

**DIOCESE OF SHEFFIELD
In the Consistory Court**

Her Honour Judge Sarah Singleton QC
Chancellor

**In the Matter of
DONCASTER MINSTER CHURCH OF ST GEORGE
REORDERING**

Judgment

1. The Proposed Works

The churchwardens and incumbent of Doncaster Minster seek faculty permission for the installation of four toilets including a disabled toilet and a foldaway servery at the east end of the north aisle of the church. The works as proposed require the removal of 18 pews with associated pew platforms together with the removal of central heating and pipework from the pews. The floor is to be excavated and a new floor laid with underfloor heating installed. Two memorial features (to William Henry Pickering and The Queen's Own Yorkshire Dragoons) would be relocated.

The Petitioners' hope and intention is that these works are the first step to a greater re-ordering plan. During 2018 an association between the Minster team, the local authority and local businesses was formed to drive forward a scheme for restoration and change at the Minster.

2. This Petition and its history

The Petitioners and the wider Minster team have worked for some time with the DAC and the amenity societies to prepare this petition which is said to be the first stage of a much larger project.

The DAC, at their meeting of 17th September 2019, recommended these works for approval subject to provisos for the relocation of the Queen's Own Yorkshire Dragoons memorial to be undertaken by ICON approved conservators and for an archaeological survey and for a watching brief to be in place for all the ground works. The Petitioners have accepted and adopted these provisos.

The DAC invited comments on the works from the relevant amenity societies on 7th November 2019. The CBC and Historic England each (separately) responded to this invitation on 3rd December 2019. The CBC approve of the proposals as being in line with their earlier advice. Historic England made comments as to how the works might be modified to reduce the number of pews to be removed and a different location for the servery but otherwise approved the proposals saying: "... we consider the benefits of the current proposals are considerable and the impact on the interior has been minimised..."

Unfortunately, it was not until 7th February 2020 that the response of the Victorian Society was received. They do not agree or approve the proposals. They have clarified that they do not seek to become parties to the proceedings but wish their advice to be taken into account.

Both Historic England and the Victorian Society make clear that they will oppose any more radical re-ordering. The Minster team's longer term plans are likely to include wholesale removal of the pews. This judgment in no way seeks to pre-judge or evaluate the next stage of the overall project.

3. The Minster and its significance

Doncaster Minster is a Grade 1 listed church. It is on the site of a Roman fort and a Norman castle. There has been a church on the site since the 1100s. The present church was constructed between 1853 and 1858 after the medieval church was destroyed by fire. Parts of the medieval crypt survive beneath the present structure.

The Minster is one of the most prominent works of Sir George Gilbert Scott and of the Victorian Gothic revival. Its exceptional features include:

-) Victorian stained glass;
-) an outstanding Schulze organ;
-) the bells and peel; and
-) significant archaeological features likely to be present beneath its floors.

The Petitioners have commissioned a Significance Assessment of the seating in the Minster which was undertaken in July 2017 by Mr Neil Burton BA FSA IHBC, a director of the Architectural History Practice Limited.

The report explains that the intact original pew seating forms a uniform whole in the interior of this iconic church. It was originally intended to give capacity for 1127 people to be seated. That number has been reduced during the 20th century and the pews now seat 1000 people.

Mr Burton's conclusion reads:

Both the Minster church of St George Doncaster itself and the historic seating within it are of high significance for a variety of reasons, including those discussed above. The heritage importance is clear. The seating forms a largely intact scheme within a major Victorian church by a leading architect of the period. But the seating is not of such exceptional historical, architectural or artistic significance that no alterations should be contemplated; indeed, a number of minor alterations have already been made which have not been unduly damaging. The removal of most or even all the seating in the body of the church would certainly entail a major loss of historic significance, and this harm would need to be balanced against any public benefits, including securing the optimum viable use of the church building for the future.

4. The Need for the Proposed works

The Minster in Doncaster is an iconic building which features in almost every photographic image of the town. The congregation is small and growing older but those involved in running the church have sought to harness its beauty and prominence flexibly and imaginatively to reach out to the local community. An impressive number of varied cultural and community activities have already taken place. The Petitioners are able, however, to demonstrate convincingly that more extensive use of the church is hindered by the remarkable absence of any toilets or drinking water or hand washing facilities or any facilities to make refreshments in the Minster itself. Whilst there are such facilities in the adjacent St. George's House they are not easily accessible in general and in particular during

events. The entrance for this purpose is the North Side entrance which has perilously difficult steps and includes the embarrassment for someone using them of arrival into the high altar area of the church. The interior of the Minster is, in general, not properly accessible or useable by wheelchair users and is difficult for those attending with infants or babies with prams or buggies who need to be able to change their charges. They have to do so on the floor between pews at present.

