

In the Consistory Court of the Diocese of Leeds

Petition No. 2018-026938

In the matter of St John the Baptist, Bentham

## Judgment

1. A faculty is sought for works at St John the Baptist, Bentham which comprise, in attenuated summary, the following:
  - (a) an extension to the south of the west tower, housing two toilets, plant room for heating boiler and storage, and the removal of a chemical toilet from south aisle wall.
  - (b) a reordering of the interior to include glazed doors to porch, removal of kitchenette and redundant organ, replacement of heating system, removal of pews and replacement with timber Treske chairs, carpeting of the nave.
  - (c) the introduction of a redundant font from a closed church into the churchyard.
2. The petition is not opposed, in the sense that there is no party opponent, but some written objections have been expressed during the course of consultation with the amenity societies. The controversial elements are the removal of the pews and the carpeting of the nave.

### **The church**

3. Standing at the western end of the village of Low Bentham, St John's is the parish church for the communities of High and Low Bentham. A church on this site is mentioned in the Domesday Book. The tower survives from 1340, the church having been rebuilt in 1822 and again in 1876 in the perpendicular style, under the direction of the architect Richard Norman Shaw. A porch and new entrance door were added in 1891. It is listed grade II\*.
4. The Statement of Significance is very thorough and its contents need not be rehearsed. The Statement of Needs is well drafted. It is supplemented by an Addendum dated March 2020. Further, a letter of 11 February 2021 from Mr David Channing, churchwarden and Reverend Anne Russell, Team Rector, contains written representations from the petitioners on matters relevant to the Court's determination.
5. This project has been ongoing for many years. The parish has fully engaged with consultee bodies from the outset and has made considerable revisions to its proposals. The current iteration shows a reflective response to the observations made and in several respects is less ambitious.

### **Diocesan Advisory Committee**

6. On 23 November 2020, the DAC issued a Notification of Advice recommending the works.

### **Church Buildings Council**

7. By letter dated 23 January 2019, the CBC agreed that the new facilities and a meeting room are needed to support the ongoing life and growth of this church. It accepted that an extension was the best way forward to achieve the toilet and kitchen accommodation.

The church was extensively restored by the architect Richard Norman Shaw and then his principal assistant and pupil, W.R. Lethaby. They took great care over details and have considerably enriched the quality of the space inside the building and the interest of its exterior. This leaves a challenge for anyone designing new work, as its success will be on account of taking care in using high quality materials, exploring textures of light and shade and expressive geometry, without becoming fussy or mannered.

The Council was content to leave further consideration of the case with the DAC.

### **Victorian Society**

8. The Victorian Society elected not to become a party opponent but invited the Court to take into account the content of its letter of 2 February 2021, together with earlier correspondence with the parish.
9. The Society welcomed the proposed works in the chancel to remove the carpet and expose and repair the tiles, but opposed the total removal of benches (pews) and the replacement of the existing floor with carpet in the majority of the nave.

The existing benches are the original scheme designed by *Shaw*, one of Britain's greatest late C19 architects noted for his country houses such as Cragside and commercial buildings such as the original New Scotland Yard. As such the benches represent the work of a highly important architect and derive significance from this. As original fittings they are an integral part of the church's architecture, bringing order to the interior space. Consequently, robust justification is need for their proposed removal and replacement with chairs.

Obviously, the Society wishes to ensure that as much of this scheme by one of the leading Victorian architects is preserved as possible. However, we also recognise the parish's ambitions. The south aisle is already cleared of benches and the proposals would add to this by creating a meeting room in the space which formerly housed the organ. As previously stated the Society would concede to the removal of benches in the north aisle, and, after discussing the issues again with our Committee, we wish to offer a further concession that the removal of a row of benches at the west end of the nave would also be acceptable. The cleared aisles, meeting room and area east of the font would provide ample flexible space for the needs of the parish and allow a significant mass of *Shaw's* seating to remain.

