

**Neutral Citation Number: [2018] ECC Ely 1**

**In the Consistory Court of the Diocese of Ely**

**In the Matter of a Faculty Petition**

**The Church of St Peter and St Paul in the Parish of Bassingbourn**

**The Revd Dr Caroline Yandell**

**Mr Stephen Brooker**

**Mrs Jane Stevenson**

**Petitioners**

**and**

**Mr Brian Baldwin**

**Mr Jeremy Bedford**

**Mrs Sophie Bedford**

**Mr Nigel Cathcart**

**Mrs Susan Chandler**

**Mr David Cousans**

**Mr Ken Gill**

**Mr John Jenner**

**Mr Colin Stevenson**

**Mr Sam Spreadbury**

**Parties Opponent**

**PRELIMINARY MATTERS**

1. A Consistory Court was held in SS Peter and Paul's Church Bassingbourn on 11<sup>th</sup> and 12<sup>th</sup> May 2018. The petitioners were represented by Ms Ruth Arlow and the parties opponent were led by Mr Jeremy Bedford and Mr Sam Spreadbury. Each had prepared meticulously and any lack of formal training in advocacy was more than compensated for by their natural ability and consummate skills in addressing the court. I am hugely grateful to them, as I am to Ms Arlow, for the care with which they presented their respective cases.
2. There has been a church on the site of SS Peter and Paul's since at least the 13<sup>th</sup> century. The chancel is of 14<sup>th</sup> century origin; Pevsner (P/345) describes its "very special" chancel, dating from 1340-50 as being "...a complete and remarkably personally designed piece of Dec[orated] architecture...". There were additions in the 15<sup>th</sup> century.

3. The 14<sup>th</sup> century aisles, nave and roof were rebuilt in 1864-5 by Nash of Royston and there was substantial reordering of the nave including some movement of the mediaeval pews, and the introduction of new Victorian pews and a pulpit. According to the plan dated 1865, the organ was positioned at the east end of the north aisle. This would seem to refer to the original barrel organ. The present organ was installed in the chancel in about 1867. In so doing the Victorians failed to have regard for the way in which it disrupts the beauty of the chancel.
4. The 13<sup>th</sup> century west tower was reconstructed in 1897 when it was in imminent danger of collapse. The nave roof was replaced in 2006 and, since then, repairs have been carried out on 15<sup>th</sup> century rood stair turret and to roofs of the north and south aisles. In 2015 a projector and drop-down screen were installed, which petition for a faculty was approved by the Deputy Chancellor, David Etherington QC.
5. The recently upgraded church room is inconveniently located about 100 yards from the church and across a road. It is used by the children during part of the service.
6. The church is at the geographical centre of the original village. It attracts large congregations from the village at the major festivals of Christmas and Easter and for local funerals. A recent funeral was attended by over 400 mourners. The population of Bassingbourn is approximately 3,600. The electoral roll stands at 82. It has been steadily increasing over a number of years, and may have received an inadvertent boost in the last year by more than one who wished to register as a party opponent in these proceedings.
7. According to the Statement of Needs the average Sunday congregation is about 50 adults and nine children, it is clear that there is a committed and vibrant worshipping community. There are plans to reopen the barracks in Bassingbourn in 2019 and the church sees this as a major opportunity for mission. The Archdeacon of Cambridge was able to assist with his experience in Portsmouth where he found many Royal Navy personnel engaged with local churches and attended services.
8. The attendance figures were disputed by the parties opponent. The petitioners relied on the figures provided to the diocese for October 2017 which recorded an average attendance at services of 68. The parties opponent carried out their own survey a week or two before this hearing with the use of a camera trained on the south door from inside a nearby house coupled with a visit before the service to check who was already inside. They believe the figure is closer to 50 than 70.

9. Leaving to one side the issue of filming people without their knowledge<sup>1</sup>, it is indicative of the atmosphere of mistrust that prevails that the parties opponent should feel the need to do this rather than to attend a service to see how many attended.
10. Whether the figure was 50 or 70 could not in my mind make any difference to the question of need. I refused the parties opponent access to the church attendance register in an attempt to concentrate minds on what really mattered in proceedings which had every sign of becoming unmanageable because of their scope and the varied and different objections by the parties opponent. What cannot be disputed is that the attendance figures have been rising over the last few years. There are 19 parishes in the Deanery; 14 have attendance figures of less than 20, and only one other church has an attendance figure of over 40. SS Peter and Paul's is the only church with an attendance figure of over 55. That figure is close enough to that which the parties opponent contends for as to make no difference.
11. Over the course of each month, there is a wide variety of services and I have no doubt that the different forms of worship attract varying numbers. Evening prayer is conducted on Saturdays.
12. "Messy Church" and "Sweaty Church" have come to Bassingbourn. The Archdeacon of Cambridge told the court that these types of informal worship are commonly found in churches over the wide spectrum of traditions that make up the Church of England. There are various outreach events but, because of the physical temperature of the church they are usually held elsewhere. I note from the website that there are a number of activities each week which take place in the homes of members of the congregation rather than at the church. Alpha courses have been held. The Revd Dr Yandell told me that one such course was attended by over 20 people and could not be held in the church. Holding it elsewhere involved a cost of £7.50 per head each week.
13. There is a desire to expand the use of the church for other events, not least those which combine worship, fellowship and food. I note that a party opponent has described this as the preserve of the Evangelical, whereas, in my judgment, it has been part of Christian orthodoxy for as long as Christians have broken bread together and is as much the tradition of the high Anglican as the Evangelical.

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<sup>1</sup> Mr Bedford and Mr Spreadbury who set up this survey, have informed the Registry that they have destroyed the recording and have written to Revd Dr Yandell and the PCC apologising for any distress that their action caused.

#### THE APPLICATION FOR A FACULTY

14. Over the last 25 years the church has considered a number of schemes to develop its facilities involving either building within the churchyard or making use of the interior space. They have been provided with advice which has altered depending on the vicissitudes of local planning and the developing attitude of various amenity societies. By 2005 the church realised that what they needed was a vision for the development of the whole church, rather than disjointed schemes which tackled separate and pressing requirements.
15. A new phase in the plans for redevelopment, which involved building in the churchyard removing the pews in the nave and putting down a new floor, ended in 2010 when they were met with a disappointing response from the DAC, South Cambridge Council and, as it then was, English Heritage.
16. When the PCC deliberated upon what they would look for in their new incumbent, they realised that they wanted a priest who could carry forward their long-held desire to reorder the church. The Revd Dr Yandell was appointed in 2013, and in 2014 the church discerned its vision to encompass a strong desire to deepen discipleship, and to reach out to the community to share the transforming love of God with others. This provided fresh impetus to develop the church building to fulfil their calling.
17. The Statement of Needs (P/38) prioritises the needs of worship and mission but that the PCC also wishes to provide facilities that will be a resource for the whole community. To that joint end the Statement, in its final iteration, identified that the PCC wished:-
  - (a) The building to be a welcoming and flexible place of worship. They proposed to remove the fixed Victorian pews, reduce and change the orientation of the mediaeval pews, and remove the pew platforms.
  - (b) To create meeting spaces for children and young people, for ministers, for teaching, fellowship and outreach, and for the community. This would involve creating a vestry, a meeting space for up to 40-50 people (or 60 people according to another passage in the same document (p/46)), a crèche, and three teaching rooms.
  - (c) To provide suitable catering facilities, three lavatories (including one accessible WC with baby changing facilities), and four store rooms.
  - (d) To improve access and welcome. This involves removing obstacles to the church being seen, improving access to the churchyard, the nave for wheelchair users and a lift to the west tower room. It would involve moving the font.

- (e) To have the building equipped and ready for use as a community resource.
18. General requirements include the installation of an adequate heating system which can be zoned to provide heating to the meeting rooms when they are in use and the nave is not.
19. The plans for the reordering of the building went through a preliminary phase in consultation with the DAC and were modified in reaction to the concerns which the amenity societies raised after the site visit. This was all done before the matter went out to public consultation.
20. The Statement of Needs was the subject of criticism by John Radice (OP/129-132). He described the absence of any detailed information or evidence of research into the community other than the total population and the expectation that the reopening of the barracks in Bassingbourn will bring young families as “a very striking omission”:-
- “This confirms my impression that the church leadership has only really been talking to its little flock.”
21. James Halsall did not agree with John Radice’s assessment of the Statement of Needs. He would not expect the church to go around collecting employment data and other demographics because it is local ministry that he would put more emphasis on; it is the needs that the PCC has for the building rather than the demographics of the area that matter.
22. I regret that Mr Radice does not understand the importance of the church speaking to and taking account of its “little flock”. It seems to me that where the mission will be in the hands of those very people, their views should be at the heart of deciding what are the needs of the church.
23. I have never seen the sort of detailed work that he describes as “a very striking omission” in any Statement of Needs I have looked at. Nor do I consider that such material would better inform me as to the needs of the church than what is contained in the Statement of Needs produced by the petitioners.
24. Mr Radice agreed with Ms Arlow that he had no direct personal knowledge of the needs of the parish. His assertion that many of the congregation came from “...other parishes choosing SS Peter and Paul because of that evangelical stance” he had been relying on anecdotal evidence. He was unaware that

82% of those on the Electoral Roll lived within the parish. He agreed that he may have been misinformed.

25. The Statement of Significance (P/12-32) has been the subject of criticism by the amenity societies and the parties opponent. In particular John Radice devotes a section of his report (OP/119-129) to it and concludes that the research assessments have been “excessively brief”. He relies on English Heritage’s (now Historic England’s) “Conservation Principles Policies and Guidance” as having informed the best work in the field, I accept its importance.
26. James Halsall, Secretary of the DAC for St Edmundsbury and Ipswich Diocese (P/128) said in his evidence that he would encourage his parishes to follow the CBC’s advice, which this Statement does, rather than that of Historic England. Had he received a Statement of Significance of this quality from one of his parishes, he would have shouted “yippee”. He described it as a document which fulfilled its purpose and helped the Chancellor.
27. Mr Radice ascribed the difference in Mr Halsall’s reaction to his own as a reflection of the good practice in secular building applications. The ecclesiastical exemption is predicated on robust processes, he said.
28. Some of the criticisms made by Mr Radice are well founded. By way of example, I agree that references to the current proposals keep resurfacing in the Statement of Significance (paragraph 2.2.7 of his report). In my judgment it is done in part to show how they believe that the changes will improve the significance of a particular feature of the building. Mr Radice is right but, for my part, I am able to disregard it.
29. He is critical (paragraph 2.214-15) of the Petitioners’ apparent belief that a hedge in front of the church makes it look like “a private members’ religious club”. His response to this is:

“But this is a village church – no potential user will be a stranger!”
30. I find that to be a curious statement in an architect’s expert report. Mr Radice ignores the distinction between familiarity with the outside of a church and its interior. It is a universal problem to encourage someone through the door of the church for the first time whether the church is in a village or on the high street of a large town or city. Many villagers will not be strangers to the outside of a church; sadly, many of them never venture in. The petitioners were justified in raising this problem where they want to expand its footprint within a village.

