is required for this proposal to be a viable option for likely user groups. This can only be achieved by the screen bi-folds sitting in front of the columns and thereby encroaching into the nave by 1150mm. I accept this will create a visual imbalance compared to the depths of the vestry and serveries along the west end. However, I do not consider the difference in depth is unacceptable to such an extent as to outweigh the public benefit of the proposed meeting room.

44. In respect to the obstruction of the columns and arcade, I consider the extent of the harm to the building by the obstruction is mitigated by the fact that the detail of the columns can be read from the inside of the proposed meeting room. They can also be viewed through the windows incorporated into the upper part of the screen. Therefore, I am satisfied that the public benefit in the creation of the meeting room outweighs the harm caused by having to view the columns from a specific vantage point and/or obstructed.
45. The relocation of the Font does not result in harm to the significance of the church but is to be sited at the east-end of the North aisle which is some distance from the principal entrance to the church. I accept that, as a result of the creation of the meeting room, the Font needs to be re-sited. However, the proposed site is not as conveniently as is possible to the principal entrance. There is an open space west of the door of the principal entrance (on the south aisle and east of the Vestry). This space is currently used for the welcome desk, a freestanding bookshelf and miscellaneous storage. There is enough space for the Font to be situated here with the welcome desk situated next to it when the Font is not in use. The freestanding bookshelf can be re-sited to the north aisle. I accept that the space cannot accommodate the Font's plinth. The plinth should be removed in order to allow the Font to be re-sited to this location without it creating a trip hazard.
46. The creation of a door to access the storage area via the servery does not result in harm to the significance of the church. Whilst the presumption is in favour of things as they stand. I am persuaded that the creation of the door is logical and of practical benefit. It will allow access to the storage area by other Church users without disturbing those using the meeting room.

Conclusion

47. It is for the above reasons I grant a Faculty as per the revised plans submitted in December 2022, subject to the following conditions:
- i. That details of the works are entered in the Log Book so that a record is kept of what has been done.
 - ii. That there is an archaeological watching brief on all excavations, including (contrary to the specification) any less than 300mm. This should be carried out by a professional contractor who is a member of the ClfA, or who is employed by a ClfA Registered Organisation.
 - iii. No works to commence without the preparation of a Written Scheme of Investigation (WSI) approved by the DAC.
 - iv. That Human Remains should be expected when excavating within a church. Any disarticulated human remains shall be

collected for reburial and the Incumbent notified. They must be treated with reverence and respect at all times. Any articulated remains shall be covered from public view and the discovery notified to the Incumbent. The remains shall be cleaned in situ for recording purposes, recorded and, where directly affected by the works, removed by a competent archaeologist experienced in church archaeology for reburial as close as possible to the point of discovery.

- v. That, where possible, all fixings should be made into joints, not stonework, using stainless steel or non-ferrous screws in fibre plugs.
- vi. That the new Tower screen is to be set abutting the west face of the Tower arch. It should be directly to the rear of the pillars rather than projecting into the tower space.
- vii. That no noticeboard is to be provided on the south facing screen adjacent to the south entrance door.
- viii. That the PCC confirms that there is definitely a steel rod supporting the existing Font as it is more likely to be a drain to earth.
- ix. That, if further clarification is required by the DAC, beyond the revised drawings already provided, a full structural engineer's Report is to be obtained together with amended drawings indicating:
 - a. the correct sized beams and junctions;
 - b. the footings/foundations for the steel columns
 - c. how the steel supporting the bi-fold door is secured to the steel columns.
- x. All excavations to be dug by hand and re-enforcement installed as needed.
- xi. The design of all new screens to match existing screens.
- xii. That the PCC engages the services of a Structural Engineer and amended drawings provided to be approved by the DAC that show the correct sized beams and junctions etc as well as the footings/foundations for the steel columns as well as how the steel supporting the bi-fold door is secured to the steel columns.
- xiii. All those working at height shall take all appropriate safety measures.

- xiv. The standard conditions for electrical installation, wiring and fixings conditions apply.
- xv. That a separate Fire Safety Audit is completed for the new meeting room.
- xvi. No works are to start unless the parish is in funds for that distinct stage of the proposed works.

48. I waive my fee for the writing of this Judgment.

Naomi Gyane

Chancellor of the Diocese of Leicester

9 January 2024