

Neutral Citation Number: [2024] ECC Gui 2

**IN THE CONSISTORY COURT OF
THE DIOCESE OF GUILDFORD**

Date: 13 May 2024

**IN THE PARISH OF BAGSHOT
THE CHURCH OF ST ANNE**

In the matter of a petition for a faculty for the front two pews and pew fronts in the main nave to be removed together with two radiators, electrical sockets to be relocated and carpeting.

JUDGMENT

1. St Anne's Church is a Grade II church built in 1884, designed by Alec Cheer. The English Heritage Listing describes it as "Polychrome brick with stone dressings, slate roofs with tiled ridges. Cruciform plan with lower aisles under pentice roofs, transepts and chancel to east; attached tower to north east angle of south transept and vestry to north." Of the interior is just says "Interior: Standard fittings." Pevsner harshly described it as "Bad, purposelessness ugliness."
2. The 2020 church inspection noted that the pews were in sound condition with some pews removed in 2017. The NADFAS record notes '61 dark stained benches' with 'roll moulded top rail' fixed to the floorboards and notes the front pews have a matching bench front with white radiators (referred to in the petition as a modesty screen). There is no suggestion of any special design or architectural significance. The 1912 pew plan shows one of the two pews proposed to be removed as 'HRH' as is the pew behind it and two pews at the front of the north aisle.

The Petition

3. By a petition dated 29 January 2024 the petitioners applied for a faculty for the front two pews and pew fronts (or modesty screens) in the main nave to be removed together with two radiators, electrical sockets to be relocated and carpeting to match existing.
4. The works are estimated to cost £2,500 and predicted to take 4-5 weeks. At a PCC Meeting on 17 October 2023 the PCC ratified a unanimous email vote to petition for the works. The Diocesan Advisory Committee approved the proposals on 11 December 2023. The petitioners' insurance company have been notified of the works.

Statement of Needs

5. The petitioners say that there are many activities which are now taking place in the church which require a more flexible space. They need a space for wheelchair users during small services, for the Family@4 children service activities, so wedding parties can sit more easily during services and for the local school choirs and bands to perform with or without a stage. They want an area for families with small children to sit at the front with children in prams or on the floor and for toddler group services with children sitting on the floor.
6. Childrens' services are becoming more popular and the reordering will help in making important fundraising concerts possible as the current layout does not provide enough space for a choir or band. St Anne's has embarked on a strategic engagement with the wider community (through a recent photo exhibition and a Christmas Tree Festival) and is planning on holding meetings and talks/activities in the church.

Objections

7. There were three letters of objection to the petition. Each petitioner was written to giving them opportunity to become formal parties opponent but none did. The objections suggest "some congregational unease" and a "lack of consultation". The concern is that taking out the front pews will push the congregation further towards the back of the church and the removal of radiators could affect the temperature particularly on very cold days. They say the clergy will use the middle of the church rather than the chancel. They regret the removal a historical pew "known as the Duke's pew". This is a reference to HRH Prince Arthur, Duke of Connaught from Bagshot Park, although there is nothing architecturally significant about the front pews except that the wooden panelling continues below the seats. One objector suggests removing pews in front of the pulpit and in the side aisle or taking out the second-row pew and refitting the 'Duke's pew' further back.
8. The PCC submitted a lengthy response approved on 12 March 2024. It noted that the pew opposite the lectern is indeed the pew HRH the Duke of Connaught used but there is no significant difference in the design of this pew. There are numerous commemorations of the Duke of Connaught in St Anne's but the pews are not one of them. The PCC says that an open fronted pew will be popular at the Family@4 and Taizé services. It helps ensure accessibility with a newly installed sound system and hearing loop. Services have been conducted at floor level for over 10 years. The PCC accepts the loss of heating but notes that it has been heating the church to 15 degrees due to increased heating costs and the number of radiators is more than adequate to heat the space. It is exploring Gold Eco church status which will remove all heating by radiators.

9. The existing space for wheelchairs is 7 pews (8 metres) from the front which makes them remote from others in small services and is poor for inclusivity. Families with young children can sit centrally in services rather than being 'relegated' to the side. It will also avoid cumbersome moments during wedding services. St Anne's has a good organ and overall acoustic which will make it appeal to community music events if a choir or band can be accommodated. The PCC considered the alternative suggestions but decided that its current proposal is preferable.

Discussion

10. *In re St Alkmund, Duffield* [2013] Fam 158, the Court of Arches put forward the following questions:

(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: see *Peek v Trower* (1881) 7 PD 21, 26-28, and the review of the case law by Bursell QC, Ch in *In re St Mary's Churchyard, White Waltham (No 2)* [2010] Fam 146, para 11. Questions 3, 4 and 5 do not arise.

(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 (see *In re St Luke the Evangelist, Maidstone* [1995] Fam 1, 8), will any resulting public benefit (including matters such as liturgical freedom, pastoral wellbeing, 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 question (5), 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."

11. When considering the *Duffield* questions:

- a. There is moderate historic interest attached to one of the pews. It does not damage the overall significance of the church as a listed Victorian church.
- b. In my view the proposals would result in a low level of harm. The removal of two pews, pew fronts and radiators would be a minor change to the overall interior.
- c. In my judgment there is clear justification for carrying out these proposals and not preferring the status quo. There is a need for flexibility in the modern use of

the church building for the worshipping congregation and so that it is used by the community.

- d. I take into account the public benefit and particularly the opportunities for mission and putting the church to viable uses that are consistent with its role as a place of worship and mission. I agree that it is important to create an inclusive, friendly and accessible area in the front of the church will make it easier for activities to take place.

12. In those circumstances I grant the petition for a faculty as sought. The works must be completed within 18 months. The PCC should look to sell the pews and fronts locally within the Parish or congregation and only if they cannot be found an appropriate home should the PCC advertise more widely. I waive the fee for this judgment.

**THE WORSHIPFUL ANDREW BURNS KC
CHANCELLOR**