31. Mr Radice was critical of the three categories used to describe the significance of any feature in the Statement. He was unaware that it was the system recommended and used by the CBC. He described it as “simplistic”.
32. I agree with Mr Halsall; I find it to be a thoughtful and intelligent document which covers the essential ground. Accepting that there is a subjective element involved in grading significance of any part of the church, I am surprised that the chancel, which is universally regarded as an exceptional feature, was found to be of “Moderate – High Significance”. I note that they have attached the same significance to the nave and aisles to which I have difficulty attaching the same significance.
33. In arriving at my conclusion as to the effect of the proposed reordering on the church, I have assessed the chancel as clearly falling into the category of High Significance and the 1865 rebuilt nave and aisles as falling short of High Significance.

#### **CONSULTATION**

34. The petitioners have set out in the Statement of Needs (P/51-54) the consultation which has taken place within the community, of the amenity societies, the diocese and the wider church.
35. The parties opponent have criticised the consultation process and the availability of opportunities to put forward their objections. Mr Bedford stood by his description of the consultation process as “begrudging and sporadic” when he gave evidence.
36. John Jenner, who has come on and off to this church for 77 years described it as a “take it or leave it” consultation. He agreed with Ms Arlow that these words were never used to him but it was the way it was meant.
37. Consultation began as early as December 2011 when every house in the parish was leafletted to encourage anyone interested in developing the plans for the future development of the church to come forward. There was one response and it came from Sue Chandler, a party opponent. She joined the group but resigned in November 2013 after concerns had been expressed that she had approached the DAC and had arranged for its archaeological officer to make a site visit without, it seems, the knowledge of any members of the church committee. She was not then even on the Electoral Roll.

38. Once the plans for the present application were well advanced, the PCC commissioned a three-dimensional computerised model to show what the redeveloped church might look like.
39. The PCC considered the project in July 2015. A 16-page “Strategic Case for Change” was published and made available, and the website, which set out the proposals, went live on 7<sup>th</sup> September 2015<sup>2</sup>. It was followed by an open meeting on 13<sup>th</sup> September 2015.
40. A petition was launched in opposition to the scheme in mid-August 2015 and collected over 1,000 signatures. I have to decide whether such a document is admissible in evidence. Ms Arlow submitted that it was inadmissible and she relied on the decision of the Court of Arches in Rector and Churchwardens of Capel St Mary Suffolk v. Packard [1927] P. 289 where the Dean of the Arches said
- “I think a [petition] of this sort, when there is no opportunity of the court’s knowing the representations made to the signatories before their signatures were obtained and no opportunity of cross-examining them at the hearing, is not admissible”.
41. This was followed in Re Christ Church Chislehurst [1973] 1 WLR 1317. In my judgment in general the rules of admissibility have been considerably relaxed since either of those cases were decided, the present approach being to allow a document to be admitted but then to decide what weight to give it.
42. This was the approach taken in Re Emmanuel Church Bentley [2006] Fam 39 and relied upon in Re SS Peter and Paul, Bath (Bath Abbey) [2018] EACC 1 where it was held that such material was admissible if there is proof of the signatories and evidence of the representations made to the signatories. The court held that the objectivity of the signatories was open to question in circumstances where the petition was to urge Bath Abbey to halt their “destructive scheme”.
43. In considering the weight which I ought to give to the petition, I have had the following factors in mind:
- (a) Signatures began to be collected before the plans were available for anyone to see. Nigel Cathcart, a witness for the parties opponent, apologised to the Revd Dr Yandell if the manner and timing of the petition against the plans had upset her. When he went around

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<sup>2</sup> The Revd Dr Yandell highlighted that information was available on the website in her monthly article in the village magazine.



collecting signatures he told the signatories where they could see the plans, which tends to suggest that the signatories could not have studied them before signing. He agreed that a letter had been published in the village magazine containing an untrue statement at a time when he was still collecting signatures and he agreed that it may have been better to have waited until after the public meeting had taken place<sup>3</sup>. He agreed that two or possibly three people had taken the trouble to ask for their names to be removed from the petition once they had seen the plans.

- (b) Whilst I can only speculate as to the number of other signatories who may have regretted their decision to sign, I am able to assess whether the strength of feeling is really as great in the village as that petition may suggest from the following factors:
- (i) Mr Spreadbury agreed that they had put up a six-foot poster in the village to raise £5,000 by way of crowd funding to pay the costs to be incurred by the parties opponent. It produced a total of eleven funders, five of whom were parties opponent. Of the rest, three were anonymous and one described himself as “a grumpy old man in South End”.<sup>4</sup> The amount raised from those who were not parties opponent was negligible. I was invited to compare this with the £80,000 pledged by members of the Church for the scheme on the Gift Day in 2016.
  - (ii) Whilst there may be very good and separate reasons for it, I noted that the numbers who attended the hearing, and which must have been made up of both those who were for and against the changes, only amounted to about one-tenth of the number who had signed the petition.
- (c) The numbers who took the opportunity to look at the plans or attend meetings where the project was discussed do not compare with the number of signatures on the petition.
- (d) 120 letters of objection were received by the Registry together with additional objections received in response to the web notice which is a substantial number but bears no comparison with the number of signatories on the petition.
- (e) The petitions contain erroneous information. One version of the petition sets out that they are very concerned about “the

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<sup>3</sup> The error was made by the Chair of the Parish Council in the September issue and corrected the following month.

<sup>4</sup> Mr Spreadbury has informed the Registry since the hearing that this does not refer to a party opponent.

implications of the church becoming an “Evangelical Hub” (OP/427, 429) when no such statement had been made and when there was no intention of the church becoming an evangelical hub. Others were told that the pews were to be replaced with plastic chairs, which had never been part of the scheme.

- (f) Stephen Brooker told me that some signatories have requested that their signatures be removed because, when they signed, they had not understood the plans, but now that they have been provided with an explanatory booklet, they no longer felt as they did.

44. It follows that the weight I can give to the petition is limited.
45. After the open meeting on 13<sup>th</sup> September 2015, which was attended by 80 people<sup>5</sup>, there were opportunities given to attend drop-in sessions on 22<sup>nd</sup> and 24<sup>th</sup> September which attracted 18 people. The parties opponent criticise the fact that the plans were only available during the day time when those commuting to London could not see them. The petitioners opted for those times to accommodate the substantial number of retired who live in the village. I have no doubt that, had anyone asked for them to be made available in the evening, the PCC would have done so.
46. Brian Baldwin complained that he and his wife were not listened to when they inspected the plans and she was told that this was the plan and Mrs Baldwin said they had to leave because she was getting cross.
47. On 6<sup>th</sup> October the plans were put before the Parish Council with 40 in attendance<sup>6</sup>. Starting on 18<sup>th</sup> October, 2,000 copies of a four-page brochure were delivered to all the houses in the parish. The vicar addressed 30 members of the Over 60’s Club and on 19<sup>th</sup> November there was a further open meeting which attracted 30 people.
48. All the responses were collated and examined. Again, the methodology employed is a subject of criticism but was, in my judgment, rational. I note that the Revd Dr Yandell has a background in qualitative and quantitative research methods, and her PhD was based on qualitative research. I find no reason to criticise the method deployed.

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<sup>5</sup> Criticism was made of the failure to keep a note of the meeting on 15<sup>th</sup> September. I agree that one should have been made. However, that failure has to be balanced against written objections and the very detailed responses by the PCC (P/58-90).

<sup>6</sup> This figure is disputed. The parties opponent suggest that there were so many there that they could not all get into the meeting room. If that is right, it is a pity that a room big enough to take everyone was not available.

49. In July 2017, as set out in the Public Notice (P/55-6), the plans were made available to be viewed on various days and times in the church room. Morning, afternoon, and evening times were provided.
50. I sense that the real concerns of the parties opponent is that they feel that their objections were not listened to, rather than that they were not provided with sufficient information about the scheme or the opportunity to make objection. There have been some substantial changes to the scheme as a result of the consultation process with the amenity societies and they were promulgated by, at the latest, 7<sup>th</sup> January 2016 and long before the consultation period.
51. By the time that the public consultations took place the petitioners had already made concessions on the scale of the reordering<sup>7</sup> and now had a design concept about which they were enthusiastic, which had received approval within the PCC and which was being encouraged by the DAC and the CBC, and by both the Bishop of Ely and the Bishop of Huntingdon. This came after a quarter of a century during which they had never got further than a concept, and a concept which had received no real support from anyone. Although they may not have responded to criticism of the scheme at this time, the petitioners eventually explained their attitude towards the individual objections in their detailed responses to the parties opponent.
52. The Revd Dr Yandell said in evidence that they had tried to get the views of those outside of the worshipping congregation. There were 30 written feedback forms completed during the initial consultation. To try to engage the community they leafletted every house. The formal notice reads "if you object" which does not encourage those who approve to respond. They did their best to publicise and make available the information.
53. There were about eight hours of public meetings which were valuable occasions to find out what the community felt. Some things were changed as a result of the meeting, such as the electrifying of the clock and about carparking. Everyone who came was told to put in a formal response.
54. Consultation started with the church family and then extended outwards, including writing to the parish council. They had a virtual model, pictures etc. They had a clearly set out plan to share this information widely. It is a deep sadness to her that Mr Cathcart started going around with a petition before

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<sup>7</sup> See the responses to the Amenity societies dated 7<sup>th</sup> January 2016.

there had been an opportunity for the local community to understand the plans.

55. On any view the PCC and the Revd Dr Yandell have not taken some of the villagers with them in their vision for the church. I sense there is a feeling of grievance that neither churchwarden comes from the village (OP/367) and that they have not had the ability to test the “temperature of the village, as they drive in for services and meetings, and then back home.”
56. Geoffrey Hunter, the Church Buildings Consultant to the diocese of Ely (P/113), described the consultation process as a “relatively thorough approach”.
57. Whilst it is always possible to do more in any consultation process, the detailed written responses to the parties opponent show that they have engaged with the criticisms of the scheme, albeit they rejected them. I judge that the parties opponent’s criticisms of the consultation process is harsh. I am satisfied that the petitioners took sufficient and reasonable steps to inform the community of the plans and gave them the opportunity to comment upon them.

#### **THE FEAR OF AN EVANGELICAL HUB**

58. Mr Bedford in his eloquent opening on behalf of the parties opponent submitted that the liturgy and churchmanship being pursued was not a matter of objection; their objections were to a reordering which was not a necessity but which was excessive and harmful. Nevertheless, the issue of tradition and the conduct of services arose time and again during the course of the hearing. In his own evidence he told the court that there are very significant concerns that people are excluded. He is not comfortable with such a charismatic style of worship.
59. He believed that the £800,000 needed to complete the works would come from outsiders with a particular churchmanship and that there may be strings attached to the money they give. He is not alone in these concerns about the allegation that it is going to be an evangelical hub.
60. It seems that the fear of an evangelical hub was promulgated by those opposed to the scheme at a very early stage – and before the detailed plans were available. They raised the spectre of village roads being invaded by cars on a Sunday morning and the church’s rôle as a village church being undermined.

