

IN THE CONSISTORY COURT AT LINCOLN

In the matter of All Saints, Barrowby

Judgment

1. The Petitioners seek a faculty to achieve a reordering of their parish church principally involving the removal of all the pews and their replacement with upholstered wooden chairs. Other aspects of the petition are not controversial and include cleaning the Victorian tiles, the creation of a dais at the east end in the nave, installing a new sound system and carrying out rewiring works and relocating radiators and replacing where necessary.
2. The Victorian Society ('VS') have opposed the removal of the pews and propose a compromise whereby some are retained. Historic England ('HE') are not opposed to the removal of all the pews but oppose the use of fabric covered wooden chairs in replacement. They state that if it is decided that such upholstered chairs are necessary they urge that a neutral colour is chosen and not the then proposed red.
3. All Saints, Barrowby is a Grade 1 listed mediaeval church dating predominantly from the 14th century with some earlier 13th century fragments. It was restored in 1854 and 1889. HE summarise the significance of this church in their advice dated 7/2/18 in which they highlight the outstanding 14th century font. The church's architectural and historic significance places it in the top 2.5% of listed buildings in the UK.

4. The statement of need submitted with the Petition sets out what the Petitioners seek:

(i) The replacement of the fixed seating and the replacement with moveable seats.

They wish to have a more flexible space for worship which is not constrained by the presence of pews. They also seek that flexibility so that parish events can use the space, and there is a more flexible space for wheelchair users and their carers during services and other events. Additionally, they submit, the school would be able to make greater use of the church if there was flexible seating. They rely on the poor quality of the existing pews and the surveyors report that they 'are riddled with woodworm, more notably in some areas'. I have seen photos which appear to confirm this.

They wish to replace the pews with Winscombe chairs with fabric seat pads. The wood is beech but it is proposed to stain it to light oak to match the church. They submit that a fabric will be more comfortable to sit upon: in their original proposal they favoured red fabric but in the light of HE comments they are content with beige. The congregation have been extensively consulted over the choice of fabric and chair.

(ii) The installation of a dais at the east end of the nave.

This would be used by those leading worship and for communion services as well as being used during school services.

(iii) Repositioning and replacement of the radiators as advised by a contractor

(iv) Updating of the sound system.

5. The DAC recommends the proposals subject to some provisos going to the detail of the scheme. I note they require the PCC to be satisfied about the durability of the upholstered fabric for the chairs. In Mr Sleight's email dated 22 May 2018 he states that the Petitioners were referred by the DAC to the existing advice of CBC about upholstered chairs. The DAC normally recommends non-upholstered chairs as a first preference but if fabric was to be used it should be a neutral colour. The DAC would not object to such fabric being used.
6. HE commented on the proposals in their advice dated 7/2/18. They do not object to the removal of the existing benches which although dating from the 1853 re-ordering are 'of fairly plain design and not of any particular architectural or historic interest, some are in poor condition'. Although they identify some harm to the church's special interest by the removal of the benches, they are satisfied that this harm would be justified when set against the parish need.
7. HE are however opposed to the (then) favoured red fabric upholstered chairs. They state that if upholstered chairs are necessary, then the fabric must be neutral and not eye catching: the chairs, they submit, should be recessive to the architectural detailing.
8. In respect of the other proposals, they are 'broadly content'.
9. VS have commented by the email dated 2/5/18 from Mr James Hughes, Senior Conservation Adviser. He expresses opposition to the removal of the entirety of the benches which were installed with the 19th century reordering. He quotes from White's Directory 1856 which describes the benches as 'neat open benches of pine' and that the 'mutilated' mediaeval structure was saved by the 1850's restoration. The pews, he submits, contribute to the coherence, harmony and organisation of the church. He suggests a compromise whereby the pews would be retained in a block in the nave and in the aisles east of radiators 5 and 6, with clearance of the rest. This would mean the pews at the back of the church would

be cleared leaving more space to move the pews around or to use the cleared space for concerts, school services or other functions.