The consequence is that wider use of this Doncaster icon by its local community is inhibited and opportunities to generate income are being lost.

The works that are proposed by this petition go some way to reduce the building's deficiencies as a venue for events. They will cost £215,000 and funds are largely in place for them to be undertaken and I can see that they need to be undertaken as soon as possible.

5. The comments and objections of the Amenity Societies

Historic England in their letter of 11th of December 2018 said this of the proposals:

We previously had considerable concerns about the removal of all the pews within the Minster. We therefore welcome the submission of the... (Report by Mr Neil Burton – summarised above)... which highlights the high significance of the pews in terms of their contribution to the largely intact Scott interior.

The proposed number of pews to be removed has been reduced considerably. There will still be some harm to the largely intact and high quality interior we are conscious of the interior been gradually eroded by removing a few pews here and there. However, we consider the benefits of the current proposals are considerable and the impact on the interior has been minimised, as demonstrated through the options appraisal contained within the statement of need (October 2018).

We therefore do not object to proposals that constitute the stage I faculty application. The "less than substantial" harm which would be caused through the removal of the pews should be weighed against the benefits of the proposals as outlined in the Statement of Need.

(my underlining)

This contribution goes on to make some practical and detailed suggestions for the implementation of this proposal which I understand have been considered in the formulation of the final proposal.

The Victorian Society said this about the current proposals in their email of 7th February 2020:

It is some months since the Society was called to a meeting at the church to discuss outline proposals that would have seen the vast majority of historic bench seating dispensed with. We are relieved that such sweeping and needlessly destructive plans have been dropped. However, such is the nature of the building, its interior and its excellent ensemble of furnishings, that any intrusion internally or externally would have had appreciable impact on the character and appearance of the building. In most cases the disposal of a number of pews from the north aisle of the church would be considered a relatively modest intervention, and one, depending of course on the justification provided, that is rarely contentious. While ultimately we would be likely to accept the principle of what is proposed here we nonetheless wish to emphasise the impact it would have the largely intact interior.

Of course, without a clear idea of how what is described explicitly as the first phase of a major reordering this into an overarching plan for the interior (and in this case the entire site) it is difficult at this stage to commit to accepting any principles. It is even stated in the documents that the toilets could actually be removed as plans for future phases developed. The implication of this is that a clear plan of how the church and the site would be adapted is far from established. That being the case we feel uneasy conceding to alterations that would affect a permanent inevitably harmful change of the building's character and appearance. There is though logic in the first phase providing facilities that the church evidently requires as a matter of some urgency. Lavatories and a servery could be installed quickly and would be immediately put to use. Moreover we can see that the north aisle would well end up as the focus for new facilities of one sort or another.

Even in the event that additional clarity is provided on future phases, the principle of installing facilities at the West End of the north aisle is established, we would question the need to remove quite so many benches. The proposed facilities would not require anything near eighteen benches worth of space, even accounting for an area of gathering space. If the use of the north aisle is to proceed with therefore us a few benches are removed than is currently envisaged.

Evidently the Victorian Society are setting a marker of trenchant opposition to the more radical aspirations for the re-ordering of the Minster. They do not accept that 18 pews need to be removed to fulfil what they do appear to concede is an urgent need for toilets and a servery.

6. The Petitioners' Response to Historic England

Ms Linda Orridge, church warden and Petitioner replied to the Victorian Society's objections in her email of 17th February 2020. She makes plain that the Petitioners and their supporters are continuing to work on the more radical longer term proposals but anticipate that this will take some considerable time to come to fruition. She points out therefore that these proposals which are already long overdue cannot wait for the overall scheme to be worked up.

She says this whilst referring to an anticipated 10 to 15 years for the larger scheme to come to fruition:

This is far too long to have to wait to install toilets and servery and make the 19th century building fit for use in the 21st-century. (That a century has already passed without them is lamentable.)

