

In the Consistory Court of the Diocese of Bath and Wells

Re: St Andrew's Church, Compton Dundon

Judgment

Introduction

1. The Church of St Andrew in Compton Dundon is a compact structure consisting of a nave (without side aisles) and what Pevsner in "The Buildings of England South and West Somerset" commends as "A remarkable early C14 chancel, with an original treatment of the five-light E window". A vestry abuts the chancel; the tower containing a servery is at the West and while access to the nave is gained through a porch to the South.
2. The present tranquil and elegantly simple interior conceals the fact that since its original construction in about 1327 the church has on at least two occasions fallen into decay and dilapidation. The more recent episode in the late 19th century led to re-ordering by Edmund Buckle, the Diocesan Architect, who introduced new seating in the chancel and supplemented the 17th century pews in the nave with an additional set made of oak. The Grade II starred listing of the building reflects its importance as an example of the ecclesiastical architecture of Somerset.

The Petitioners' Proposals

3. In their Petition of June 10th 2025 the Reverend Ana Lawrence, rector of the parish, and Mrs Patricia King, a churchwarden, seek to achieve what is briefly described as "Re-ordering to include new heating". More detail is contained in a document with the heading "Statement of Significance – Major Projects". The text, which incorporates photographs and the Statement of Need, was originally dated July 2022 but has since undergone revision as the scheme has been modified. The evolution of the project is also explained in the correspondence between the church architect, Mr Mark Taylor and the Secretary of the Diocesan Advisory Committee, Mrs Jacqui Carreira-White.
4. In summary the proposal is to remove the pews in the chancel and nave introduced in the 1902 re-ordering, and to move Eastward the historic pews (relegated in 1902 to the rear of the nave) so as to bring them closer to the 17th century pulpit. The result would be to create spaces for flexible use in the chancel and at the West end of the nave, with the benefit of some extra room for manoeuvre at the foot of the pulpit. Among the chancel furniture are some children's stalls (doubtless intended for choristers) the desired removal of which is notably contentious. Since some heaters are fixed to the underside of pews, heating has also been an important issue. Part of the plan therefore involves the introduction of three Herschel "Halo" infrared heaters suspended above the nave and chancel. The condition of the nave floor has also to be addressed, with a proposal for the re-laying of the floor at the West end of the nave. As part of that exercise, the Petitioners wish to have the position of the font adjusted to bring it to the South-east corner of the nave. In furtherance of the desired flexible use of chancel and nave, chairs from the "Alpha" range (stackable in the case of those for the nave) have been selected.

The aggregate cost of the proposals (including various ancillary matters) is estimated at £150,000 of which £25,000 is now available for work to the chancel. The balance of £125,000 is to be the subject of fund-raising if a faculty is granted.

5. The project has the unanimous support of the Parochial Church Council. The D.A.C. recommended it, subject to various provisos of a technical nature, in the Notification of Advice dated June 5th 2025.

Letters of Objection

6. No objectors have made themselves parties opponent to the Petition, but a total of ten letters of objection have been sent to the Registry. These letters are from Mrs Diana Churches (dated July 6th 2025) Mr Peter and Mrs Valerie Daye (dated July 8th 2025) Mr Trevor and Mrs Janet Davies (dated December 5th 2024 and June 24th 2025) Mr Patrick Holland (July 1st 2025; also enclosing details of the open meeting of March 11th 2024) Mr Jonathan and Mrs Christine Legge (December 12th 2023, March 23rd 2024 and June 26th 2025) and Mrs Marlene Perry-Smith (July 13th 2025). They represent the views of eight parishioners including Mr Holland, a former churchwarden, together with Mr and Mrs Legge, who now reside elsewhere. Although technically Mr and Mrs Legge no longer have a sufficient interest in the matter, their letters reflect the concerns of other objectors so they too have been taken into account. Notwithstanding the divergence of opinion concerning the future of St Andrew's Church, the representations of both the Petitioners and the Objectors reveal a considerable affection for the church and concern for its welfare.
7. In cases such as the present it is helpful for multiple objectors to agree upon and submit a single comprehensive document rather than providing separate letters, many of which cover the same ground. Rather than burden this judgment with a summary of each set of individual representations, the principal points addressed will be considered in later paragraphs. Some of the Objectors' comments, however, do not concern matters directly in issue in the present proceedings and reference may not necessarily be made to them.
8. It is convenient to consider at this stage a procedural matter which has been a source of criticism, namely the Petitioners' alleged lack of consultation with parishioners about the proposals. Several Objectors have complained of what they consider to have been a "secretive" process with inadequate communication of the details to parishioners. In addition, however, to the publication of the legal notices in connection with the faculty proceedings, the public meeting described by Mr Holland took place on March 11th 2024. It was well attended. Although not organized by the Petitioners, the Rector gave a presentation and answered questions. It is evident from their representations that probably by the time of the 2024 meeting and certainly when notice was given of the Petition the Objectors were sufficiently aware of the proposals to advance reasoned grounds of opposition. Any shortcomings in the dialogue between the Petitioners and the parishioners will therefore have become irrelevant by the time that these proceedings were ready for adjudication. Accordingly lack of consultation is not a good reason for dismissing the petition.