61. I have heard something of the tradition of the previous vicars which has varied either side of the centre line with a stronger tendency to the evangelical some time before the Revd Dr Yandell arrived in 2013. Since then she has reinstated the wearing of required clerical robes and follows the orders of service laid down in Common Worship. She is committed to the church's evangelical task to proclaim the Gospel afresh to each generation (see the Archdeacon of Cambridge, P/93). I judge this to be part of the mission of any village or other church, and is very far from what might be envisaged in a church following a strong evangelical tradition.
62. In his evidence the Archdeacon described the worship as "middle of the road" with leanings towards evangelical or lower than centre in the interpretation of the gospel.
63. Stephen Brooker has been worshipping here and is a licensed lay reader. He has not seen any major shift in the worshipping style. At one time the worship could have been described as extreme low church which placed less importance on sacramental worship. The next incumbent corrected that and there has been no subsequent change.
64. John Jenner, a party opponent (OP/95-98) was firmly of the view that a House of God should not be turned into a social hub. In his letter to the Registrar he stated that it was the long-term aim of the petitioners to convert the church from a village church into an Evangelical hub. In his evidence he told me that he has come on and off to this church for 77 years. His father was very high church. He, John Jenner, could not stand a previous incumbent and has gone to worship at Litlington.
65. The churchmanship is not to his liking. He repeated that it was a centre or hub of evangelicals. The village does not want the church to go low church. A village church must serve the village. He agreed that the services at Whaddon are more traditional but he continues to attend at Litlington. He had attended the Eucharist on the afternoon of Friday 11<sup>th</sup> May which was taken by the Bishop of Huntingdon, but however good the Bishop was, the service did not suit him.
66. The Archdeacon confirmed in his evidence that he would have been informed of any plans to turn SS Peter and Paul's into an evangelical hub. He is in conversation about a church plant elsewhere but not in Bassingbourn. It could not happen without discussion. Whilst it is not possible to predict what may happen far in the future he could see no need of an evangelical hub at Bassingbourn bearing in mind the strong and substantial evangelical churches in Cambridge and also close by in Royston.

67. Mr Bedford asked the Archdeacon where the churchmanship of Bassingbourn would fall on a scale of 1 (evangelical) and 10 (high church). He declared that his own tradition was more to the High Church end of the range but he considered that Bassingbourn would rate a 5. The church continued to hold regular services of Holy Communion, the priest wore an Alb and Stole. It was, he said, middle of the road Church of England.
68. I have descended into detail because, in my judgment, the fear of an evangelical hub has been used within the village to whip up objection to the proposals. Churches will vary in their tradition from incumbent to incumbent and some villagers will feel more comfortable with one than with another.
69. I find no evidence of a sudden change in tradition with the arrival of the Revd Dr Yandell, nor do I find on the evidence presented that the worship she is providing at the church bears any resemblance to a strong evangelical tradition. I find no evidence of any intention to make this church a hub. The church is trying to provide a variety of forms of worship over the course of a month which it is hoped will, and has, attracted an increasing congregation, whether or not that congregation is nearer 50 or 70 on average throughout the year.
70. I accept that last Christmas saw approximately 1,000 passing through its doors and that it continues to be used for funerals as it always has. The Revd Dr Yandell provides a more traditional style of worship at Whaddon. It follows that I do not find that a reordering will result in a church which the village will no longer be able to worship at.
71. Mr Spreadbury accepted the petitioner's reassurance that the project is not being underwritten by external agents but he felt that reopened the viability of the whole project. He agreed with Ms Arlow that, if there was a condition requiring the PCC not to undertake the works until 75% of the finance had been raised, that would remove in his mind the issue of an unfinished building site, a matter to which I will return.

#### **THE OBJECTIONS FROM THE PARTIES OPPONENT**

72. The petitioners accept that this is a major reordering of a 14<sup>th</sup> century church. At my request, the scheme has been subdivided into 20 areas for the purpose of seeing with clarity what is proposed and what the objections are, and this has been put into a schedule (OP/400-419) which I have found very helpful in considering this application and the objections to it, and I am grateful to the parties for the work which they put into this document. I do not intend to go through every part of the scheme as put forward by the petitioners, nor shall I

list each and every objection for the parties opponent. Nevertheless, I have considered all parts of the scheme and each and every objection in coming to my conclusion. I have read all the objectors material, whether or not they were parties opponent. I will summarise the objections.

73. **Renewal of the heating:** There is general agreement that there is a need to renew and enhance the existing heating. There are individual complaints as to the viability of underfloor heating in a high building, its suitability only to buildings in constant use, that it will require disruption of the existing floor which should be retained, oil systems are not environmentally friendly, it will have an adverse the effect on the fabric and organ, and on grounds of cost to install as well as running costs if it kept on all the time. There is no agreed alternative put forward by the parties opponent, but some consensus that they would like to see a greener alternative.
74. **Lighting and Power:** There is broad support for relighting the chancel and nave. Leaving aside the objections in principle to the new rooms, it has to be accepted that, if they are constructed, they need to be lit and provided with power sources. There are some concerns about whether the lighting is too harsh, too complex, too high thus causing shadows. There is no consistent theme amongst the objectors.
75. **Flooring:** There is some agreement that levelling in some areas is a good thing and will reduce trip hazards and make things easier for wheelchair users. There is concern that it is an unnecessary cost to level the floor in all parts of the church. The objections are largely because of the desire to retain the pews. Subject to whether it is required throughout, there are issues of colour and cost. There are objections to the moving of the Ledger Stones.
76. **Nave Pews:** The parties opponent consider the removal of the pews to be totally unnecessary and inappropriate. The pews are part of the history of the church, are hardwearing and cheap to maintain. There is no information as to how the space would be used were there to be the option of moving chairs or freeing up the space entirely. There is a suggested alternative solution of reduce their length, make them moveable, and make them more comfortable with cushions. It is suggested that the Nave Pews Assessment is “misleading by the sin of omission and its conclusion held nugatory”. There is some support for the removal of some of the Victorian pews.
77. **Aisle Pews:** This an irreversible and unnecessary act of architectural vandalism. They should not be removed but repaired and left in place. Perimeter walls are not the traditional place for pews. To leave them as they are will provide an invaluable source of additional seating.

78. **Chairs:** The objection to seats is largely on the basis that they do not want the pews removed and are not convinced that the chairs will be more comfortable. There are objections based on Health and Safety and Fire Regulations and they are considered to be ugly. Stacked chairs are also ugly. No chair accommodates the larger figure as well as a bench does.
79. **Font:** There are objections on liturgical grounds and the symbolism of the Font being near the entry to the church and baptism being the start of the soul's journey. There needs to be a plinth. The Font should not be cast off to the side simply to make space for a staircase.
80. **Pulpit:** The pulpit symbolises teaching and it is a standard feature in every church. It emphasises the vicar's presence in church. It should not be retained for its design but so that preachers can see and be seen.
81. **Kitchen:** There is general agreement that there needs to be a better kitchen, at least to provide coffee but not of a size which will allow for large scale catering which is unnecessary for the congregation at its present size. There is some concern that the tower is not the best place for it and that putting the servery behind the under-gallery space may create conflicts between separate groups using the building.
82. **Lavatories:** There is agreement that the church needs lavatories, but not three. They are cramped and two more spacious lavatories would be preferable. One opponent suggested that it would be preferable to have a kitchen, lavatory, and multi-purpose hall on site.
83. **Crèche:** It has not been needed before and is not needed now. If there is to be a Children's Church or Sunday School, then it can be held in the church but at a different time to the services. Others feel that the provision of a crèche is fine but object to the glass walls. There is a proposal for an annex on the north side of the building.
84. **Vestry:** it is accepted that there is the need for a vestry but not in the location proposed. A north annex is suggested, or one on the site of the original mediaeval vestry in the north chancel. The scale proposed is too small.
85. **Aisle Storage:** there is no need for such extensive storage space, which is the result of the proposed widescale change in use and structure. Use the south-east chapel for storage, or to the west of the porch. The units should be finely detailed.



86. **Under-Gallery Room:** the rooms are unwarranted, totally meaningless, and irrelevant to the on-going function of the church and its mission. It involves an irreversible and violent change to a church which has evolved architecturally over centuries. An acceptable solution would be to reduce the whole extension to west of the entrance door. There are ample meeting rooms in the community.
87. **Gallery and access:** why does the church need a gallery when the congregation rarely exceeds 60? Architecturally it will ruin the fabric of the building. It subdivides the three-dimensional space of this historic church in an uncompromising way. How often will the balcony and other rooms be used? A smaller gallery would only require one staircase. The detailing is inappropriate. The sight lines will not work. It greatly detracts from the building's religious character.
88. **First Floor Meeting Rooms:** Churches have survived for centuries with a vicarage, church hall and vestry. There is plenty of space in the nave for meetings. The church should not be changed into a village hall. One small meeting area would suffice. Fewer smaller spaces would suffice and avoid unnecessary intrusion into the nave.
89. **Welcome Area:** The visitor and congregation should be able to experience the beauty and history of the church immediately on entering. The lobby is more akin to an office or hotel. The light and spacious feel of the church would be destroyed. It could be achieved by enclosing the existing porch. The need for it could be eliminated by cutting back the scale of the project.
90. **Overall Impact on Space:** It would transform the interior into the equivalent of a school hall. If the whole church could have been changed or cloaked in some way, then that would have been proposed. The inflexibility of the church to proposals put forward during consultation leads one objector to question whether it is the views of the few that matter. The effect on the nave would be drastic and irreversible and causes great harm to a heritage asset. The insensitive internal division has too much impact on the church. The nave is one of the glories of the church.
91. **Impact on the Character of the Building:** Total destruction of the history and character of the church. It would create maximum harm to the building when simpler less harmful options have not been considered. It would be quite possible to modernise the building without such harmful and historically insensitive – illiterate even – development which pays so little heed to the features and character of the church. The petitioners should have more regard for the history of the church rather than seeking to strip away its

historic features in pursuit of this brutal, radical scheme. The proposals are over-ambitious and out of character and what is proposed cannot be achieved without destroying our heritage.