On the proposed floor finishes, the Society and Committee accept the justification that the floor is damaged, and a new heating system is needed and will cause disruption to the existing floor. However, we sustain our objections to the proposals themselves. We again refer the Parish to official Church of England guidance that carpets are unsuitable for historic church interiors due to

their domestic character and the damage they can cause. Any acceptable proposal should restore the existing floor rather than laying carpet to hide damage. This proposal ignores the Grade II\* church's historical and architectural significance. The proposed mix of floor finishes of carpet and tiles in the nave and aisles would exasperate the parish's current sense of clutter in the interior. If the parish wants to combat clutter it should develop plans for the floor which follow official guidance and are more harmonious with the church's historic fabric.

The Society and Committee continues to find justifications for the removal of the benches, such as a cluttered interior, unconvincing. The benches, by their regular nature, create order in the space. Having closely examined many re-orderings, the introduction of loose chairs often left out of line would only exasperate the cluttered appearance. Although the Committee conceded that some benches had been damaged, this was not accepted as justification for their complete removal. The minor damage caused to the benches by the installation of the historic heating system could be repaired. However, on this point the Society is now willing to make a third concession on the removal of the front row of benches due to their particularly damaged state, provided the frontals would be moved west to the row behind to preserve the dignity of the seating scheme.

The Society accepts all the other aspects of the proposals [...]

The Society understands the parish's desire to adapt the church for increased mission. However, we believe these aims could be achieved with far less intervention and with greater respect for the church's historical and architectural significance. Less intervention also has the chance of being less costly with less impact on environmental resources. Important considerations in these difficult times.

The Society has limited resources and these must be allocated carefully. While the Society does not intend to become party opponents in this matter, this reflects our resources rather the strength of our position. The Society has made many more concessions than normal in this case in an effort to ensure that this re-ordering produces a solid outcome both for the Parish's needs and for a nationally important historic building. We hope that these suggestions will find favour with the Chancellor.

### **Historic England**

10. A letter of 2 February 2021 contains the views of Historic England, together with pre-application advice for earlier iterations contained in letters of 1 July 2019 and 21 September 2020.

The proposals have been amended to take into consideration our pre-application advice. However, we remain concerned that the proposed design for the new porch doors and treatment of the nave flooring does not achieve a standard commensurate with the more than special interest of this grade II\* listed church. We would welcome further consideration of the current approach to both of these elements of the proposals, as detailed in our comments below.

#### *Significance of the heritage assets*

The grade II\* Church of St John the Baptist is a building of national significance due to its good surviving plan-form, building fabric and well preserved fine interiors. Although considerable medieval and post-medieval building fabric survives (such as the 15th century west tower), the church is also significant for its later 19th century intervention by Richard Norman Shaw. The

interior fittings and furnishings (including the organ case, font, reredos and Maw & Co majolica tiles), are particularly fine.

*Impact of the proposals on Significance*

Exterior- new porch doors

Our pre-application advice was that we do not object to the addition of glazed doors into the porch. These would be set back from the entrance arch. Subject to detail, we consider it would be more visually appropriate if the doors were designed with the proposed glazing set within a 'chunky' timber frame to reflect the Arts and Crafts fittings within. We would welcome reconsideration of this element of the proposals in line with our advice.

Interior- nave floor treatment

We understand the desire to create unity of appearance through the introduction of new carpet to the nave. We note very positively the applicant's continuing commitment to welcome advice on this matter. We would urge an approach which keeps the ledger stones visible and carefully considers the contribution the flooring makes to the Norman Shaw interior. We would also suggest, if used, that any carpeting is of a breathable nature to prevent dampness being trapped beneath, which would harm the fabric of the building.

**Local planning authority**

11. Craven District Council granted planning permission on 29 August 2019 for the single storey extension and the glazed doors to the open porch.

**Public notice**

12. No objections were received in the registry following public notice.

**The Duffield framework**

13. I remind myself of the guidance of the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, and the burden which lies on the proponents of change to listed buildings.