Statutory Advice

9. Written responses have been received from Historic England (dated July 20th 2022, May 24th 2024 and November 28th 2024) the Society for the Protection of Ancient Buildings (dated July 28th 2022, May 28th 2024 and March 6th 2025) and the Victorian Society (dated July 29th 2022 with a later undated addition).
10. The responses are directed primarily to the potential loss of the seating introduced by Buckle. They are unanimous in recommending the retention of the chancel furniture in situ. Regarding the nave, there is the recognition of the potential for creating a flexible space through the removal of some pews; but with the Victorian Society's caveat that a sample of Buckle's work ought to be retained.

Applicable Law

11. Where, as here, changes to listed church buildings are proposed, the cases of Re St Alkmund, Duffield [213] Fam.158 as explained in Re; St John the Baptist Penshurst [2015] WLR (D) 115 indicate the approach to be adopted by the Court. The guidance given by the Court of Arches requires potential harm to the significance of the church as a building of special architectural or historic interest to be identified and evaluated, and for such harm to be weighed in the balance against the public benefit underpinning the changes being sought. In performing this exercise there is a strong presumption against making harmful changes to a listed building, the grade of listing (in the present case, Grade II starred) being of particular relevance. In the following paragraphs the Duffield principles will be applied to each aspect of the Petitioners' scheme.

The Chancel Seating

12. Buckle's 1902 seating, which the Petitioners wish to remove in its entirety and replace with chairs, consists of choir stalls or pews in two rows on each side. The children's seats in the front row are remarkable. Of them Rhiannon Rhys, Historic England's Inspector, wrote,

"The choir stalls, including the frontals, form part of a fine and quite elaborate architectural designed set piece, associated with the Buckle re-ordering. Their significance, however, is elevated through the integrated children's choir stalls. As previously highlighted, children's seating within the chancel is potentially unique within the national context and therefore their relocation from this space would have a considerable impact on the significance they hold."

Historic England would, however, concede the loss of the rear, adult elements if the children's seats were to be accommodated against the chancel walls.
13. The evaluation of the children's stalls is replicated by S.P.A.B. and the Victorian Society. In commenting upon the chancel furniture, Mr Connor McNeill, Conservation Adviser of the Victorian Society, explained,

"...the proposed disposal of these unusual and high-quality fittings would represent a high level of harm to the significance of the Chancel and Buckle's work...While the children's stalls are unusable, in our assessment they are too significant for disposal and should be retained."
14. The position adopted by Historic England and the two amenity societies is supported by all the Objectors, who wrote in emphatic terms of the chancel furniture as an important and attractive feature. For example, Mr and Mrs Legge expressed their considerable concern at,

"...removing the choir stalls (panelling) at the front of the church, which will then be lost forever destroying local history. This is a total disgrace, please do not allow this to happen."
15. It is accepted by the Petitioners that the loss of their choir stalls would give rise to harm within the context of the Duffield guidelines, an outcome also recognized by the D.A.C. The level of harm to the significance of the church has to be evaluated by reference to the historic building viewed as a whole. Thus the early twentieth century stalls are set in an important fourteenth century chancel having its own architectural distinction. The unique (or at the least highly unusual) character of the children's seats, to which Historic England, S.P.A.B and the Victorian Society attach importance, relates more to their interest and quality as items of furniture, as opposed to their contribution to the significance of the chancel or (beyond that) to the entire building. Accordingly the significance of the harm arising from the removal of the stalls may be classified as moderate, albeit to the upper end of that category.
16. The dimensions of the stalls in the front row on each side are such that they are suitable only for use by the child choristers in a traditional church choir. There is no realistic prospect of such a choir being reinstated in the foreseeable future. Equally, the extent of the chancel furniture

effectively condemns that part of the church to disuse and neglect. The presence of substantial dividing walls and an arch at the East end of the nave (possibly the frame for a long lost rood screen) renders the chancel well suited to an area for small gatherings, either for worship or meeting. The clearance of the stalls from the chancel and their replacement by an appropriate number of chairs would, the Petitioners contend, revitalise the chancel by providing a useful, flexible space. This approach has the support of the D.A.C.

