

## In the matter of St Margaret, Horsforth

### Judgment

1. By a petition dated 1 April 2015, but not lodged until the latter part of July, the team rector and churchwardens of St Margaret, Horsforth seek a faculty. The Schedule of Works or Proposals is somewhat confusing and does not fully and comprehensively set out what the parish is seeking, leaving much of what is proposed to be divined from an inspection of various plans. I am prepared to waive the defect in this particular instance because it has been possible, albeit with cross-referencing to other documents, to work out what is proposed. I do not consider that parishioners or the amenity societies have been misled: indeed in the latter case the consultation was fulsome and extensive. I do, however, put down a marker for the future that both the Schedule on the Petition and the Public Notice must describe the proposals with sufficient particularity, failing which an amended Petition and a fresh display of Public Notice will be required, which is likely to delay the determination of the matters.
2. As the plans illustrate, what is proposed here is creation of a 'proscenium' dais, extending the chancel outwards beyond the choir and into the nave. The back rows of choir stalls are to be removed and front rows adjusted and repositioned in their place. Both the dais and the choir are to be carpeted as far back as the sanctuary step. A portable altar is to be commissioned and portable communion rails and a communion table provided. Alterations are proposed to the chancel arch to accommodate this reordering. In addition, the pews in the Lady Chapel are to become free standing, the pews are to be removed from the south aisle and a children's area is to be created at the back of the north aisle.
3. The petitioners have supplied a Statement of Significance and a Statement of Need, together with various helpful photographs and correspondence concerning consultations with various interested parties. St Margaret's is a Grade II listed building, constructed in 1877 to a design of John Loughborough Pearson and consecrated in 1883. There is a parish centre, completed in 2008 which provides various meeting and social facilities and is apparently linked to the church at the north porch, which is the principal entrance to the church.
4. The Statement of Need is succinct and persuasive. It indicates the liturgical use to which the church is put, with the principal act of worship at 10 am. Reference is made to concerts and to the use made of the church by the local primary school. The reconfiguration of the church to incorporate a nave altar is seen as central to the parish's self-understanding as a gathering Eucharistic community. The community

use of sacred space, as well as the use of the church building to promote mission, are clearly articulated. It appears from an extract from a PCC minute that the experimental use of the building has reinforced the underlying need for change. The experiments appear to have been well received.

5. There have been extended consultations with various bodies as the current plans have evolved. They can be briefly summarised as follows.

#### **Historic England**

6. The views of Historic England are contained in a letter of 19 May 2015 addressed to the parish's inspecting architect, Richard Crooks. The letter, from Kerry Babington, commented on the extremely useful site visit in providing 'an understanding of the spatial qualities of the interior'. It continued, 'It was also important to see the items of fixed furniture that are to be removed or modified and discuss in more detail the justification for the work'. Noting the need to undertake works of adaptation to allow large places of worship to be used for different events to encourage people to make use of them, the letter continued:

'We are satisfied that the alterations will not cause unjustified harm to the significance of the Grade II listed building and therefore have no objection to the scheme'

They counselled against the use of carpet which gives an 'overly domestic character' to the space. It nonetheless recognised legitimate acoustic and cost implications in the choice of floor coverings. The modification of the timber screen was described as 'a particularly neat solution' to improving access, and a trial period with a temporary ramp was also commended.

#### **The Victorian Society**

7. There has been considerable correspondence with the Victorian Society and both the inspecting architect and the team rector. When the papers were first referred to me at the end of July, I required that special notice be served on the Society under FJR r 8.3. By email dated 14 August, Ms Sophia Laird, the Society's Churches Conservation Adviser, stated that the Society did not wish to become 'party objectors' [sic] but expressed the hope that 'the Chancellor will take our previous letters into account when making a decision on this case'. I have taken full account of all correspondence from the Society, together with the various reflections and responses from the parish, but I also attach weight to the fact that the Society does not consider this a case which merits its intervention as a Party Opponent.
8. The chronology of correspondence involving the Society comprises the following:

30 April	Invitation to comment from Mr Crooks, inspecting architect
8 June	Response from Mr Tom Ashley (formerly Senior Conservation Adviser (Churches) for the Society
12 June	Response of Revd Nigel Sinclair, team rector (running to 9 detailed pages)
27 July	Letter from Ms Laird to Mr Sinclair 'renewing our objections'
29 July	Letter from Mr Sinclair to Ms Laird

