

Neutral Citation Number: [2025] ECC Cov 2

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

In the matter of Lillington: St Mary Magdalene

2025-111900

Petition to remove wooden pews from the Nave
and replace them with upholstered, wooden chairs;
to remove other pews and use stackable upholstered
chairs (when required); to provide storage space for the
stackable upholstered chairs; and to move the font to a
position opposite the main entrance doors.

JUDGMENT

1. The Petitioners are the Incumbent, Curate and Churchwarden of the Parish. They seek a faculty to achieve a reordering of the parish church involving the removal of the remaining pews from the church (several pews were removed from the South West of the Church by a faculty granted in 2022), replacing those in the Nave with 100 wooden framed upholstered chairs. These chairs could be fastened together to, in effect, create benches that could be separated as and when required. In addition, the proposal is to obtain 100 metal framed stackable upholstered chairs, for when a need for greater seating arises. These stackable

chairs, when not in use, would be stored behind a wooden screen at the West end of the North aisle, with a permanent ramp to ease movement of the stackable chairs on purpose-made trolleys. Wood from some of the removed pews would be repurposed in constructing the screen, and the remaining pews would be sold. Further, the petitioners seek to relocate the font from the East end of the South aisle to a position where there would be no seating in the North aisle, directly opposite the main entrance doors to the Church. The works, including provision of the chairs, would require fund-raising rather than use of limited parochial resources.

2. The Parochial Church Council has been in consultation with the congregation about these proposals for about five years, and obtained examples of the possible chair designs, so that the members of the congregation could knowingly indicate which chair would be desirable to replace the pews. The pews are now one hundred years of age, having been installed following an infestation in the previous, Victorian pews. The fifteenth century font was moved to the current location in the 1970s, but it is known it has been previously located in at least two other positions, one under and one near the West tower of the Church.
3. The Parish entered into detailed consultation with the Diocesan Advisory Committee, and provided written responses to queries raised by members of that

committee. The petition was then considered at the 30th April 2025 meeting of the Diocesan Advisory Committee, where the Members chose to issue a certificate of recommendation for the proposals.

4. Three letters of objection have been received opposing, in particular, the removal of the pews. None of those objectors chose to become a party opponent to the faculty proceedings, but two have produced lengthy communications to set out the objection raised in detail. Also, although the proposed chairs are outside those recommended in the 2018 ChurchCare guidance on seating in Churches, the Church Building Council initially made no comment about the proposals. Given that there were three specific notices of objections concerning removal of pews, a direction was given for discretionary consultation with the Church Buildings Council under rule 9.7 of the faculty jurisdiction rules.

5. The church itself is listed at Grade II, and is described in the listing description thus:

“Church. C14 origins to chancel and tower with C15 upper stage, otherwise mainly 1847 by JG Jackson of Leamington, builder William Bolland, and with east part of chancel of 1884. White and pink sandstone ashlar with plain-tile roof. PLAN: 4-bay nave with clerestory and aisles, the north aisle extends to west, south porch, 2-bay chancel with north Lady Chapel, north-east vestry and sanctuary; 3-stage west tower. EXTERIOR: tower has chamfered plinth, angle buttresses with off-sets; entrance to west end a plank door in 4-centred surround

with hollow moulding; 3 cusped-light window with chamfered mullions and surround; 2-light belfry openings to each side with Y-tracery, band, battlements, pinnacles with finials. South porch, chamfered plinth, off-set angle buttresses; panelled door in pointed, double-chamfered arch, copings. Aisles: off-set buttresses to angles and between bays, chamfered plinth; 2-light windows with reticulated-type tracery, to east end of south aisle a 3-light window with curvilinear tracery to head. Chancel: south side has blocked round-arched entrance, two single cusped lights and 3-light window with Y-tracery to head; to east end a 3-light window with reticulated-typed tracery to head. East end of Lady Chapel has rose window. Vestry and sanctuary have 2-light windows with reticulated-style tracery to heads. INTERIOR: double-chamfered tower arch, partly concealed; nave has double-chamfered pointed arches on octagonal piers with moulded capitals and responds. Chamfered chancel arch with hoodmould and foliate stops on octagonal responds with plain capitals and continuous impost band; chancel has sedilia and piscina. C15 octagonal font with shields in pointed quatrefoils. Stained glass by Kempe.