#### **VIEWS OF THE PCC, DAC, AND AMENITY SOCIETIES**

92. The PCC as presently constituted are unanimous in their approval for the scheme.
93. It has been approved by the DAC. Geoffrey Hunter, who as Church Buildings Consultant, sits on the DAC, told me that the Revd Dr Yandell invited the DAC for a site visit on 12<sup>th</sup> December 2013 and was keen to engage with the DAC at a very early stage. The DAC urged them to think about the building as a whole rather than piecemeal. It was at their suggestion that the church was encouraged to look at extending the west-end development to encompass two bays to avoid the rooms becoming too narrow, small, and impractical for the uses intended.
94. The DAC considered that the demonstrated need outweighed the adverse effects on the character of the building. The comments of the amenity societies were received in July 2015 and, in consultation with the DAC the church made various modifications to the scheme in an effort to deal with their objections. The DAC further considered the reordering at a meeting on 29<sup>th</sup> July 2016 when they gave a provisional recommendation. At that stage no response to the amended proposals had been received from either SPAB or Historic England, and the local planning authority was not at that time a statutory consultee. The final recommendation of the DAC for the scheme was issued on 3<sup>rd</sup> July 2017 and in the knowledge of the objections of the amenity societies that they had by then received.
95. The parties opponent questioned Mr Hunter to try to establish that the DAC had encountered problems from its members to agreeing the scheme. He said that it took two years to agree the schemes because they were complex, not because it was difficult to agree them. It was suggested that the DAC's furnishing advisor disagreed with the removal of the pews but he said that there was no dissent from the chairman's view that necessity overwhelmed the loss of the pews.
96. I have set out the responses of the amenity societies in the following paragraphs because, despite turning down the express opportunity to become a party opponent, their views are always important and have been considered.

97. The Church Buildings Council (“CBC”) has been broadly in favour of the scheme. The amenity societies are universally opposed to the scheme, something on which the parties opponent lay great emphasis.
98. Representatives from the amenity societies visited the church and looked at draft plans on 15 May 2015 and wrote to the petitioners about their concerns. The petitioners responded with a full set of amended drawings and supporting Statements of Needs and Significance in January 2016. On 27<sup>th</sup> January 2016 the CBC, who considered that the petitioners had a good case for a major reordering (P/274), responded as follows:
- “I note that you have responded thoughtfully to the Council’s advice and that the plans are revised in a way that will reduce the impact in the building. I am content for the Council to defer to the DAC for further consideration of the proposals.” (P/279)
99. I shall deal with each statutory consultee in turn.
100. **Historic England:** Historic England wrote on 16<sup>th</sup> July 2015 (P/280) to register their concern that the proposals submitted by Archangel Architects did not demonstrate that the special architectural importance of this Grade I listed church had been fully considered. The extent of the alterations would cause very serious harm to the significance of the church due to the entire undoing of the 19<sup>th</sup> century reordering. There were some elements of the proposals which they considered acceptable but it was the scale and design of the proposals for the west end gallery which caused them real concerns. They pointed out that the Victorian pews were modelled on surviving seventeenth century pews and they would need to see a detailed assessment of their significance by a suitably qualified professional. The Statement of Needs did not provide adequate justification for such radical intervention. They were keen to work with the church and the DAC to achieve their aim of providing more informal space within the church to meet their changing needs.
101. The petitioners responded on 7<sup>th</sup> January 2016 with revised drawings which were intended to take account of the comments that Historic England and other consultees had raised, and which involved a reduction in scale of the lavatories (reduced from five to three), first floor south room and kitchen reduced in size, the tower west room floor lowered to improve access together with clarification on the proposals for the older pews and the dais moved (P/284). They provided Statements of Needs and Significance. They responded to specific issues as follows:-
- (a) The special architectural and historic importance of the church has been taken very seriously. However, they did not consider the 19<sup>th</sup>

century restoration of being of prime importance to the significance of the building.

- (b) They had instructed an expert to provide a report on the pews (produced at P/156). The expert had concluded that the Victorian pew ends were modelled to be in sympathy with the surviving mediaeval pews but are not themselves remarkable, nor is the craftsmanship. The quality of the timber is not high and they have degraded in places. They suggested that the harm caused by the removal of the pews depends on how much one believes that the particular ecclesiological arrangement of a parish church is a frozen state rather than seeing steady and careful ecclesiological development as the natural state.
- (c) The structure of the gallery and west end have been reduced. They did not accept that the glazed enclosure (for the crèche) is highly visually intrusive
- (d) They quoted from the guidance which Historic England had recommended that they read. They commented that central to guidance published under the title “New Work in Historic Places of worship” (2012) was the principle that “...this country’s historic places of worship should retain their rôle as living buildings at the heart of their communities”. They pointed to a further document published by Historic England titled “Conservation Principles, Policies and Guidance” (2008) which had informed the development and design of the reordering. That document commits Historic England to understanding that significance is not only architectural/historical/archaeological but also communal.
- (e) The use of the church hall, which has one lavatory, is not satisfactory.<sup>8</sup> The petitioners identified that Building Regulations for an assembly building with a capacity to seat 400 would require 18 lavatories. Having reduced the number of lavatories to three, they felt it could not be said that there was an over-provision of lavatories in the original or revised plans.

102. There was no reply to the petitioner’s letter. The Revd Dr Yandell sent a follow-up letter on 12<sup>th</sup> July (P/289) inviting any further comments at their earliest convenience. Historic England replied by email promising a response by 25<sup>th</sup> July. In the absence of that response Revd Dr Yandell emailed again on 4th October inviting a response. There was none.

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<sup>8</sup> This was proved at the hearing. With a church less than half full, we had to delay restarting proceedings to allow the queue that formed sufficient time. It was not made any easier during a rainstorm.

103. On 13<sup>th</sup> February 2018 The Revd Dr Yandell wrote again (P/292) pursuant to some contact between the Registry and Historic England. A short response was sent dated 27<sup>th</sup> February 2018 (P/294). There is no attempt to engage with the details of the revised scheme but a statement that their view remained that the proposals would entail serious harm to the significance of the building.
104. **The Victorian Society:** The Victorian Society sent an email on 26<sup>th</sup> June 2015 (P/296) setting out that the proposals would have a
- “...massive and we believe negative impact on the character of the building. The proposals do not appear to have been founded on a thorough understanding of the building’s special architectural and historic interest, nor do we consider them justified on the stated need...”
105. Because the pews were modelled on 17<sup>th</sup> century originals, it is wrong to describe them as a 19<sup>th</sup> century addition. They suggested a compromise of making the pews more comfortable and moveable. They judged the reflooring to be acceptable in principle, and deferred to SPAB in respect of the alterations to the west end which they described as a severe intrusion on the interior.
106. The petitioners responded on 7<sup>th</sup> January 2016 (P/299) setting out the changes they had made to the scheme as a result of the responses they had received (see above). They responded to specific issues as follows:-
- (a) They believed that to describe the pews as a 19<sup>th</sup> century addition was entirely accurate<sup>9</sup>. They referred to the representative’s comment at the site meeting that East Anglia had many sets of church pews of higher quality.
  - (b) They judged the pulpit, which had been described as “handsome” to be entirely unexceptional.
  - (c) They submitted that the core of the argument is over the cultural question of what an historic building is and its relationship to the people who use it. Specifically, it was suggested, the response from the Victorian Society begs the question of why an ecclesiastical approach should take precedence over the more nuanced understanding of mission and ministry adopted by the church, and why that should continue to assert itself over all other historical chapters in the buildings history both past and future. It was

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<sup>9</sup> For my part I cannot see how they could be described in any other way.

submitted that the Victorian Society was concerned to prevent change rather than to prevent harm.

107. A response was received from the Victorian Society on 10<sup>th</sup> February (P/303) in which they regretted that the compromise solutions to the pews had been dismissed seemingly without consideration and denying that they were more concerned with preventing change than preventing harm. They criticised the failure in the Statement of Significance to provide any rationale for the conclusion that the pews were not of particular importance. They maintained their strong objection.
108. On 22<sup>nd</sup> June 2017 the petitioners reacted with updated Statements of Needs and Significance and the independent appraisal of the pews (P/306).
109. On 29<sup>th</sup> August the Victorian Society responded to the latest information (P/311). Acknowledging the work that the PCC had done, it was their view that it did not adequately address the serious concerns that the Society had raised. It did not change their view that the proposals overall were “drastic and detrimental”. They considered it to be not just a mediaeval church but one which derives great interest from its 19<sup>th</sup> century work. It was their view looking at the categorisation of the various parts of the church that the Statement of Significance has downplayed, in particular, the significance of the chancel which ultimately undermines its credibility. The appraisal is also said to be undermined by not considering all the options for the retention of all or some of the pews, either fixed or movable.
110. The petitioners responded on 16<sup>th</sup> September (P/313) and set out the substantial steps they had taken to determine the exact provenance of the pews and relied on the report by Roy Porter that concluded that:

“The ubiquity of square buttressed bench ends in Victorian schemes of seating is explained as much by their being generally the cheapest form of bench available from the liturgical furnishing companies as by reference to mediaeval exemplars”.

They stressed that there was no plan to alter the 19<sup>th</sup> century influence on the chancel and repeated their view of the pulpit.
111. The petitioners wrote again to the Victorian Society on 23<sup>rd</sup> January 2018 having received no response and offering them the chance to become a party opponent.
112. In a letter dated 19<sup>th</sup> February (P/321) they declined the invitation to become a party opponent, despite repeating that they judged the wide-ranging

reordering to have a "...radical and harmful effect on the character and appearance of the interior...". They concluded that the argument from need remained weak. Amongst other suggestions they considered that the mediaeval benches should remain where they are and that a critical mass of the Victorian pews, probably amounting to two bays' worth be retained. The pulpit references the decorative elements from elsewhere in the church. It is not an exceptional example of craftsmanship or design but is nonetheless a "dignified piece".

113. They commented on failures of design for the welcome area, that the crèche would encroach intrusively and jarringly further east "...from an already sizeable and domineering structure...", and they compared Nash's sympathetic restoration in the 1860's with which the present scheme contrasts unfavourably.
114. On 19<sup>th</sup> March 2018 the petitioners responded to the Victorian Society's letter (P/324) and wrote that they Statement of Needs had set out a compelling case on the need for worship and mission, the pew ends are commonplace in Victorian seating, even if they reflected the mediaeval design, that the "critical mass" amounted to eight out of the eleven pews remaining which would compromise their ability to use the building as they would wish to do. They said they were prepared to consider retention of the pulpit but would prefer to remove it.
115. **THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: SPAB** wrote on 26<sup>th</sup> May 2015 (P/326) with some initial thoughts and questioning whether the "clear and well written" Statement of Needs justified the number of lavatories or the extent of the meeting rooms. They had had considerable reservations about the scheme and commented upon whether the evidence demonstrated that this church needed these facilities, as to whether the space planning was as effective and efficient, the viability of the spaces on the first floor because of reduced headroom under the tower arch, and the overly complex design on the ground floor.
116. The petitioners responded on 7<sup>th</sup> January 2016 and set out the changes they had made in the design in part based on SPAB's helpful comments and which I have set out above. They justified the reduced number of lavatories, the need for the meeting rooms based on the revised Statement of Needs. They justified two staircases because there may be more than 60 people at first floor level. They have lowered the floor height to improve headroom on the first floor. They justified the "cluttered" layout in the tower.

