

**Neutral Citation Number: [2023] ECC Dur 3**  
**IN THE CONSISTORY COURT OF THE DIOCESE OF DURHAM**  
**RE PIERCEBRIDGE ST MARY**

JUDGMENT

Background

1. Piercebridge is a parish situated a few miles to the west of the town of Darlington. It is the site of a Roman fort, built about AD 260–270 at the point where Dere Street crossed the River Tees. St Mary’s Church is in a central position, lying immediately to the east of the village green. The population of the parish in the 2021 census was 120.
2. St Mary’s is a small grade II listed Victorian church built in 1873 in the early English style. The roof is Welsh slate, and the walls are sandstone with ashlar surrounds to windows and doors. There is a single central aisle, with the nave and chancel of similar width. The interior is simple, with plain plastered walls beneath a timber barrel vaulted roof. There is little decoration, and no stained or coloured glass.
3. The nave of the church includes 22 Victorian pews on raised wooden platforms either side of the central aisle – these platforms rest above bare earth. A stone font is situated by the main south entrance towards the west end of the church. In the north-east corner of the nave there is a wooden pulpit raised on stone, with stone steps leading up to it. To the right of the pulpit is a mobile wooden lectern. On the opposite side there is a small modern electric organ. The nave is separated from the chancel by a carved wooden arch, with two Victorian pews on wooden plinths set parallel to the chancel leading up to the altar. Behind the pew on the right-hand side is the main reed organ – this is an early 20<sup>th</sup> century harmonium. A door behind the organ leads to the vestry on the south side. Heating for the church is by portable electric plug-in heaters, which give out limited heat.

The Petition

4. The petition seeks to reorder the nave of St Mary’s Church to provide a joint sacred and community space. The proposed works would (i) create a flexible area by removing all the pews in the nave, and the raised platforms upon which they are fixed, (ii) put in new level flooring in the nave, (iii) remove the stone font and replace it with a moveable wooden font, (iv) add a lobby behind double doors at the west end of the nave, with accessible toilet facilities to the south of the lobby and a kitchen to the north of the lobby, (v) put in a

mezzanine level above the new kitchen and toilet facilities at the west end to provide storage space, (vi) replace the reed organ with the electric organ, (vii) strengthen the chancel wooden arch, (viii) replace the electrical wiring and light fittings, (ix) provide new space and water heating, and (x) reroute electrical and water supplies to the west end and install a new drainage connection to the nearby public sewer.

5. The kitchen on the northern side of the nave would be larger than the space needed for the accessible toilet facilities on the southern side of the nave; consequently, the appearance of the divide separating these rooms and the lobby from the rest of the nave would be asymmetrical, with the double doors leading to the lobby being set at an angle. The chancel with its existing pews would remain unchanged, other than the removal of the reed organ and its replacement with the electric organ. The mezzanine level above the western end of the nave would be accessible by a loft ladder from the lobby area, and to ensure light from the lancet windows in the west end was not interrupted there would be a glass parapet running along the front of the mezzanine.
6. The estimated cost of the proposed works is £100,000. The funds are already available.

#### The History of the Proposed Scheme

7. The vision to adapt St. Mary's Church for joint sacred and community use was first conceived about ten years ago.
8. The village school closed down after the Second World War. The old school building became the church hall, and was held in trust for the benefit of the community of Piercebridge. It was used by the WI, the Parish Council, an art club, and for community activities such as bingo, food themed evenings, bric a brac sales, and individual activities, celebrations and meetings. It had two rooms with a kitchen and toilet annex, but it needed significant maintenance and refurbishment, which was financially difficult. A meeting was held in April 2013, attended by over 80% of villagers, to consider a proposal that the hall be sold and the proceeds used to create a community and worship space within St Mary's Church. The proposal met with overwhelming agreement, so the hall was closed at the end of 2013 and sold in May 2014 by auction for the sum of £108,000. The vision was to redevelop the Church as a place for social gatherings as well as worship, with a kitchen and toilet facilities to be installed in the nave, with a flexible space in the rest of the nave for community events and for seating congregations at large services, whilst retaining the chancel as a sacred space and small chapel for services.

#### The Statement of Needs

9. The PCC's Statement of Needs explains that St Mary's Church is currently a 'Festival Church' allowing for at least six services a year, which recently have been well attended.