I note that there is no mention of the wooden pews in the listing entry.

6. The statement of need submitted with the Petition sets out that the Parish desires flexibility in use of the space in the nave. Numerous examples have been given of current uses for the space, including church groups, community groups, the local school, and events whose use of the building would be better served by having an ability to rearrange the seating available in the area. It is clear that the Church community is committed to providing a location that can be used by the wider community, beyond that already provided by the Church hall (known as The Octagon). The use of stackable wooden chairs, with other storable chairs

available for larger events/services, indicates that the PCC has given consideration to the changing usage of the Church throughout the calendar year.

7. The Statement of Need addressed the rationale behind moving the font from near the East end of the Church, to a position where it would be opposite the main entrance doors, but in fact in the North aisle, rather than adjacent to the entrance. The Parochial Church Council has clearly had regard to Canon F1 paragraph 2 in making the proposal. It has been indicated that the font being directly visible on entering the Church should assist with reenforcing the theological tradition that baptism, being entry into the Christian family, should - where possible - take place close to the entrance to the Church and be set “in spacious and well ordered surroundings”.

The objections

8. (a) Paul Reading raised objection by email. He argued that removing the pews would amount to destruction of ‘a beautiful church’. He disputed the need for additional space in the church, but gave example of poorly attended services, not other uses for the church building. He did, however, acknowledge the need for additional seating for Christmas services. He further argued that with funds being tight the church should not invest in something ‘not necessary and destructive’.

He argued that the proposed changes represented ‘a current viewpoint’ but may not be the view in years to come.

(b) There was also a further argument that there had been a lack of communication about the proposals. He stated he had emailed requesting the matter be raised at the APCM in 2024, but it appears he had been unavailable to personally attend that meeting. He did acknowledge that he was permitted to voice his opposition to the proposals at the APCM 2025 where, it is asserted, he received support ‘from members of the congregation’. He suggested that the proposal to relocate the font was a late addition, not covered by consultation, and was a further waste of money (and repeating the argument that relocation had been a matter of opinion as to where the font was best sited at the time it was moved to the current location, so the Court should not now follow the current ‘opinion’ as to the best location for the font).

9. Margaret Moore sent a typed document indicating her objection to the removal of the pews as she ‘felt it was wrong’, but acknowledged that the move may well be God’s will for the Church. Her argument was mainly that in the one hundred years the pews have been in place they will have absorbed much of the atmosphere of the Church, so they should not now be replaced.

10. (a) Sharon McCarten wrote by hand, and then supplemented her argument by email and through a further letter. She argued, effectively, that there could be removal of some of the pews at the front of the nave, to assist wheelchair users, and those still in the South aisle, but saw no need for the wholesale removal of the pews ‘to create space’ when there was already plenty of space in the Church hall. She suggested that it was ecologically unsound to remove perfectly good seating and to replace that with new chairs (she also referred to the pews as being Victorian, which they are not). She made no comment about the intention to repurpose much of the wood from the pews to create the screen behind which additional chairs could be stored. She presented a personal observation that with pews she could position her handbag, hat, gloves, stick and hymn book beside her, but this would not be possible with chairs (she is in her eightieth year). She also raised suggestion that pews should at least be retained in the Lady Chapel.
- (b) Sharon McCarten also raised issue that the Vicar would simply see the removal of pews at this Church, then depart, which she asserted he had done at a previous Church (if not two previous churches). [In fact, I am informed it was not the Incumbent of this Church who had overseen the scheme to remove pews at the other named church, but rather a different member of the clergy who moved to take on a rôle at Coventry Cathedral].
- (c) Sharon McCarten also raised the issue of the public notice not being displayed as required. I shall mention that matter in a later paragraph.

11. The petitioners have had opportunity to consider, and reply to, the objections raised. In effect, the petitioners highlighted that these proposals have been developed over a period of five years, involving consultation with the congregation, including a Vision Sunday, for which was produced a sixteen page colour pamphlet explaining the proposals and the history of changes that have been pursued in the Church building. As regards the ecological issue raised by Sharon McCarten the petitioners highlighted that the proposal would include repurposing of wood from a number of the pews. Generally, the petitioners indicated that the objections now raised had been the subject of debate and discussion throughout the five year period, so had already been considered when the final proposals were being formulated.