Later in her letter she says:

... We are regularly, almost daily, criticised and taken to task, by visitors and worshippers alike, there are no toilets and servery available in the Minster "in this day and age", and that we are unable to offer appropriate accommodation for wheelchairs, prams and pushchairs.

She points out, in answer to the assertion of the commenters and objectors that the interior is intact or largely intact, that the proposed removal of 18 pews is not the first time that pews have been removed during the history of the Victorian building. She points to the fact that pews have been removed from beneath the tower, the Forman Chapel and the nave crossing, and from the front and rear of the nave.

She says in defence of the extent of the pew removal proposed:

... We have carefully considered our plans and the space needed to install the facilities, and to use them safely and comfortably. Removing 18 pews will allow sufficient space for queueing, both for the toilets and the servery and gathering space so that visitors and worshippers are not having to stand in aisles or to sit in rows to enjoy the refreshments and can socialise in relative comfort. This area also provides more appropriate space, with level access, for wheelchairs, prams and pushchairs which we struggle to accommodate at present, frequently having to ask parents to remove sleeping children, so that the pram / pushchair can be removed from the aisle and moved the back of the Minster.

7. The Relevant Law and its Application

The law which applies to the resolution of the dispute in this case is derived from the case of *St Alkmund, Duffield* [2013] Fam 158, a decision of the Court of Arches and in particular the step by step approach set out at paragraph 87. I therefore set out the questions and the conclusions I have come to in respect of each of them.

1. Would the proposals if implemented result in harm to the significance of the church as a building of special architectural or historic interest?

The proposed works will result in harm to the significance of the church as a building of special architectural historic interest. There is no balking this determination.

2. If the answer to question (1) is not, 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.

The answer to question (1) was that harm will result.

3. If the answer to question (1) is yes, how serious would the harm be?

Doncaster Minster is one of the foremost Victorian neo-Gothic churches in the country and the largely intact Victorian pews are a key feature of the church. Whilst indeed other pews have been removed over the hundred and sixty odd years of this beautiful church's history, each removal constitutes further damage to the intact aesthetic of the whole feature.

However, it is relevant to say under this paragraph I consider that the Petitioners have developed a plan which I consider to be the least damaging possible in the context of this paragraph to achieve what they say is crucially necessary for this church.

4. How clear and convincing is the justification for carrying out the proposals?

The pressing need for these proposals is self-evident and not in dispute. A church which cannot welcome wheelchair users or parents with buggies and pushchairs appropriately cannot operate fully and properly. A church without toilet facilities and a tea point is unable to welcome its congregation and other guests fully and properly. A church which wishes to offer its building as a venue for appropriate events to maintain or achieve financial viability cannot do so properly without such minimal catering facilities and toilets. I am satisfied that Doncaster Minster has lost opportunities to operate as a venue for suitable events by reason of the absence of these very basic facilities.

5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listing building will any resulting public benefit (including matters such as liturgical freedom, pastoral mission, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?

In answering question (5) the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted.

This will be particularly the case if the harm is to a building which is listed Grade 1 or 2* where serious harm should only exceptionally be allowed.

The balancing exercise required by this paragraph between the harm which will be caused by acceding to the proposals against the benefits which will accrue by permitting them is assisted by the following factors:

-) These proposals are supported by the DAC and have been carefully prepared in consultation with them and with the amenity societies.
 -) The proposals do no more than introduce very basic modern amenities to this church building. It is remarkable that this has not happened previously.
 -) The financial viability of the building depends on it being able to be used as a venue for suitable events; if the building cannot be financially viable that may well cause greater harm to its significance as a building of special architectural or historical interest than that caused by the proposals.
 -) Historic England does not object to these proposals.
 -) Historic England considers the harm to be caused is "less than substantial".
 -) I do not consider the Petitioners could have put forward a less harmful proposal to achieve these basic and essential amenities.
8. It follows that I allow this petition. Even taking into account the elevated requirement to justify any harm to a Grade 1 listed building, the balancing exercise redounds firmly in favour of doing so.
 9. As I set out in an earlier paragraph nothing in this judgment should be taken as an evaluation of any plans which are yet to be submitted for approval to the Court by the Petitioners and their supporters. I have considered the Petition as a freestanding matter, whilst noting, of course, the respective positions of the Petitioners and the commenters and objectors as to the proposed next phase.

Sarah L Singleton QC

Chancellor of the Diocese of Sheffield

5th May 2020