These include children's Good Friday activities and an Easter Sunday service, a Songs of Praise service following the first ever Piercebridge Summer Fete, a Harvest Supper followed by a Harvest Festival service on the Sunday, a Darkness into Light celebration, a service for Remembrance Sunday, and Christmas Eve Carols by Candlelight.

10. The need for the proposed works is summarised as:

*“St Mary’s Church is not currently fit for purpose for services or events: with no adequate heating, lighting, running water, toilet facilities, kitchen and a lack of suitable space for the 21st century. We currently carry five litre water drums to the Church, and villagers have to go back home to use toilet facilities or that of a neighbour – and in some circumstances this has prevented people who are travelling from further afield, to visit Church and attend services. Food offerings must be heated in our homes, wrapped in foil and carried to the Church for events. Crockery and cutlery must be transported to someone’s house to be washed for the next event. This is not ideal and a health and safety issue in terms of lifting and carrying. In colder months, villagers have to layer up as it is very cold to sit in the Church and this limits how we can use the Church in the autumn and winter months. Since the sale of the Church Hall and the Methodist Chapel, there is no other community space available without the requirement for travel to neighbouring villages, and with an older population that does not drive, there is a need for multi-use community space for the act of personal emotional health, well-being and healing.*

*The community needs a Church which is not just surviving but thriving – to match a community that has grown in closeness and strength. There is a core group of parishioners who are dedicated to developing both the presence of the Church and a community space.*

*This community needs a Church which can offer both vibrant worship and a safe warm space, with usable facilities such as a toilet, running water, heating and kitchen, to support the requirement of both worship and community events.*

*This community needs an adaptable sacred space that will allow for collective worship, for special events and concerts: and for small groups to meet for fellowship, for reading God’s Word together and for praying together. This adaptable space needs to be also accessible for discipleship courses.*

*The community needs a multi-use space for the act of personal emotional health, well-being and healing. This space would need to be easily accessible for all abilities and ages with adequate facilities to accommodate community activities for reasonable periods of time.”*

11. The PCC is concerned about the future of the building as a place of worship, believing it would have an uncertain future if left in its current state, whereas its future would be much more certain if adapted and used as a wider community resource. The PCC believes its proposals, if implemented, would underpin the future of the building for many years to come.

#### Consultations and Objections

12. No parishioners have objected to the proposed scheme.
13. 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). The Durham DAC is satisfied that the PCC's explanation of how, in formulating the works or proposals, it has had due regard to net zero guidance, was adequate. The DAC recommends the proposals for approval by the court, subject to provisos in relation to obtaining planning permission from Durham County Council for connection of the new drainage, and the need for an approved archaeological Written Scheme of Investigation before any excavations are carried out in the churchyard.

#### Historic England:

14. Historic England were consulted. They did not object to the proposals but made some helpful observations in a letter of 21 March 2023. In relation to the proposed removal of the pews and the font:

*“These appear to be original. The pews are of a standard form apart from the dogtooth embellishment to the end pieces, a nod to the Early English style of the church. The font is a moulded but otherwise plain hexagonal stone piece. In themselves they are not outstanding pieces of craftsmanship, but they add structure to this small nave and reflect the building's original Victorian layout. Their removal would be a loss to the visual and historic significance of the grade II listed building, moderate in degree of harm.”*

15. Historic England also raised doubts as to whether due consideration had been given by the PCC as to how the new space in the nave would be used and structured:

*“...there will be new chairs and probably tables and other furniture. That this isn't shown is a concern because it suggests that how the new space would be used and structured hasn't been fully considered. This could lead to an ad-hoc approach that could appear cluttered and ill-suited to the space. Similarly, no storage is shown.”*

*“In reference to the questions of the Duffield Judgement a balance between heritage harm and the benefit of flexible use is obviously relevant. The statement of need clearly*

*shows a strong desire to use the nave in various ways but what isn't shown is how this would be achieved in practice. Therefore, it is difficult to assess the impact on the character of the church and the degree to which some retention of pews and / or the font could be accommodated."*

The Victorian Society:

16. In an email dated 6 April 2023 the Victorian Society commented:

*"We are disappointed at the proposal to eject the font, which seems a remarkably wasteful and destructive act, particularly given the relatively small amount of additional space that would be freed up by its removal, and given that the church will in any case require a font. The historic font is one of the building's most significant liturgical fixtures, and its removal would cause considerable harm to the special interest of the building. Any acceptable reordering will ensure its retention within the building. Relocating it internally would be acceptable.*