*Harm*

14. Undoubtedly these proposals will cause harm to the significance of the church as a building of special architectural and historic interest. As to how serious that harm would be, views may differ. With regard to the complete loss of a bank of pews fabricated to the instruction of Shaw but plain in their design and fabrication, that harm will be of some significance but perhaps not as serious as the Victorian Society suggest: less so the introduction of carpet in the nave which will be wholly reversible. The works to the floor tiles in the chancel would not be harmful but positively beneficial.

*Justification*

15. I commend the parish, particularly its lay leadership, on its engagement with consultee bodies while this project has been in contemplation, especially as it has coincided with the challenges of pastoral reorganisation. It would have been easy to give up, or to become dogmatic driving through a pre-conceived fixed idea without regard to the views of others. This parish has done neither: they have remained engaged and

responded with mature reflection to the concerns and suggestions of others, which have not always been wholly consistent.

16. The historic footprint of this church means that the nave is unusually short, and the central aisle barely wide enough for two people to walk side by side. This makes it awkward for a coffin to be borne to the chancel at a funeral or for a married couple to process at a wedding service. The petitioners' letter of 11 February 2021 includes the following:

It is difficult to make provision for anyone in a wheel chair, or a family with a young child in a pram, the options at present being at the end of a pew in the extremities of the nave or in the centre aisle. The latter is of safety concerns as it limits free movement around the building. A Christingle, as an example, poses big problems for wardens, especially if safety is to be considered. The building is regularly full with families with little room to park pushchairs, or have dramas, or music groups. Although present circumstances are hopefully exceptional the inflexibility of pews has made management of the building for services very difficult.

By providing better facilities the building will become more welcoming to them but it is important that what happens in it encourages them to return. While still catering for the older generations we need to look at new forms of service for all ages that are conducted perhaps at a different time to the usual Sunday service and perhaps on a different day. A nave cleared of fixed pews will allow new forms of service to be conducted in a manner free of the rigidity of the focus on the chancel. Chairs will allow a layout in the nave to suit an occasion whether it is a wedding, baptism, training course, drama, music or school visit. Pre-Covid, St John's had run very successful, monthly Saturday service with activities for families held in a local youth centre, alongside our youth clubs and after school clubs. We are very keen to have a church fit to welcome these families, alongside the monthly baptisms we now have. This youth centre is going to be sold by the town council and we now need a venue for the service, which should be the church building but needs the flexibility of chairs.

We also have a strong bereavement ministry with over 90% of funerals conducted by Anglican clergy. We wish to be able to welcome more funerals to a warm comfortable and accessible building, and be able to cater for them afterwards. The poor and inflexible pews do not support this significant ministry.

The flooring of the nave and side aisles has been a matter of much discussion by the PCC. The old tile and board layout, with partial carpeting, is haphazard having been originally designed around the layout of the pews installed at the time of the rebuild. The original positions of pews at the front of the nave have resulted in unequal strips of tiling on either side of the chancel steps. Alterations to the layout of the tiling have been made as a result of the addition of the porch at the west end of the north aisle and the removal of the font at the rear of the nave. Simple restoration of the existing floor is not an option as some organised layout of tiles and boards will have to be considered. The Victorian Society state that 'The proposed mix of floor finishes of carpet and tiles in the nave and aisles would exasperate the parish's current sense of clutter in the interior' but do not consider the appearance of tiles and boarding, and current carpet in the nave and chancel, especially if the pews are removed. Historic England desire that the ledger stones remain visible but may not be aware that the one in the centre of the nave is suffering damage from footfall. Carefully covering it with an appropriate carpet may be a way of protecting it from further damage. The flooring proposals are the result of seeking the advice of our architect. We are aware of the guidance and concerns regarding laying carpet in a listed building, but feel that our proposals are a solution to what to do with the floor of the nave and

side aisles as well as making the space more welcoming and less visually confusing. Norman Shaw's desire was to draw one's eyes towards the sanctuary and to worship, and removing distractions on the flooring would assist his (and our) vision. So we ask it to be noted that we propose to remove the large area of incongruous carpet in the chancel to reveal the historic floor tiles, as part of the wider restoration of the significant sanctuary and chancel.