117. The petitioners wrote again on 12<sup>th</sup> July 2017 having received no response from SPAB, and again on 13<sup>th</sup> March 2018 because the petitioners understood that SPAB had been in contact with the Registry.
118. SPAB wrote to the Registrar on 29<sup>th</sup> March 2018 to notify them that they did not want to be a party opponent but to register a strong objection to the scheme. Whilst the Society thought it reasonable for the church to upgrade its facilities, and broadly they preferred to see new facilities housed within the church building, they judged that the scale of intervention went beyond the degree of intervention which would allow the building to retain its special interest. They repeated many of the objections previously raised and were concerned by the use of so much glass. They objected strongly to the reduction in the number of mediaeval pews and disputed the claim that the Victorian pews were of low significance. They objected to the replacement of the floors because the present floors show subtle patterns of wear and use over generations; they had some concerns about the impact on some vaults and were strongly opposed to the movement of the ledger stones.
119. The Revd Dr Yandell responded on 23<sup>rd</sup> April at length. She raised the point that the author of the SPAB letter had never visited the building or been party to the discussions with her predecessor. She had not spoken to the petitioners or the architect which had led to some errors of fact in SPAB's letter to the Registrar. She criticised a failure to have regard to the "due regard to the rôle of a church as a local centre of worship and mission" as explicitly required by the 1991 Measure. She addressed errors in understanding over the retention of the mediaeval pew ends, the age of the flooring, the benefit that reflooring will bring to the bases of the pillars and the effect of the alterations on west end windows.
120. **South Cambridgeshire District Council:** the petitioners first contacted the Council on 23<sup>rd</sup> January 2018 having been advised by the Registry as to the amendment to the list of statutory consultees. On 12<sup>th</sup> February 2018 the Council wrote to the Registrar that they were unable to support the proposals on the basis of the plans they had seen and without being provided with any information regarding the aims of the scheme or a Statement of Significance. Those were provided by a letter dated 12<sup>th</sup> February.
121. The Council wrote back on 22<sup>nd</sup> February. The letter was short on detail (which may not be surprising bearing in mind the speed with which the matter was dealt with) but it raised serious concerns about the scale of the proposed reordering and its impact on its significance. They considered that the Statement of Needs did not demonstrate the current need for additional seating or meeting space so as to justify this level of harm. The letter raised



specific concerns about the ground floor layout and welcome area. They suggested that one lavatory was sufficient and other amendments could be made to greatly improve the scheme. They were concerned by the removal of the mediaeval pews, but accepted that the removal of some of the pews in the central section would allow some flexibility of space. The scheme, in their view, did not comply with the National Planning Policy Frameworks.

122. **Church Buildings Council:** in a letter dated 22<sup>nd</sup> June 2015 (P/274), the CBC considered that the parish had a good case for a major reordering and accepted that the church hall could not meet all the needs articulated by the parish. They had no problem with the general approach to the design with significant glazed structures. They were concerned that the gallery would be little used. They agreed that the design will have a high impact on the building and that this required “strong justification” and it encouraged further thought as to how to reduce this intervention.
123. The Revd Dr Yandell responded on 7<sup>th</sup> January 2016 (P/276) in terms that I have outlined elsewhere. The CBC replied on 27<sup>th</sup> January (P/279) noting that the petitioners had responded thoughtfully to the CBC’s advice and that the plans had been revised in a way which will reduce the impact on the building. The CBC were content to defer to the DAC for further consideration of the proposals.

#### **THE AMENITY SOCIETIES’ OVERALL VIEWS AND THE DIOCESAN GUIDANCE**

124. Whilst there is overall disapproval for the schemes, the bases on which they object vary considerably and in some respects conflict.
125. Ms Arlow reminded me that objections by the amenity societies is not a bar to granting a faculty. She referred to the following cases as examples:
- (a) In Re St Alkmund Duffield [2013] Fam 158: where the proposal to relocate the chancel screen was opposed by Historic England, SPAB and the Victorian Society.
  - (b) In re St John the Baptist, Penshurst 9<sup>th</sup> March 2015: a petition for the removal of the chancel screen, removal of the choir stalls, relocation of six ledger stones and the laying of a new floor was objected to by the Victorian Society. English Heritage expressed concern and supported the Victorian Society’s alternative plan and SPAB sought review of the proposed removal of the screen but did not enter an objection.
  - (c) Re The Church of St Peter and St Paul Bath (Bath Abbey) [2017] ECC B&W 1: A faculty to remove all the pews led the Victorian Society to

become a party opponent and Historic England and the Society for the Protection of Rural England (“SPAB”) supported the Victorian Society.

- (d) Re The Church of Holy Trinity, Kingston upon Hull [2017] ECC Yor 1: major reordering including removal of the Victorian pews, in which the Victorian Society became a party opponent and SPAB, Historic England and the Ancient Monuments Society and, to a very much lesser extent, the CBC objected and supported the Victorian Society.

126. One of the reasons why the church retains its separate planning process under the Consistory Court is because there are often wider issues to be considered than those faced by the statutory consultees. As the Revd Dr Yandell observed in her response to SPAB, the 1991 Measure requires me to have due regard to the rôle of a church as a local centre of worship and mission”.

127. With that in mind I have considered the Bishop of Ely’s “People Fully Alive, A Strategy for Growth” which was published in 2015 as part of a ten-year agenda for growth. The Diocesan vision requires the church community to

- Engage fully and courageously with the needs of their communities, locally and globally.
- Grow God’s church by finding disciples and nurturing leaders.
- Deepen their commitment to God through word, worship, and prayer.

128. Five key themes came from the groundwork carried out to develop the diocesan vision, one of which was to reimagine their buildings.

129. The section devoted to this (P/360) includes these words:

“Our strategy recognises that church buildings continue to draw and inspire people, even those of little or no explicit church faith. It also recognises that some of our buildings are an insupportable burden to the ‘church’ in the proper sense of the word – the Body of Christ. There is often a tension between the desire to maintain a building, the needs and limitations of the church community, and ambitions for wider mission and ministry... What we need is greater clarity about the current options and resources available to us; and perhaps we need to create some new ones.

By 2025 our church buildings must be more than monuments to our Christian heritage; they must serve the needs of the church today...

Over the years church buildings have been extended, adapted, reshaped and re-imagined. The process continues today with the

introduction of kitchens, toilets and other facilities designed to make them suitable for contemporary use as well as internal reordering to give greater flexibility... Our strategy recognises the importance of helping parishes to develop and modernise their buildings, working in partnership with ecumenical friends and other community bodies.

The future of many of our buildings depends on finding new ways to fund maintenance and development...

We will also ask deaneries and parishes to conduct an audit of all their buildings and to adopt a plan to their future (taking account of facilities provided elsewhere in the community too)... It should also help congregations and deaneries to identify those churches whose current level and type of use is unsustainable. Some churches may become 'hubs', centres of activity and focus surrounded by a number of 'festival churches' or 'chapels of ease' where worship and fellowship is still supported but on a less frequent basis. It is possible that some buildings may be given over entirely to other uses, or closed, while their church communities move to other venues, such as homes, schools or village halls..."

130. The Diocesan Strategy is honest and realistic enough to accept that a fully functioning church in each rural community is not a viable option in the long term. It is clear that the PCC and the Revd Dr Yandell have taken the strategy to heart and have sought to act upon it. In so doing, if the proposed scheme were to be adopted, they would secure a church for the village of Bassingbourn for the foreseeable future.
131. Whilst there is general agreement in the community of Bassingbourn that work needs to be done to the church to update its facilities, it is to be regretted that the community, who are very keen to keep their village church for those times when they need it, have not grasped the potential benefit of equipping the church with the facilities which would ensure its future, possibly as a "hub" church, not in the narrow sense of an "evangelical hub", but as a hub to serve a wider area in which other village churches will be used occasionally or, as a last resort, removing the legal effects of consecration and given over to other uses.

#### **THE WITNESSES FOR THE PETITIONER**

132. I do not intend to deal with the evidence of the witnesses in any detail. Each adopted his or her statement and was subject to cross-examination. I have included some of their evidence already in this judgment. There are some

further passages which I have not referred to and which are not apparent from their statements which I intend to set out.

133. Stephen Brooker was able to tell the court that, because of the concerns of the parties opponent about parking were the church to be used more than it is at present, or for special events, he had a meeting on 17<sup>th</sup> April 2018 where agreement had been reached in principle with the agricultural tenant on the Glebe Land that the field could be used for parking. On the present arrangement it could only be used 10-12 times a year.
134. The PCC could apply for change of use and, if planning permission was granted, the agricultural tenancy will fall away. There were issues as to access which would need to be resolved. The idea was to reinforce the ground to allow for vehicles to pass over it whilst grass continued to grow. The sub tenant who presently grazes a flock of sheep on the land would be prepared to continue, thus keeping the grass short for the church and preserving the pasture.
135. He said that the process of the plans through the PCC had been a smooth one. The principle concerns were to do with the damage to the architectural significance.
136. He agreed that Mr Simpson and Mr Beardmore were two former churchwardens who had written letters of objection and who stood down in 2014 and 2015 respectively. Each completed their term as churchwarden and now worship elsewhere. Mr Simpson remained as a keen attender but now lives in Comberton. Mr Brooker was shown the comments made by Mr Beardmore (PO/447) who confirmed to Mr Spreadbury that the church development was not the reason for his withdrawal from church life. In his evidence Mr Spreadbury agreed that Mr Beardmore asked him to correct this.
137. Mr Brooker denied that Mr Beardmore resigned because of the proposals. He said that Mr Simpson was fully behind these proposals and Mr Beardmore was behind them.
138. That assertion in respect of Mr Simpson was challenged by Mr Bedford. Mr Brooker had a meeting with Mr Simpson for 2½ hours. He had some very particular concerns which Mr Bedford took him through. Mr Brooker never said that there was no opposition on the PCC. When he described the process as smooth he meant to convey that points were raised and considered and, where necessary, they consulted with their architect. There was a process of development involving iteration of the design. They engaged fully with Mr Simpson.

139. Where he said, at §8 of his statement, that there was “broad support for the proposals ...” he had not ignored the 100 letters of objection. It is his experience having lived in the village for 31 years that people who are supportive do not write in. Every trader in the High Street has supported the proposals as evidenced by their willingness to sell ticket to raise money for the fund. He also draws on his conversations with individual villagers.
140. He agreed that the consultation meeting on 15<sup>th</sup> September 2016 was more negative than positive. Any change provokes uncertainty he said. Whilst the scheme as a whole encompasses a very large number of changes to the church, it cannot be said that there is a wholesale objection to the re-ordering.
141. Geoffrey Hunter, the Church Buildings Consultant for the Ely Diocesan Board of Finance and who sits on the DAC, said that it took two years to agree the schemes with the DAC because they were complex, not because of any difficulty reaching a decision on the DAC.
142. He considered that the proposed heating scheme, underfloor heating in the nave only and convection heating to supplement it, is better and certainly no worse than the existing system which warmed the church in peaks and troughs.
143. He said that the listing grade is dependent on different features. The chancel is particularly important, and its setting in its churchyard is very important. Every generation has made its mark on the interior and the nave is one of the least significant. He considered that the approach is very valid for this church. You can copy the style of the church or approach it in a modern way and he gave William Morris as an example of someone who went for the modern approach.
144. In his view the report on the pews was an adequate document. On the DAC there was no dissent from the chairman’s view that necessity overwhelmed the loss of the pews.
145. He would not have expected a Conservation Management Plan, which is a product of the secular planning system. It is not a statutory requirement. James Halsall agreed with that; If it was a major parish church with complex structures around it, then it might be advisable. He has never received or sought one in his diocese.
146. Mr Hunter said that, because of the DAC’s experience in obtaining planning consent in Cambridgeshire for building an extension to the church within the

churchyard, they would dissuade a church from going down that route because it was unlikely to gain approval. They have had challenges in getting planning consent in South Cambridgeshire.