9. The substantive issues raised by the Society concerned the choir pews which it ventured might have been original furnishings designed by JL Pearson as part of a complete scheme for the interior. The Society could see no justification for the disposal of the rear stalls 'which appear to be high quality furnishings in their own right'.
10. While the Society conceded that the dais itself might be justified, it raised objection to carpeting in general and within the chancel in particular, which currently is made up of quality marble tiling and parquet. The Society regarded the alterations to the chancel screen as 'carefully detailed' but considered that the parish had not made out a case for a permanent ramp in the absence of significant numbers of the disabled seeking to gain access to the chancel. It considered a moveable ramp to be a more appropriate solution.
11. The Society did not consider that the parish had made out a case for the removal of pews from the south or north aisles and felt that the adjacent parish centre affords sufficient flexible space to provide for the needs of the parish. It did not regard the proposal to render the Lady Chapel pews freestanding as objectionable subject to the alterations being effected in a proper and sensitive manner.
12. Mr Sinclair's very full response to the Society engaged with all of its concerns and expanded upon the points which had been made more briefly in the Statement of Need. Mr Sinclair also indicated that the marble pavement in the chancel dated from 1911 and the wooden chancel screen from 1929 and thus neither was conceived by Pearson as part of his original scheme. Although Pearson's intended seating for 600, it was increased to 750 adults and 150 children at the insistence of the building committee thereby compromising whatever Pearson had originally envisioned. Some 26 blocks of pews have already been removed, in 1874 and 1984 pursuant to faculty.
13. There is a clear dissonance between the views expressed by the Society and the vision of the parish. Each position is valid, but I confess I would have found the opinions of the Society more convincing had a representative accepted the invitation to visit the church, as Historic England had done, and engaged more constructively with the points raised by Mr Sinclair on behalf of the petitioners.

#### **Diocesan Advisory Committee**

14. The DAC considered the matter at a meeting held on 19 May 2015 and issued a Notification of Advice on that day recommending the works for approval 'subject to agreement from consultations and recommendations of Historic England and the Victorian Society'. This was not a particularly helpful formulation. Expressing its recommendation as being conditional upon the views of others meant that, strictly speaking, the fact that such recommendations were not forthcoming effectively turns the DAC advice into a non-recommendation. I cannot imagine that this is what was intended. And it would be deeply unfortunate if the views of an amenity society effectively reversed the professional opinion of the DAC. It would be better in the future were the DAC to express its own collective view of particular works or proposals and to leave other consultee bodies to comment separately. The statutory

consultation process is about collecting a range of independent views from specialist organisations on what a parish is proposing in order to inform the court in its decision making. It is not about forging a consensus.

### **Church Buildings Council**

15. The proposals did not come within any of the three specific categories requiring mandatory consultation with the CBC under FJR r 8.6 nor did I consider that its advice would have been of assistance in this instance for the purposes of discretionary consultation under r 8.7. I was fortified in this view by the fact that the DAC, which is well used to making these assessments, made no such recommendation in its Notification of Advice.

### **Public notice**

16. Public notice elicited no response.

### **The law**

17. Adopting the framework and guidelines commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, a series of questions needs to be addressed whenever changes are proposed to a listed building. The starting point is a strong presumption against change and a significant burden lies on petitioners to rebut it.

*Would the proposals result in harm to the significance of the church as a building of special architectural or historic interest?*

18. Clearly they would.

*How serious would the harm be?*

19. The removal of two further blocks of pews, and the alterations to the choir stalls will result in noticeable harm. The minor changes to the wooden chancel screen will be far less significant. In the spectrum of harm, I consider what is proposed here to be at the lower end. I note the point very fairly made by Mr Sinclair that amongst the 64 'new build' churches designed by Pearson, 13 are listed grade I and 25 II\*. Only St Margaret's and one other are designated grade II. Even if the entirety of the interior furnishings had been designed as one holistic scheme, they cannot be described as amongst the better example of Pearson's oeuvre, and this factor must be borne in mind when considering the seriousness of prospective harm.

*How clear and convincing is the justification for carrying out the proposals?*

20. In my opinion, even though the Statement of Need might be criticised for its brevity, that is more than compensated for by the content of the letters written by Mr Sinclair. Rarely have I come across so lucid, lengthy and persuasive an explanation as that put forward in this instance, and one which is rooted in pastoral concern and the role of the parish church in the mission and witness of the Church of England. It is a paradigm of best practice by parochial clergy and I commend it unhesitatingly.

*Will the public benefit outweigh any harm?*

21. Undoubtedly yes. The advantages to the worshipping community, particularly at the 10 am Sunday service are likely to be transformational and the wider benefits of

flexible community use of the sacred space are likely to be considerable, for the reasons articulated by Mr Sinclair. I note that the mildly controversial issue of the carpet, is a fully reversible change and that the parish has expressly noted that it may look towards an alternative long-term floor covering in the event that funds become available in the future. This strikes me as wise stewardship and a proper regard to the historic fabric of the building.

22. The provisions of the Disability Discrimination Act 1995 (now repealed and re-enacted as part of the Equality Act 2010) make clear that the provider of services to the public should ‘provide access to a service as close as it is reasonably possible to get to the standard normally offered to the public at large’. See the judgments of the Court of Appeal in *Roads v Central Trains Ltd* [2004] EWCA Civ 1541 and *Ross v Ryanair Ltd*. [2005] 1 WLR 2447 para 32, which were approved by the Court of Arches in an ecclesiastical setting in *Re Holy Trinity Eccleshall* [2011] Fam 1 at paras 68-69. This proposal’s contribution to equalizing standards of access is undoubtedly a further factor in its favour which this court should take into account, and it may be that in its observations the Victorian Society might have underplayed the significance of this legislative provision.

**Conclusion**

23. For the reasons that I have sought to state succinctly above, the burden of proof has been more than adequately discharged by the petitioners and I therefore order that a faculty pass the seal.

The Worshipful Mark Hill QC  
Chancellor

18 August 2015