*The loss of the historic bench seating would strike a severe blow to the character and appearance of the interior. The vision outlined in the Statement of Needs is laudable, but there is little evidence of a need for wholesale clearance. We would welcome the submission of additional information, particularly an options appraisal and a space audit, providing details of specific proposed (not potential) uses, with as much detail as possible of their frequency, projected attendance and spatial demands.*

*In the event of any degree of removal of historic benches, we would expect the replacement seating to comply with the Church of England's own statutory guidance on seating. For the avoidance of doubt, we would formally oppose the introduction of upholstered seating in this building.*

*As [Historic Buildings and Places] has already noted, the faceted nature of the west-end structure is most unwelcome, and would, in the context of the interior, appear jarring and alien. Its peculiar form appears to be proposed solely in order to accommodate a large kitchen space. The need for so large a kitchen is unclear; why could it not be made smaller, and the enclosing partitions then more happily resolved? The sort of facility envisaged could surely be contained in something more modest, perhaps accompanied by a portable servery counter that could be moved around as and when required, providing a good degree of flexibility. By contrast, servery hatches of the sort envisaged here look so dated, and they are inherently inflexible. We suggest that the finish of any partitions at the west end might most appropriately be in timber, in order to harmonise with the church's historic joinery. We are unsure of the need for a glass parapet, and would welcome explanation of this."*

Historic Buildings and Places:

17. Representations from Historic Buildings and Places were made by email on 3<sup>rd</sup> November 2022.

*“We do ask why the new amenities have been arranged at the western end so that the elevation is asymmetrical and doesn’t echo the balance of the present interior?”*

18. They argued that the kink in the frontage of the proposed works at the western end of the nave would challenge the balanced composition of the western lancet windows above. They suggested as an alternative that there could be two balanced pods at the west end, one for the kitchen and one for the lavatory without an enclosed lobby in between.

The Law

19. The approach to follow in determining this matter is set out in *Re St Alkmund, Duffield [2013] Fam 158*, as developed by the Court of Arches in *re St John the Baptist, Peshurst (2015)*. The matters to consider are:

- i. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- ii. If the answer to question i 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.
- iii. If the answer to question i is “yes”, how serious would the harm be?
- iv. How clear and convincing is the justification for carrying out the proposals?
- v. 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 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.

Analysis

20. The most controversial parts of the proposed scheme relate to the removal of the original Victorian pews and stone font from the nave, and the asymmetric appearance at the west end of the nave. I accept the observations of Historic England and the Victorian Society that these alterations would undoubtedly affect the visual and historic significance of this

Victorian grade II listed building; I agree with Historic England that they would result in a moderate degree of harm.

21. The pews are solidly constructed of pitch pine and part of the original architect designed furnishing of the building. A particular feature of the pews is the dogtooth ornamentation of their gable ends and along the tops of the front desks, but only the gable ends alongside the aisles have this ornamentation, whereas the gables against the walls are unadorned. Without this ornamentation the pews and their plain gables are not particularly special. Under the PCC's proposals, the pews in the Chancel would remain, as a reminder of how the church had once been furnished.
22. The removal of all the pews in the nave and the platforms upon which they stand, to be replaced with stackable chairs, is essential if the PCC's vision of creating an open flexible space is to be realised. I consider that the ability to use the nave in a totally flexible way will bring real benefits, and will outweigh any harm to the character and appearance of the interior of the church through the loss of the pews.
23. Likewise, the provision of kitchen and toilet facilities at the west end of the nave is essential if the church is to be used for community events and activities, as well as improving facilities greatly for the benefit of the congregation when attending worship. The DAC has concluded that the asymmetric appearance, resulting from the difference in size between the kitchen and the toilet facilities, cannot be avoided – the kitchen to be useful has to be no less than a certain size, whereas the toilet facilities have to fit in to the more limited space to the west of the main entrance on the south side. I accept the DAC's view that it would not be possible to establish a straight wall at the west end of the nave without creating either an unnecessarily large lobby area or a kitchen that could not be used effectively. The provision of the small enclosed lobby between the two pods will reduce noise transmission from the kitchen and lavatory when services or events are taking place within the nave, and the DAC is fully supportive of the design. I am quite satisfied that the benefit from providing these new facilities outweigh the visual awkwardness presented by the asymmetric appearance.
24. In so far as the glass parapet at the west end of the nave is concerned, I accept the DAC's view that it would allow light to enter the church from the lancet windows behind, and because it would be made of opaque glass, it would conceal the mezzanine space behind it where small lightweight items could be stored with access by a loft ladder from the lobby. The finishes to the west end partitions would be plain, and would match the existing plain interior of the nave.
25. One area where I do disagree with the DAC's advice, and the proposals of the PCC, is with regard to the font. I recognise that the font cannot stay in its present position near the main south entrance if the toilet facilities are to be installed, and that there is nowhere else where