147. Nigel Walter, the architect (P/103), said that there are a total of 16 pews with mediaeval parts to them from which they assess they can create eight pews using all the older material.
148. Mr Walter agreed that the plans do not show the location of the brackets, or spiders, which will hold the glass and it is not known how many there will be. He does not know of a church where finger guards have had to be put in because of the supervision in a church.
149. He agreed that glazing produces reflections but they are not visually dominant. They took advice from an acoustic engineer because glass has an effect on the acoustic. His advice to rake the railings on the gallery at 15 degrees was considered too visually intrusive.
150. He responded to criticism in Mr Radice's report (PO/142-4) by going through the churches which he had worked on. Mr Radice's report suggested that he may have been "...unprepared when moving up a step to Grade 1 church work." He explained that he is church architect for 42 parish churches almost all in Ely diocese. He is predominantly working on Parish churches. 20 are grade 1, 13 are Grade 2\*.
151. He said that Mr Radice's suggestion (PO/141-2) that the CBC is essentially an in-house advisory body and an adjunct of the Anglican church that focusses on the interests of that communion in the matter of its buildings and has little interest in their heritage value, caused him to raise his eyebrows when he read it. The CBC has to balance the interests of the church with heritage interests. It tends to be criticised for preferring heritage over church interests.
152. He was criticised by Mr Radice for going so far as to provide tender documents. In reality the suggestion was that he had done this to increase his fee, the appropriate percentages being set out in Mr Radice's report. Mr Radice submitted (OP/144) that he found that an extraordinary aspect of this petition is that the designs have been completed in full detail which he had never heard of being done for any but the most straightforward like-for-like repair project. Mr Radice went so far as to state that:

“I would hope that [Archangel] warned the PCC clearly of the potential loss of taking the designs so far ‘at risk’. If they did not, they are in my opinion liable for misleading the PCC.”

153. Mr Walter responded that tender documents are normal for this type of scheme. With a listed building the devil is in the detail. Anyone commenting on the scheme would need to see the detail.
154. I do not understand Mr Radice’s criticism which goes so far as to accuse a fellow professional architect of potentially misleading his client. I cannot conceive that a scheme this radical could ever be considered without the sort of detailed drawings and descriptions which I have been provided with. The details and drawings seem to be similar in scope to those I have received for the larger schemes put forward in the diocese. Further, I have criticised reordering plans which have failed to provide sufficient detail on which to come to some reasonably accurate idea of costs. His criticism is unfounded.
155. The Revd Dr Yandell was asked about her contacts with the local community and what use she could put the facilities to. She said that her contact with the local (non-church) school was good, and she described the projects on which they are working together.
156. Her vision included attracting families to do more and better things than they do at present. She wanted to get more families and members of the community across the threshold. Whilst Alpha courses, and lunch clubs can be run elsewhere, at a cost, there are substantial advantages to doing it in the building which is a sacred place. It is less daunting to come back to the building to worship.
157. They want to reach out to the elderly and lonely; she would like to begin with an act of worship or a simple communion service. She said that they are here to serve the purposes of God and share God’s love with people.

**THE WITNESSES FOR THE PARTIES OPPONENT**

158. Mr Bedford made a very carefully prepared and well delivered opening statement on behalf of the parties opponent which gave a clear outline of their case.
159. He acknowledged that considerable emotion had been aroused by this scheme and believed that divisions will be healed whatever the outcome. He said that the objections had nothing to do with liturgy and everything to do with the fact that the reordering is not a necessity but is excessive or harmful.

He proposed that the changes be scaled back to suit a village church, and that they do not have to be so radical to attract a new worshipping congregation which is about mission and not shiny new buildings. In short, he said, this proposal does not satisfy the Duffield Question.

160. Before moving to the witnesses I heard, one of the parties opponent, Mr Ken Gill was unable to attend the hearing because he had been involved in a road traffic accident which left him in hospital and the court extends its sympathy to him. Steps were taken to see whether his evidence could be given by live link but that was not possible. It was impractical to delay the proceedings. I received written submissions from him in addition to his filed, and very full, written submissions (OP/54-98). I have taken all that he says into account.
161. John Radice is an expert chartered architect and a member of the Royal Institute of British Architects. He admitted that for the churches of which he is the architect he has not had much of a “crack” at reordering in his churches.
162. I feel bound to comment that, after many years of examining, cross-examining and, now, listening to the evidence of experts, I have difficulty recalling any expert who was quite so willing to pour condemnation on a fellow expert. The tone of his report and his evidence was, to say the least, dismissive. When he was put right about the qualifications and experience of Mr Walter, that his practice involves working on a number of Grade 1 listed churches and that he has been elected as a fellow of the Royal Institute of British Architects, he acknowledged this in a way which did Mr Radice little credit.
163. I was a little surprised at his evidence that the reason why he became involved was that he is concerned that changes are being made to Grade 1 buildings and there is a growing concern in the secular world that the ecclesiastical exemption from planning permission makes the church too free in what it does. He described it as a valuable privilege. This has all the hallmarks, not of an expert who has an overriding duty to the court, but one who is waging a campaign under the guise of expert evidence.
164. He claimed that the CBC rarely take account of heritage issues and failed to mention the listing of the building in its response. He agreed that he was not as intimate as Mr Walter with the workings of the CBC.
165. I agree with Mr Radice that a Chancellor should have due regard to the same planning principles by which the secular planning system is bound. But one of the reasons for maintaining a separate system is because of the special circumstances which exist in relation to churches and the need, under the



Care of Churches and Ecclesiastical Jurisdiction Measure 1991 to have due regard for the rôle of a church as a local centre of worship and mission.

166. When he answered questions on the balance between Roman Catholic and Anglican churches on which he was working, and he was reminded that his website showed the reverse of what he had said in evidence, he replied that his current website is poorly updated.
167. He described Pevsner's listings as very uneven in their quality. Listing does not lay emphasis on the chancel which he described as one of the most unusual parts of this church.
168. Martin Renshaw had for many years installed organs but latterly has been researching the ancient use of music in the churches. SS Peter and Paul is one of his top churches for research and he has spent about seven hours mostly examining the chancel but also the nave.
169. He feels very strongly that the pews, which he described as "very ordinary" should be removed. He is passionate, generally, about restoring the nave to the people.
170. He had a different view about the mediaeval benches although it would be true to say that his researches had not turned up the 1835 plan which showed the Georgian pews to have faced the wall on the south side. This does not fit with his opinion that the layout of the pews in the aisles has more to do with the two chapels sited at the end of each aisle.
171. He believed that the nave pillar bases are very fine but seemed to be unaware that the planned works to the floor would allow them to be revealed and better preserved.
172. He was against moving the font. He accepted that it had been moved in 1865, but it should not be moved again, and relied on Canon F1:-

"The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct, and shall be set in a spacious and well-ordered surroundings as possible."
173. He had grave concerns for the acoustics and considered that the proposed heating system would have a potentially catastrophic effect on the organ. With constant heat levels the humidity drops gradually. A change in temperature does not affect an organ unless it is dramatic. The DAC organ

advisor is not sufficiently experienced and should be disregarded. The effects of heat could not be reversed by the use of a humidifier, which can in fact cause more harm than good. I note that a great many churches use humidifiers to mitigate the effects of central heating, something recommended by the Institute of British Organ Building.

174. There was some doubt as to the basis on which Julie Ayre, who is a planning officer for South Cambridgeshire Council, was giving evidence. According to the Revd Dr Yandell, the leader of the Council, David McCraith, told her that he had no knowledge of the statement being made and it had not come to the planning council.
175. Julie Ayre, said that, as far as she was aware, the planning committee had a meeting on 24<sup>th</sup> April and she agreed that the views expressed in her report were not the views discussed or approved by a planning meeting. They are allowed to delegate the power to advise under the regulations, and not all applications go to the planning committee.
176. She has not been party to the discussions which the church has had over 25 years and she is not aware of the Ely Strategy Plan. She does not know what “sweaty Church” is, nor what is involved in an Alpha course, nor running things such as a Sunday School. She said that they were not germane to her evidence.
177. Jeremy Bedford agreed that he rarely attends at Bassingbourn because he has not found a spiritual home there. It was suggested to him that his appreciation and understanding of the mission needs are weak. He agreed that in his letter to the Registry (OP/13-14) he had described the plans as coming from a self-appointed group, the building committee, although he accepted that the plans are broadly supported by the worshipping community.
178. When he wrote that the extraordinary drive to change the fabric of the church was “...reminiscent of the behaviour of the extremists in Syria (PO/13) he was talking about to the architectural history of Palmyra.
179. David Cousins, a local architect, and not a specialist on ecclesiastical buildings, agreed that the best way to keep a building going is to use it. There needs to be thriving community. It is disappointing that the church expects people to come to it rather than coming out to the people. He is not a regular attendee, but the church means a lot to him and he has a significant family history with the church.

180. He supported working with the planners to build outside of the church. He had specific criticism of the use of glass, that the gallery is heavy and as to the subdivision of the closed spaces. He has no reservations about modern structures but this has no elegance and is not architecture. He favoured keeping the font where it was and introducing an additional 21<sup>st</sup> century font. He was unaware of the constraints on this imposed by Canon Law.
181. Mr Spreadbury was referred to a passage in the parties opponent's comments on the petitioner's response to their objections in which it stated (PO/448) that the opponents represented the mainstream of public opinion in the village. He agreed that it was an unfortunate choice of words but this is what a great number of people here feel. He was asked about the website he built to encourage participation in objecting to the scheme. I have referred earlier to the results of that campaign.

#### **APPROACH TO THE ISSUES**

182. Before considering the first of the Duffield Questions, in accordance with In Re St John the Baptist, Peshurst, I must first decide what is the special architectural and/or historic interest of the church as a whole. I have taken as my starting point in relation to answering the relevant Duffield Questions that this is a Grade 1 Listed building.
183. I am left in no doubt on the evidence that the chancel is the striking feature of this parish church. I judge the, in part, mediaeval benches to be of special interest as is the decorative work to the bases of the pillars.
184. The font, which has already been re-sited once, is itself of historic interest, as is the porch. The 15<sup>th</sup> century Rood Screen is of architectural and historic significance, although I judge the mid-20<sup>th</sup> century repainting has not enhanced it. The Ledger stones, which I accept may not all be in their original positions, form an important part of the history of the building. The setting of the church in its churchyard in what was once the centre of the village is a special feature of it.
185. I am not satisfied that the nave, rebuilt in Victorian times on identical lines to the original 14<sup>th</sup> century church, when looked at on its own, has any special and/or architectural interest and is of moderate interest. However, I cannot, and do not, overlook its importance in terms of the church as a whole and its connection to, and proportionate size to the chancel, and which leads the eyes up to the chancel.