*Weighing justification against harm*

17. Bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, the question for the Court's determination is whether any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, and opportunities for mission) will outweigh the harm. The more serious the harm, the greater the required benefit. This is particularly be the case where, as here, the harm is to a building which is listed Grade I or II\*: serious harm should only exceptionally be allowed.
18. This case is finely balanced. The absence of a party opponent means there has been no cross-examination of the petitioners and their witnesses which would have happened had there been a hearing. I must take the parish's case at face value. That said, I have no reason to doubt the integrity or good faith of the petitioners. Their arguments are clear, evidence-based and compelling. They have not ignored independent advice, but instead have sought to accommodate, where possible, everything the consultees have said.
19. Looking at the case in the round, and all the considerations raised (whether expressly addressed in this judgment or not), I am narrowly persuaded that the demanding criteria set out in the *Duffield* guidance have been discharged. I have particular regard to section 63 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 which states:

A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to the role of a church as a local centre of worship and mission.
20. In order for this church to fulfil its potential as a local centre of worship and mission, its cramped and confined nave needs to become properly usable for both sacred and secular purposes. I am satisfied on the documentation that this cannot sensibly be done while the pews remain in place. The case carefully advanced by the petitioners reaches the threshold of exceptionality that is required where serious harm (if such it be) will result to a Grade II\* building.
21. As to the carpet, I am generally disinclined to authorise the introduction of carpets as they can create a domestic ambience in a building dedicated to the glory of God. In this instance, I can see that creating a uniform homogenous flooring where currently it is patchy and *ad hoc* would be beneficial. I give particular weight to the recommendation of the DAC in this regard, notwithstanding its general – and understandable – hostility to carpeting. With knowledge of this church and having

been involved in the evolving proposals for a very long period, the DAC felt able to recommend carpet. I am content to defer to their experience and expertise. In any event, the carpeting will be wholly reversible. I will therefore permit its introduction, on a limited 5 year basis after which the matter will be reviewed. It will be open to the Court on that occasion to direct a more permanent solution in respect of the flooring and the parish must be prepared for such an eventuality, including the costs involved.

### **Alternative means**

22. Adopting the practice commended in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, I ask myself whether the proposal could be achieved in a less harmful manner. I do not consider there to be any suitable alternative. This is an holistic proposal, and the removal of the pews from the nave is an integral part. Without it, the parish's vision cannot be realised.

### **Disposal**

23. It follows that a faculty will issue subject to the following conditions:
- (a) A proper photographic record is to be taken of the ledgers in the floor which are to be covered, such record to be lodged with the DAC and retained with the parish's log book;
  - (b) Prior to the laying of the carpet, the ledgers are to be protected to ensure they come to no harm, the method of protection to be approved by the parish's inspecting architect;
  - (c) That the type, specification and manufacturer of the carpet are to be approved in advance by the Chancellor, after consultation with the DAC, and the method of fitting to be agreed to ensure that it is breathable and there is no risk of moisture building up and damage being occasioned to the fabric of the building;
  - (d) That the pews are to be disposed of in such manner as may be agreed by the Archdeacon, with any proceeds being applied to the PCC's general funds and defrayed against the costs of the works;
  - (e) That an arboricultural report is conducted of the churchyard within the next six months with a view to removing certain of the overlarge trees, for which the permission of the Court will be required, by means of amendment to this faculty;
  - (f) The parish uses its best endeavours to find a new user for the organ, particularly the console, pipes and soundboards;
  - (g) That the precise location and method of erection of the font is to be approved in advance by the Chancellor, including material to explain its origin.
  - (h) That the works are to be carried out under the direction of the parish's inspecting architect.
  - (i) Liberty to apply.