those facilities could be suitably sited. I also bear in mind that the font is plain and of no particular craftsmanship, and that the proposal is to replace it with a bespoke new portable font, using carpentry skills within the village to create an item of beauty. But I am unconvinced that the stone font should be removed altogether. It is an original feature of the church. I agree with the observations of the Victorian Society that it would be wasteful to dispose of it given the relatively small amount of additional space that would be freed up by not siting it elsewhere in the nave. The font can therefore be removed from its present position, but the PCC must give further consideration to where the best place would be to re-site it within the nave, and then seek further directions from the court. One possibility to consider might be to move it to just the other side of the south entrance, consistent with canon F1.2. Alternatively, and in accordance with the *Response by the House of Bishops to Questions Raised by Diocesan Chancellors (1992)* which accepts that in an appropriate case a font can be located in a position away from the main entrance, the PCC may wish to consider placing it in the south-eastern corner of the nave, as a counterbalance to the pulpit in the north-eastern corner of the nave.

26. The other proposed works are not controversial:

- The wooden chancel arch is not completely secure, but can be strengthened using a simple bar at high level on the east side of it, supported off the stonework at each side of the arch. The bar would be visible through the fretwork from the nave side, but this would be mitigated by an appropriate choice of colour finish.
- The new proposed electrical heating and hot water system is essential to heat the church properly and to provide modern facilities; the new proposed heaters will provide greater efficiency to assuage any environmental concerns; new light fittings would be an improvement (the PCC will need to consult the DAC on appropriate designs for new light fittings).
- The organ currently sited on the south side of the chancel is a long defunct harmonium. It is of Canadian origin dating from the early years of the 20th century; its casework design bears no relation to anything else in the building and there is no reason for its retention. The electronic organ currently in the nave, on the other hand, was donated to St. Mary's Church by the family of a popular local organist. It will continue to be used after it has been moved to the space currently occupied by the harmonium.

27. When considering this petition I must also have regard to the history of these proposals. It started with the sale of the hall which had been used for community purposes, with the express understanding of the villagers of Piercebridge that the proceeds of sale would be used to enhance St Mary's Church for community use, whilst retaining the church as a place for worship. If this original vision were not implemented, much pastoral damage

might be caused by such a volte face, to the detriment of the Church's mission locally. However, if the original vision is implemented, the whole community of Piercebridge (as well as members of the congregation) will clearly benefit from the new facilities and opportunities that will be presented.

28. Contrary to the doubts of Historic England and the Victorian Society, I am quite satisfied from the PCC's Statement of Needs that proper consideration has been given as to how the open flexible space could be used for the purposes of the many different activities expected to take place there, although the PCC will of course need to consult the DAC and seek further directions from the court before any particular chairs or other furniture are introduced into the church.

### Conclusion

29. A faculty will issue for the proposed works subject to the following conditions:
- a. No work on the drainage within the churchyard is to start until permission has been obtained from Durham County Council to connect to the drain in the public highway.
  - b. On account of the possible presence of Roman artefacts, an archaeological Written Scheme of Investigation, based on the usual Durham diocesan template, will be required prior to any excavation in the churchyard.
  - c. The DAC is to be consulted in respect of the design of the new light fittings, chairs and any other furniture to be introduced into the church; further approval is then to be sought from the court for those items.
  - d. The stone font is to be re-sited in the church; further directions are to be sought from the court after the DAC has been consulted about its new position.

Adrian Iles  
Chancellor of the Diocese of Durham

13<sup>th</sup> November 2023