10. Mr Hughes relies upon the CBC advice about the selection of the seating and its opposition to the use of upholstered seating. That CBC advice states that such seating is not appropriate because:

- (i) It has significant impact in terms of colour, texture and character not consonant with the quality of a highly listed church
- (ii) such seating suffers more wear and tear: particularly if the church is to be used for other purposes (such as school services or assemblies)
- (iii) they are heavy and more difficult to stack
- (iv) soft furnishings can alter acoustics
- (v) wood tones fit well with church buildings and have been used for centuries: upholstered chairs are associated with offices.

11. Mr Sleight has commented on the VS position in his email of 22 May 2015 in which he comments that the passages quoted from Whites Directory by Mr Hughes were 'stock expressions' at this point in Victorian restoration work. He notes that the architect of the restoration is not recorded which may indicate it was not by anyone of note. Mr Sleight confirms that the church is full of pews and this does inhibit their activities. Having visited the church and viewed it the DAC did not in this case object to the pew removal.

12. The PCC response to the VS objection is to repeat their need to remove all the pews to facilitate the growth of the church and have more community outreach. In particular they add

“we are fully satisfied that by retaining all elements of the Victorian restoration in the Chancel, which contains the majority of the Victorian

features, and by retaining the Victorian floor in the nave, to indicate the Victorian lay out of the nave, we are continuing to preserve and value the Victorian elements of our mediaeval church”

Determination.

13. In weighing the arguments for and against the removal of the benches 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: is 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.

14. I am not satisfied that the removal of the benches from the nave will result in causing harm to the significance of the church as a building of special architectural or historic interest. The PCC resolution neatly summarises how the Victorian reordering will continue to be honoured and experienced in terms of the Chancel furnishings and the nave flooring tiles which will be cleaned and viewed more easily than now.
15. It is clear that the benches are not of great quality although dating from the 1850's: some of them have woodworm. I have considered the compromise suggested by Mr Hughes (only removing the pews from the back of the church). This will still mean that the church will have an inflexible space to use. It would be unrealistic to expect the pews to be moved and so the space opened up would be a limited area at the back. This would not be sufficient flexibility for worship or school services. Focussing the flexibility in a smaller space at the back separated from the east end of the church by the remaining pews would also truncate the worshipping focus towards the east end, which is the way the church was constructed to be used in worship.
16. I am satisfied that all the pews can be removed from the church: those that have woodworm must be burnt away from the church or other church furnishings. Those benches which are not infested can be stored or sold.
17. A great deal of thought has been put into the question of the replacement seating. I welcome the use of wooden chairs. Fabric upholstery is not generally successful in churches for the reasons set out in the CBC advice. It is important that the seating is recessive and not detracting from the architecture of the church: the fabric should not be the first thing that the eye looks at when entering the church. Red upholstery would have had that effect and I welcome the PCC's change of mind on that. I note that the Victorian red floor tiles will be opened up to greater view by the removal of the pews. I also note the concerns expressed about the comfort of elderly members of the congregation and the possibility of cushions being brought into the church for use if the chairs are not upholstered in any way. Such a development would be unwelcome and detract from the significance of the church.

18. In these circumstances, I am prepared to authorise the use of upholstered fabric chairs but it must be a neutral colour as recommended by HE and now accepted by the Petitioners (see the email dated 10/5/18 from Ms Robertson). The final colour selection should be submitted to the DAC secretary who will be able to refer the matter back to me for further directions if he sees fit. However, if there is no reference to me by him having been shown the colour of the final choice of chair, the purchase of the chairs may proceed. No further direction will be required from me.
19. In respect of the other aspects of the faculty these are uncontroversial, and I will grant a faculty for them too. The requirements of the insurers in their letter dated 25/4/18 must be met. No works to start (or pews to be removed) until the PCC holds the funds for the project or has the funds pledged thereto. Pews infested with woodworm may be removed before funds are raised in full. I note that there is some archaeological significance and so a condition will be set to cover this aspect.
20. I am most grateful for the careful work that has been done by those involved with this Petition, but particularly by Mrs Robertson in seeking to explain the proposal and justify it. I wish the parish well for the future.

Mark Bishop

The Reverend and Worshipful Chancellor His Honour Judge Mark Bishop

10 November 2018