186. In considering whether I should grant the Faculty I have followed the guidance laid down in In Re St Alkmund, Duffield:-
- (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, Questions iii, iv and v do not arise unless the answer to question (i) is “yes”.
  - (iii) 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 rôle as a place of worship and mission) outweigh the harm? In answering this question, 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 2\*, where serious harm should only exceptionally be allowed.
187. I will answer each question in turn and will then go on to consider some restrictions to the reordering which I judge will be necessary to allow me to answer the questions in the way that I have. In considering my approach, although it is helpful to consider the impact on the various parts of the building and particular items within it, I have, in answering Questions 1, 3 and 5 directed my mind to the effect of the works on the overall character of the Grade 1 Listed building.
188. **Question 1:** My answer is “yes” and it follows that I next move to Question 3.
189. **Question 3:** My answer is “yes”, but that answer has to be qualified. I do not judge that there would be any serious harm to the chancel because the intrusive work is at the back of the nave. The church would be harmed in other ways. In particular the entrance to the church as conceived by the

present plans would cause serious harm to the way in which anyone entering the building would be able to see it. The removal of the ledger stones to a place where, to a significant extent, they will be hidden under the altar dais would cause serious harm. The total removal of all the pews, both mediaeval and Victorian would destroy any sense of the layout of the church from mediaeval times through to this century. The mediaeval pews are themselves of special historic interest.

190. **Question 4:** I find that there is a clear and convincing justification for carrying out the proposals. I reject the criticisms of the Statement of Needs. I judge that the church has a very clear idea of its mission and the purpose to which the enhanced facilities will be put. The concept fits well with the Ely Diocese's strategy to make the church fit for purpose in the 21<sup>st</sup> Century. In my judgment the concept is more likely to ensure the continued presence of a functioning church in Bassingbourn, which will be much to the benefit of the village as a whole, than other less ambitious proposals.
191. Although I was taken on a tour of the other facilities available in the village, I do not consider that they satisfy the needs of the church. I believe that the Revd Dr Yandell's argument in respect of getting people over the threshold so as to encourage them to come to church more regularly, is a powerful one.
192. I have no doubt that a church designed for modern worship with a committed incumbent and dedicated support from a growing congregation, whatever its present size may be, will attract a larger worshipping community. That community will over time require the facilities envisaged in these plans. If the church is to be successful in its outreach, then it needs sufficient lavatories, kitchen space and meeting rooms to accommodate this.
193. However, I am not convinced that the need for a separate room which can accommodate as many as 50-60 people is made out. If the nave, or at least part of it, is to be given over to chairs which can be arranged in any configuration, and if the heating system is to be improved and involve a constant background temperature in winter, it seems to me that, with a boost to the temperature by convection, the nave will be available for the larger meetings, whilst there will be other spaces which can accommodate smaller groups for which additional heating of the nave could not be justified.
194. **Question 5:** my answer is "yes". I judge that the resulting public benefit in respect of opportunities for mission and putting the church to viable uses that are consistent with its rôle as a place of worship and mission outweigh the harm to the building knowing that there is a strong presumption against proposals which will adversely affect the special character of a listed building.

195. In assessing the harm to the building overall I judge that those alterations which I propose to allow will not cause serious harm to the building overall. Even if I am wrong about that, I find the need for such harm as will be caused by that which I have allowed to be justified exceptionally in any event.
196. In In Re St John the Baptist, Peshurst the court referred at the beginning of its judgment to the tension which frequently exists between on the one hand conservation of what is best in our heritage and on the other hand the requirements, or claimed requirements, of present day worship and mission. The reordering of SS Peter and Paul's is a paradigm of that conflict.
197. I set out below the restrictions which I have imposed on the reordering so as to conserve the heritage and my reasons for allowing or restricting the application where it is relevant to do so.

#### **A SEPARATE BUILDING**

198. The issue has been raised as to whether the solution ought to be to build a new hall within the churchyard or add an annex to the church. These are schemes which the petitioners have considered and have rejected, or have been persuaded to reject over years. The DAC has concerns as to whether such a project would ever be accepted by the planning authority.
199. Julie Ayre, a planning officer for South Cambridge believed that there may be occasions when building in a churchyard has been permitted. She could not say whether it would be supported without having a pre-application brief to consider. It is not impossible and she does not think that such an application would be inappropriate and there have been "a lot" that have been successful.
200. Mr Walter agreed that there are churches within a few miles of Bassingbourn which have halls. It was a Victorian solution to the Oxford Movement which was to set the church apart for worship and the emptying out of the building of community use. He agreed that a separate community building is one answer but it results in two buildings to maintain and it is better to make use of the church building if it is possible to do so. It is better practice to return community activity into the building. It is good for the heritage for this building to be used and it follows DAC guidance.
201. I note that a recent planning application for the renewal of a noticeboard outside the church was subject to objections, including from Mr Bedford. He explained that the reason for his objection was that, although the heritage analysis concluded that from most angles the view of the church will not be

obscured, the view of his Grade 2 listed house will be. Evidently the application has been declared to be invalid and, no doubt, will have to be renewed and then objected to again.

202. I make no criticism of Mr Bedford for objecting to the noticeboard, which it is his perfect right to do, but it does put into context the sort of difficulties that an application for a building or annex might face.
203. Whatever the planning position might be, it is in my view preferable not to increase the church estate by building separate buildings or increasing the footprint of the church itself and, therefore the maintenance costs, if what is needed can be housed within the building, whilst having regard to the need to preserve the heritage. In that regard I agree with the view put forward by Mr Walter; these matters have to be considered on a church by church basis and there is no one design solution to fit all churches.

#### **PARKING**

204. Coming from London, it seemed to me that there was an almost inexhaustible supply of parking space in the relatively wide road which passes the church. However, I accept that this is a sensitive issue within the village. There is a possible solution by use of the Glebe field, but it remains speculative. In my judgment it does not affect my decision on the petition because I am satisfied that there is sufficient parking available for most events in any event. It may affect the ability of the church to gain a licence, where required, for any especially large events in the church. The whole topic of parking space is one that the petitioners should pursue, not least as part of rebuilding trust and good relations with the village community as a whole.

#### **NAVE AND AISLE PEWS**

205. I consider that the decision I make in respect of the pews is fundamental to the overall design concept. Before moving to the merits or otherwise of the scheme to replace the pews, it is worth looking back at the history of church seating. We are living through a period where there are many applications within this diocese and elsewhere to remove pews which have served the church well for 200 years or more, and where they are no longer felt to be beneficial in the context of modern and varied forms of worship
206. Seating in churches has been a contentious issue since at least the time of the Reformation. The almost wholesale destruction of the Georgian high-sided box pew in the 19<sup>th</sup> century in favour of the open pew was just as divisive as

the issue of removing fixed pews in favour of movable seating seems to be today.

207. In 1844, which was about 20 years before the Victorian pews were put into this church, John Coke Fowler wrote a substantial essay entitled "Church Pews, their legal incidents with some observations on the propriety of abolishing them". His opening paragraph is worth reflecting on when considering the current climate for change:

"To those who have only been in the habit of attending churches fitted up with closed pews, in which the accommodation is still adequate to the population of their respective districts, the subject of this inquiry may perhaps appear to be of the most trifling importance. They have probably never thought at all of the advantages or the evils of pews in churches, or if they have, it would perhaps appear to be a matter of too secondary importance compared with the ministrations of the Church, or even the substantial repair of the edifice, to deserve serious consideration."

208. He sets out that, Pre-Reformation, the churches had no pews; if they had any seating, it was moveable and the personal property of the incumbent. At the time of the Reformation, which brought with it longer services, moveable seats, open benches, chairs, or stools, with here and there one or more detached pews appropriated to the principal parishioners were introduced. As seats needed repairing, and new seating was determined upon, the privileges of the pew were imitated throughout. In 1579 an officer of the Bishop of Ely (in modern day terms the Chancellor), on the parish wardens and a parishioner of Chesterton appearing before him, granted a faculty for the erection of a pew in these terms:

"Thomas Lorkine, or Larkin, gentleman, Doctor in Medicine, and Regius Professor in the University of Cambridge, had held for five or six years past freehold property in the aforesaid parish, equal in extent to that of any other parishioner: and that up to that time no seat, or place, or stall, had been granted to the said Thomas Larkyn, suitable to his rank, estimation, and property in the aforesaid parish-church. Which premises considered, they judged it most convenient that the said Thomas Larkyn, his wife and heirs, should for ever sit apart and by themselves in a place on the north side of the church nearest the chancel, on the left hand of the chancel-door, next to the chapel where John Balfude, gentleman, hath been wont to sit during the time of divine service; from east to west the space to be assigned to him containing eleven feet, from north to south seven"



209. The Georgian era, with its deference to members of the upper class, heralded the box or enclosed pew. Of that period John Coke Fowler said:

“The great body of English churchmen have slumbered in their pews from generation to generation, without even dreaming that their wooden walls would one day be assaulted and overthrown. In the good old-fashioned times, when the Church herself grew somnolent, they built, locked, curtained, lined, and cushioned their private boxes, without thinking that their innovations could ever be either mischievous or obnoxious. It is true, that from time to time isolated individuals have borne witness against them, but they failed on many accounts to have any influence over the prevalent fashion.”

210. Their removal and replacement with open pews owed more to the increasing size of congregations than to an outmoded, almost feudal, system. The creation of open (Victorian) pews was not universally popular:

“Now it is almost certain, that whenever the abolition of [boxed] pews is proposed in a parish, there will be considerable opposition to the proposal at the first. Those who really have special privileges will desire to retain their own, and others who have no well-founded right, but merely equivocal claims, will be equally tenacious with the former. The proposed destruction of barriers and distinctions between rich and poor, will be regarded by many as a revolutionary movement, and denounced as contrary to the ancient custom of the Protestant Church.”

211. The arguments raised then were as lacking in substance as some that are raised today:

“...one reason for getting rid of pews, that "they were a part of the wicked system of those men who murdered their anointed sovereign King Charles the Martyr, and overthrew for a time the Church, and brought all kinds of miseries on the kingdom," and again, "that pews, unless they have a faculty, which very few have, are illegal," the warfare against pews is invested with an air of Quixotism and legal ignorance...”