12. In response to the voluntary consultation direction, a representative of the Church Building Council wrote to express a preference against the use of upholstered chairs in the nave, but made no objection to removal of the pews, which were seen as being of little historic or artistic merit (the expression ‘plain and unremarkable’ was used to describe them). In fact, the CBC representative supported the move towards flexible seating proposed by the PCC, especially the provision of additional, stackable chairs that could be stored out-of-sight when not in use, describing the scheme as ‘laudable’. However, the representative of the Council did raise concern that the choice to join the upholstered wooden chairs to effectively form benches was unlikely to help with creating flexibility,

as the effort taken in unfastening heavy wooden chairs would tend to leave them fastened together in most circumstances. Another concern raised by the representative of the Council was that using two types of chair, with different back shapes, would be likely to adversely affect the appearance of the Church. The representative of the CBC made no observation concerning the proposed change of location for the font.

13. The explanation in the Statement of Need for the choice of tubular framed, upholstered, stackable chairs for when greater seating will be required was, in my judgment, lacking. I thus gave directions permitting the Petitioners to expand upon the explanation of the reasoning behind the chairs selected. In response the Petitioners explained that various options had been considered, but the chosen chairs were most suitable because the seat back and upholstery could match the more permanent wooden chairs; the chairs were light enough to be stacked 25 high and still be moveable once stacked, so aiding storage when not in use; the chairs had been assessed by members of the congregation as being comfortable and were known to be hard-wearing; and the cost per unit for chairs only used infrequently was not prohibitive. This response, coming before the response from the CBC, answered one of the concerns raised by the Council's representative, that being the visual effect of having chairs with two different shaped seat backs. Further, the Petitioners mentioned that they had considered the potential change to acoustics in the Church by having upholstered chairs, but

noted that the pews had already, for many years, been covered with thick carpet in the same shade to be sought for both types of upholstered chair.

14. The Petitioners were given opportunity to respond to the communication from the CBC. They were pleased to note the support shewn for their move towards flexibility in seating. The Petitioners expanded upon earlier comments upon the way the proposed flexible seating fitted in with the ecological aims of the Parish. They also highlighted the aesthetic potential of requiring both types of chair to have the same shaped seat back. There was also further explanation as to why the Parish sought to fasten the heavier, wooden framed chairs together (which the CBC response had suggested would replace pews with heavy upholstered wooded benches).

15. As has been mentioned above, the members of the Diocesan Advisory Committee chose to issue a certificate of recommendation for the proposals. I note that the representative of the CBC stated, in her response to consultation, that the CBC had earlier chosen to defer to the Diocesan Advisory Committee in this particular application.

16. The Public Notice has been displayed for the required period in two locations. In fact, after two weeks someone inadvertently removed one notice to replace it with a poster advertising an event. Once the petitioners discovered this they consulted the Diocesan Registry, and then re-displayed the public notices for the entire continuous statutory period. Although objection has been raised that the notice was not displayed during the designated period, I am satisfied that the Petitioners have acted appropriately to ensure that the notice was displayed as required.

17. In weighing the arguments for and against the removal of the pews and their replacement with upholstered chairs, I apply the framework set out by the Court of Arches in *Re St Alkmund, Duffield* 1 October 2012.

The framework is:

Step 1: would the proposals, if implemented result in harm to the significance of the church as a building of special architectural or historic interest?

Step 2: if the answer is ‘no’, the ordinary presumption ‘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.

Step 3: if the answer to step 1 is ‘yes’, how serious would the harm be?

Step 4: How clear and convincing is the justification for carrying out the proposals?

Step 5: Bearing in mind the very strong presumption against proposals which will adversely affect the special character of the listed building, will any resulting public benefit (including liturgical freedom/ pastoral well-being/ mission opportunities/putting the church to viable use consistent with its primary role as a place of mission and worship) outweigh the harm? The more serious the harm the greater will be the level of the benefit needed before an application can succeed. In a Grade 1 or 2* building, serious harm should only exceptionally be allowed.