17. It is necessary also to take account of the recommendation of Historic England and the Victorian Society that, by way of compromise, the rear rank of the stalls might be removed and the children's stalls set against the chancel walls. It is said that, although unusable, their significance is such that they ought to be retained,
"just as other historic, but now redundant historic features of churches are retained."
18. Examination of the church architect's drawings reveals, however, that the continued presence of even a single row of stalls on each side of the chancel would seriously restrict the amount of free space in this relatively confined area and limit, if not defeat, the enhanced use of this location. Other parts of the interior have been considered as possible sites for the children's stalls and all have been found to be impractical.
19. When the harm arising from the loss of the chancel stalls, including the importance attached to them by the Objectors, is weighed against the pastoral and liturgical benefits arising from the greater availability of the chancel, as well as the opportunity for involvement by the community at large, the removal and disposal of all the chancel furniture is justified. This conclusion is supported by the advice of the D.A.C. favouring that outcome.
20. Permission by faculty to effect such disposal is, however qualified by the need to preserve the children's stalls intact elsewhere, perhaps in a school or other institution. Accordingly, there will be a condition attached to the faculty requiring the Petitioners to use their best endeavours to find a new home for these stalls, and to refrain from disposing of them until a further order has been obtained under the faculty. It is to be hoped that those who attach such importance to the survival of this rare set of furniture will assist the Petitioners in their task.

The Nave Seating

21. The pews introduced by Buckle in 1902 are of good quality oak and robust design. According to S.P.A.B. and the Victorian Society their significance is (in the words of Mr McNeill) as,
"an important indicator of this phase of the building's architectural development."
While Historic England and the amenity societies are broadly sympathetic towards the opening of more space in the nave by the removal of the majority of the Buckle pews, the complete loss of the set is considered to be harmful. For their part the Objectors deplore the disruption of the present seating arrangements as inappropriate. Although of less significance than his work in the chancel, the elimination of the Buckle seating in the nave constitutes a moderate level of harm though sacrificing a part of the history of the building.
22. The Petitioners' justification for the creation of a flexible space in the nave, which has found favour with the D.A.C. and (subject to the above concerns) with the external consultees, is conveniently summarised in their response to the Objectors' letters. In this document, dated August 19th 2025, they wrote,
"...the space was primarily for new patterns of worship, occasional mid-week events and to facilitate smaller mid-week meetings and post church fellowship."
Later in the same document they stated,
"Our proposals are not without precedent; our aim is to create a vibrant forward-looking church suited to current and future worship and societal needs and attractive to both new and existing worshippers, as well as visitors and pilgrims."

These quotations summarise the Petitioners' case set out at greater length in the composite Statement of Significance and Need. The arguments in favour of creating a space in the nave, with the associated provision of chairs for flexible arrangement, are persuasive and outweigh the harm inevitably arising from the loss of the Buckle pews.

23. Although the Objectors have challenged the nave re-ordering primarily on aesthetic grounds or what they perceive to be insufficient justification for any change, those who prefer pews in terms of comfort or convenience will still be able to take advantage of the historic pews to be brought forward towards the pulpit. Presumably these pews will accommodate the comfortable blue cushions to which Mr Holland has drawn attention.
24. Unfortunately the architect's drawings in the Court file do not draw a clear distinction between the historic pews to be retained and the Buckle pews identified for disposal. The suspicion therefore remains that, without undue obstruction of the newly created space, it might be possible to accommodate one or two of the Buckle specimens as a visible example of his work. Rather than delay the handing down of this judgment while the appropriate enquiries are made, there will be a condition that two Buckle pews shall be retained and incorporated in the Petitioners' scheme unless they show that it is not reasonably practicable to do so, and apply for a further order for disposal of one of both of the pews in question.

Heating

25. The Objectors and the Petitioners disagree as to the adequacy or otherwise of the existing electric heaters fitted beneath the pews. This difference of opinion does not, however, require to be explored further because the removal of the relevant pews, coupled with the unsuitability of the historic pews as mountings for heaters, has necessitated the consideration of other options.
26. The Petitioners propose, by way of a substitute, the installation of two of the Herschel infra-red heaters suspended above the nave with one similar heater above the chancel. There may be some additional electric heating at lower level. An illustration shows that the system will be reasonably unobtrusive, while the D.A.C. has advised that it is compliant with the net zero guidance issued by the Church Buildings Council. The new heating arrangements are appropriate and are correctly included in the overall re-ordering project.