212. In his book, “Eminent Victorians” (1918), Lytton Strachey described the 19<sup>th</sup> Century conflict between Henry Manning, the then Catholic Archbishop of Westminster, and the Archdeacon of Lewes, Julius Hare:

"Manning had been removing the high pews from the church in Brighton, and putting in open benches in their place. Everyone knew what that meant; everyone knew that the high pew was one of the

bulwarks of Protestantism, and that an open bench had upon it the taint of Rome."

213. I have quoted these various passages because, in my judgment, arguments about seating in churches is very much about the fashion of the time. What was thought appropriate in Pre-Reformation England is now in fashion again. No one would advocate the return to box seating and it is rare that any newly constructed church wants or can afford to put in bench pews.
214. I have considered the submissions as to the Victorian pews and judge their only architectural merit to be that they either deliberately copied or by chance mirrored the design of the mediaeval pew ends. That, in my judgment is not a sufficient reason to retain them when they are preventing the church from using the nave for wider forms of worship and for other uses.
215. In coming to my decision, I have rejected the suggestions of altering the pews and making them moveable. This causes great difficulties in terms of storage when the area is to be cleared. It may be a solution where the pews are of high architectural or historical importance, but it is not a practical solution in respect of these pews.
216. However, the mediaeval pews fall into a separate category. They ought to be preserved for their historic value. Whilst I accept that the 1835 plan conclusively shows that the pews in the south aisle were not in their present configuration, in my judgment there are three benefits in having the set out as they are at present:
- (a) They retain within the church a sense of the layout of the church from mediaeval times through to this century.
  - (b) They will allow any member of the congregation who finds the Howe 40/4 chairs inadequate, to use a bench and be facing to the east.
  - (c) It will allow the bench ends to be more obviously visible.
217. Although this will reduce the amount of open space in the nave, because of the width of the church compared to its length, I do not judge that their retention will greatly impede the petitioners in the way they intend to use the nave.
218. The platforms beneath the mediaeval pews can be removed and they can be raised in height and sympathetically restored. I will need to see a plan for the eventual layout of the benches and consider whether any are past preserving

before eventual agreement is reached. This should be discussed with the DAC and then referred to me for final approval.

219. If some of the mediaeval pews are beyond repair or there is a need to combine the wood from two or more pews to make one strong and lasting pew, then the space created in the aisles by there being fewer mediaeval pews can be made up by taking Victorian pews from the nave and reducing them to the same length as the mediaeval pews. In this way the history of the development of pew seating will be retained within the church.

#### **CHAIRS**

220. The Howe 40/4 chairs with stacking trolleys are widely used in churches and cathedrals, including St Paul's Cathedral and Ely Cathedral. They are robust and long lasting.

221. I have considered the objections based on Health and Safety and Fire Regulation concerns but find that their widespread use must mean that they fall within the regulations, albeit that it may restrict the configuration of the chairs depending on how many are using the church at any one time. I reject the arguments put forward on grounds of health and safety.

222. I do not understand Mr Radice's criticism of the failure to provide a justification for choosing as a replacement for the benches one of the most expensive options, namely, the Howe 40/4 chair. It would seem to be incumbent on the petitioners to ensure quality fittings into a church of this importance.

223. I approve of the use of the Howe 40/4 chair.

#### **NEW FLOOR TO NAVE, AISLE AND TOWER AND RELOCATION OF LEDGER STONES**

224. I agree that a new floor should be laid throughout the church. The design of the floor had been left as a reserve matter. The type of stone, the amount of colour in it, the size and patterning are yet to be resolved. Mr Walter agreed that the Ledger stones could stay where they are, at least in some circumstances.

225. I agree with Mr Radice's comments about the petitioners' failure to appreciate the ledger stones (paragraph 2.2.27). They should remain in their present locations and the floor can be fitted round them, I would hope in a way which avoids any possible trip hazard. This may affect the colour and design of the

stone flooring. The design should be considered with the DAC and submitted to me for final approval.

226. It is proposed that the altar is raised on a plinth and that this will also provide an area to preach from for those who want to use it. It may be that, on reflection, the size of the plinth presently envisaged will not be considered to be large enough. If that is the conclusion, a new plan can be submitted for approval.

#### **THE UNDER-GALLERY ROOM, THE CRÈCHE SPACE, AND THE WELCOME AREA**

227. I have reflected on whether the space could be confined to one bay rather than two as was originally considered by the petitioners. I agree with the DAC's view that, for the facilities that are needed, the use of a single bay would lead to small and unworkable rooms.

228. As I have already noted, there is no sufficient justification for providing a meeting room to accommodate between 50-60 people, although a smaller ground floor meeting room is justified. In my judgment by using some of the space freed up by the provision of a smaller meeting room, it may assist with the issues which have been raised in respect of the welcome area and the crèche.

229. The provision of a creche is almost universally popular. Its present intended location creates, in my judgment, two difficulties:

(a) It protrudes forward from the line of the gallery and further encroaches on the nave. Where the gallery and the accommodation below it will take up very nearly one third of the nave, I judge that I should not allow any further encroachment on the nave.

(b) I agree with the parties opponent that, with the crèche to the right of the welcome area, it materially and detrimentally affects the view on entry to the church.

230. It seems to me that it would be quite possible to place the crèche under the gallery providing a glass front on its east-facing side and an exit route (without disturbing the service) via the welcome area. The welcome area could then open out to the east and directly into the church.

231. I am not an architect; it will be for Mr Walter to come up with some suitable design which brings the crèche within the gallery line and allows a better

transition from the welcome area into the church. It may be possible to design the crèche in such a way that it could be incorporated into the under-gallery room when it is not in use as a crèche. The welcome area itself could be extended eastwards, if it assisted in terms of design, so that it matches the slight protrusion of the lavatory for the disabled in the north aisle.

232. I am concerned about the quality of finish in the welcome area. It must be of a quality which reflects the beauty of the church which will be entered through the welcome area.
233. The revised plan should be discussed with the DAC and then put before me for approval.
234. Insofar as I have not commented on the particular aspects of the design of the under-gallery and tower area, I approve the plans. In particular, I approve the designs for the kitchen and lavatories and do not find the provision to be excessive in either case. I find it disappointing that one of the objections was based on the fact that the catering facilities are not needed by a congregation of the present size. Part of the purpose of this scheme is to react to the need for growth in the church. Vision requires the church to look to what its future may be.

#### **THE GALLERY**

235. In my judgment the additional seating provided by the gallery is required, not because it is likely to be used at regular Sunday services, but because there are other services, not least of all funerals where seating on this scale is required. It will compensate for the seating which will be lost in the nave. It would be a disservice to the local community not to provide sufficient seating for those occasions where it will be required.

#### **STORAGE SPACE, NORTH AND SOUTH AISLES**

236. This I judge to be an inappropriate use of space within the nave and I will not allow it. Other space, if required, will need to be found and considered by the DAC and referred to me for final approval.

#### **RENEWAL OF HEATING AND LIGHTING**

237. The proposal is to replace the oil-fired boiler and the existing radiators and provide other heat sources including underfloor heating to the nave, and convection heating to the nave aisles and new rooms.

238. I share the concern of some of the parties opponent about the use of oil as a fuel. I require the petitioners to look once more at this issue and to see whether there is any possibility of using renewable energy, at least in part. I raised at the hearing the possibility of using the Glebe field to lay ground source heat pumps<sup>10</sup>. It seems to me that this would be possible whether or not it is to be used for parking and, subject to the issue over distance from the church, should be explored together with any other viable alternative.
239. The petitioners should consult with the DAC as to any new solution and then refer it to me.

#### **FONT**

240. I have considered the theological argument for keeping the font in its traditional place close to the door in accordance with Canon F1. However, the nature of baptism services has changed over the years from a private service with the family standing around the font, to baptisms taking place at the main service and with the congregation welcoming their newest member(s) into the church. To accommodate that many churches have applied for, or are applying for, permission to, move the font to a more prominent position.
241. The place chosen fulfils Canon F1 to the extent that it is a spacious and well-ordered surrounding for the font. It will give much needed focus to an area which once had an altar, and I approve its move to the east corner of the south aisle.
242. I am concerned that the request to remove the modern plinth around the font will make it very difficult, because of its height, to use. I would like this to be revisited to see whether a plinth in the same stone as is chosen for the floor would assist. Whether that is done or not, I note that there are some attractive, probably Victorian, tiles round the font bearing an inscription. Whether or not a plinth is installed, if these tiles can be lifted intact, they should move with the font to its new location.
243. The petitioners should consult with the DAC as to keeping a plinth and transferring the tiles and then refer it to me.

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<sup>10</sup> Planning Permission may be required, depending on the view of the planning authority.

#### **PULPIT**

244. There is general agreement that the pulpit has little merit other than that it was designed to blend with the mediaeval architecture in which it sits and should be seen in the context of the Victorian furniture as a whole. It has not been used for at least three years, not even by visiting preachers.
245. There is no justification for retaining a piece of church furniture of this design which is no longer used. However, in order to safeguard the pulpit in the medium term, I direct that it be retained either in the church or in any other place which is dry and secure for a period of ten years. If after that period the church has no use for the pulpit then an application can be made to dispose of it. The petitioners must notify the Registry of the location, and any change in location, of the pulpit. I will need to approve of the location in which it is to be housed. Its location should also be identified in the records held by the church.

#### **COST AND VIABILITY**

246. The cost of these works is substantial. I agree with Mr Spreadbury that the village does not want to be left with an unfinished building site. The Archdeacon of Cambridge said in his evidence that what is proposed is not unrealistic, and money follows vision. He said that money is the sacrament of seriousness and he believed that there was a considerable chance that they would succeed in raising the necessary finance in a congregation which has been experiencing growth.
247. I will make it a condition of the faculty that work does not begin on the reordering until 75% of the final estimated costs have been raised or promised. I appreciate that donors are unlikely to hand over money until it is needed. A letter signed indicating the donor's intention to provide funds or an agreement to pay by way of a standing order will suffice. Copies of these documents are to be provided to the Registry and, if all other outstanding matters have been resolved, a faculty will issue.

#### **COSTS OF THE PROCEEDINGS**

248. The parties were asked to provide a schedule of their costs within 14 days of the hearing, and they have done so. It is regrettable that the costs of the parties opponent, who represented themselves, were approximately two and a half times higher than those of the petitioners.
249. I direct the Registry to provide a schedule of its own preparation costs, and, separately, the court costs within 14 days.

250. Subject to any submissions made within 14 days of the Registry emailing the schedules to the parties, I order the petitioners to pay the costs of the hearing, and that the Registry's preparation costs are to be shared between the petitioners and the parties opponent on a two-thirds and one-third basis respectively. I judge that the parties opponent should make this contribution because, in view of the number of objectors who wished to act separately as parties opponent, it has considerably increased the time which the Registry had to spend communicating with ten parties opponent. In the event that no submissions are made, the costs are to be paid within 28 days. If there are further submissions by either side I will make a final determination and identify time to pay.

His Honour Judge Leonard QC  
Chancellor of the Diocese of Ely  
6<sup>th</sup> June 2018

(29<sup>th</sup> July 2018: amendments to clarify to Paragraphs 136-8)