18. I am not persuaded that the removal of the pews from the nave will result in causing harm to the significance of the church as a building of special architectural or historic interest. The pews are not original furnishings and are not mentioned in the listing summary or in Pevsner. It is clear that the pews are not of great quality, even though dating from 1925. Indeed, the Church Buildings Council supported the aim to make seating within the Church flexible by removing the pews. Further, the Parochial Church Council has, I am satisfied, consulted the congregation about these proposals over a long period of time, and has provided the opponents opportunity to put counter-arguments to the congregation at large. I would commend the approach of the PCC in this matter. I give little regard to the apocryphal remark that members of the congregation ‘supported’ the opposing arguments. These proceedings must be evidence-based and only three actual objections have been received.

19. I am satisfied that all pews the subject of this petition can be removed from the church: if at all possible the PCC can raise some revenue by offering for sale the pews not to be repurposed for timber.
20. The Petitioners rightly identified that the introduction of upholstered wooden chairs does not meet the recommendation of the Church of England concerning the use of chairs in listed places of worship. However, the PCC provided a detailed document explaining the rationale between the choice of two different types of upholstered chair. I found the provision of such detailed explanation useful in determining this matter, albeit the reasoning behind the choice of the 100 additional stackable chairs was originally very limited. In response to directions issued by the Court, further explanation for the choice of the metal framed, stackable, upholstered chairs was provided, and the response was helpful, as has been mentioned above. I welcome the use of wooden chairs to meet the flexible use of the building intended by the Parochial Church Council. It is important that if upholstered seating is to be provided that the upholstery does not detract from the architecture of the church - the fabric should not draw the eye of someone entering the church. Here the proposed chairs are upholstered in a sombre colour very similar to the carpeting that already exists on the pews currently in use. It seems unlikely that the upholstery would distract the viewer

from taking in the splendours of the church building. Further, the Petitioners have clearly considered aesthetics in selecting stackable chairs that can be fitted with the same shape of seat back to the more permanent wooden chairs. The petitioners have also considered the potential for impact upon acoustics in the church, and have also ensured the congregation has a voice in the selection of seating to be used. I support the move to repurpose several of the original pews in providing timber for the screen to be provided in the North-West corner of the church for the stackable chairs. In these circumstances, I am prepared to authorise the use of upholstered wooden Chairs, as requested. I do, however, ask the Petitioners to reconsider the notion of fixing the wooden framed chairs together, as also mentioned with concern by the CBC, as that move would likely dissuade people from allowing the chairs to provide flexible seating, by effectively replacing pews with benches, when the entire aim has been to be flexible in approach. I shall not, however, dictate to the Petitioners that fastenings should not be used, as the Congregation must determine their own approach to the identified need for flexible seating.

21. No real argument has been put forward opposing the relocation of the font, other than that it would cost money that the PCC could better use elsewhere. That is not a good argument if those charged as trustees of the parish finances argue that the necessary expense is justifiable. I am satisfied with the explanation of why relocation of the font to an area without seating would be preferable and, as has

been mentioned before, the new location for the font would be directly opposite, and immediately visible from, the main entrance to the Church. That is a suitable compromise from the usual practice of siting the font close to the main entrance to the Church. I therefore agree that the font can be relocated as proposed. It is of note that the movement of the font will not require any significant structural changes, so the scheme of relocation will be reversible.

Let a faculty be issued, subject to the following conditions:

- (a) within one month of the Chairs being introduced into the Church, the petitioners ensure that full details of the works concerning seating have been entered in the Church log book (including details of the design and introduction of the screen and ramp);
- (b) that the petitioners ensure the upholstery and seat backs on the light weight, stackable, tubular framed chairs match those on the heavier, wooden framed upholstered chairs;
- (c) that the details of the relocation of the font be described in detail within the Church log book within one calendar month of the works being completed.

The petitioners will no doubt have regard to whether any amendments to the church Inventory need to be made.

Given that fundraising is underway to finance the new seating a duration of two years is given to this faculty. Any application to extend the duration of the faculty should be made before the expiry of that period.

In this matter the opposition of the three Parishioners meant that directions had to be given. That was not the fault of the petitioners, but unfortunately they will need to pay the additional fees appropriate when directions have been given on a petition. I also need to certify that the time spent on considering this matter, and writing this judgment, has been four and a half hours.

Glyn Samuel
Diocesan Chancellor
9th October 2025