The Nave Floor

27. The church architect, Mr Mark Taylor, has reported that the oak herringbone flooring at the West part of the nave,

"requires replacing due to the wear and tear of 123 years." The D.A.C., while recognising the need for attention to the floor, has been cautious in its approach because the exact nature of the sub-floor is uncertain, and precautions may be required to protect the fabric of the church from rising damp. The Notification of Advice carries a proviso concerning the floor, the practical effect of which is that church architect will have to re-visit the technical details, probably after some exploratory works to determine what lies beneath the oak surface. Procedurally the best course is for appropriate investigations to be permitted at this stage, with a further order to be considered by the Court after a review of the matter by the church architect in conjunction with the D.A.C.

The Font

28. The Objectors' opposition to the positioning of the font at the South-east of nave is met by the Petitioner' response that it was moved there in connection with the bells project, where it remains. (Presumably when it was near the base of the tower the font obstructed access to the belfry). The new position of the font appears, therefore, already to have been determined by the Court; if so, no additional authority is now required. The Petitioners will however be at

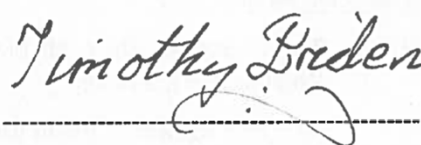
liberty to apply for more directions concerning the font should the need arise; and in giving directions the views expressed by the Objectors will be reconsidered.

Funding

29. The Objectors have drawn attention to certain collateral matters, notably the inadequacy of toilet facilities and restricted car parking, which have no direct bearing upon the current Petition. In so far as the implication is that money should have been spent elsewhere in preference to re-ordering, the criticism is wide of the mark. It is for the P.C.C. as the responsible elected body to determine spending priorities, the decision having been expressed in the unanimous vote to proceed with the re-ordering scheme. The Court will not override the P.C.C. by directing its funds to be applied in some other way.
30. Complaint is also made about the absence of detailed costings for the project. Although a notional £150,000 appears in the Petition meaningful figures cannot yet be given, for example because the extent of the works to the nave floor remains uncertain. In these circumstances financial control is best achieved by a condition that the project shall be divided into convenient phases, with each phase to be commenced only when sufficient funding for that phase has become available. The complaint made is not a valid reason for dismissing the Petition or delaying a decision on the merits.

Conclusion

31. The Court has derived considerable assistance from the careful and detailed submissions made by the Petitioners, the Objectors and the consultees, who together have brought clarity to the issues requiring a decision. In the event, whether the re-ordering scheme is viewed as a whole or considered in its composite elements, the Petitioners have established that there is a need for change if the church is to fulfil its role as a centre for worship and mission, and to be of service to the local community. Such need is compelling; it outweighs the harm to the significance of this historically important church which is its unavoidable consequence.
32. A faculty will accordingly pass the seal of the Court, authorising the works detailed in this judgment together with the ancillary matters identified in the updated Statement of Significance. The faculty will be subject to the conditions which appear as an appendix to the judgment.



Chancellor

Dated this 25th. day of September 2025

Re: St Andrew's Church, Compton, Dundon

Appendix to Judgment

Conditions to which the Faculty is subject

- 1 The works shall be overseen by the church architect.
- 2 The re-ordering scheme shall be divided into convenient phases, and work on each phase shall not commence until at least two-thirds of the funding applicable to that phase has been secured.
- 3 The Petitioners shall use their best endeavours to find a recipient for the Buckle chancel stalls, and shall not dispose of the stalls until a further order has been obtained.
- 4 The Petitioners shall set aside from disposal two of the Buckle nave pews for potential retention within the church and shall not dispose of the two retained pews until a further order has been obtained.
- 5 A written and photographic record of the Buckle seating in the chancel and nave shall be prepared to the satisfaction of the D.A.C. and shall be kept in the church log.
- 6 After conducting any appropriate exploratory works the Petitioners shall submit to the D.A.C. the church architect's updated proposals for the treatment of the sub-floor and floor surface in the nave, and shall apply for a further order in respect of this element of the scheme.
- 7 There shall be an archaeological watching brief to record and manage any below ground discoveries and to capture indications of earlier alterations.

The Petitioners shall have liberty to apply for directions concerning the position of the font.

Subject to conditions 3 and 4 above the Petitioners shall have leave to dispose of the redundant furniture as they see fit and to apply any proceeds of sale to the general purposes of the P.C.C.