



Faculty – Grade II listed, medieval village church (restored c. 1849 by Joseph Clarke) – Removal of eight mid-19th Century pews from the rear of the nave, leaving 14 pews remaining – Replacement of 97 chairs which were introduced into the church without faculty approval by a more appropriate form of chair – DAC not endorsing the parish's preferred choice of replacement Alpha lightweight wooden chair with an upholstered seat as departing from the CBC's published guidance on seating in churches – DAC proposing that the replacement Alpha lightweight wooden chair should be unupholstered – CBC reiterating its opposition to the use of upholstered chairs – No-one choosing to become a party opponent so faculty application formally unopposed – Whether departure from the CBC's published guidance on unupholstered seating in churches justified – Faculty granted*

Application Ref: 2025-112079

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Sunday, 13 September 2026

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

St Mary, Garsington

THE PETITION OF:

Dr John Hall (PCC Member)

The Reverend Tom Wallis (Incumbent)

and Mr Richard Jeffery (PCC Treasurer)

This is an unopposed faculty petition determined on the papers and without a hearing.

No objections were received to this petition but the DAC did not recommend upholstered seating for approval by the court

The following cases are referred to in the judgment:

Re Jesus College, Cambridge [2022] ECC Ely 2

Re Holy Trinity, Clapham [2022] ECC Swk 4, (2023) 25 Ecc LJ 276

Re St Alkmund, Duffield [2013] Fam 158

Re St Laurence, Combe [2022] ECC Oxf 5

Re St Leonard, Grendon Underwood [2026] ECC Oxf 4

Re St Luke the Evangelist, Maidstone [1995] Fam 1

Re St Peter & St Paul, Aston Rowant [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265

Re St Stephen, Redditch [2025] ECC Wor 2

JUDGMENT

Introduction

1. The village of Garsington stands on a hill one mile to the south-east of the outskirts of the City of Oxford, with fine views to the south. This is an unopposed, online faculty application, dated 22 July 2026, presented by a member of the Parochial Church Council (and former churchwarden), the incumbent minister, and the PCC Treasurer (there currently being no churchwardens) seeking a faculty authorising the permanent removal of eight mid-19th Century pews from the rear of the nave of this Grade II* listed village church, leaving 14 pews remaining; and the replacement of 97 chairs which were introduced into the church without faculty approval by a more appropriate form of chair. According to the petition, the total seating capacity after the permanent removal of these pews (including the chairs) will be 134. The original fabric of the church dates from the early 13th to late 14th centuries. The church was restored in about 1849 by Joseph Clarke; and the pews date from this restoration and refurnishing scheme.

2. Certain of the documents uploaded to the online faculty system (the **OFS**) in support of this application refer to the retention of only 12 pews. However, I am satisfied that the proposal before this court involves the retention of a full 14 pews. Any faculty will be limited to authorising the permanent removal of only the eight pews that have already been removed from the church.

3. The Parochial Church Council (the **PCC**) estimate that the total cost of this proposal will be £9,000. The PCC's current balance of funds that are available for this purpose is £4,000, with a further £5,000 represented by gifts or legacies. The parish anticipate being able to place an order for the new chairs within a week of the grant of any faculty, with the new chairs being delivered within a couple of months (depending on the lead time for the order). The existing chairs will be removed once the new ones have arrived.

Background

4. The background to this application is set out in an email sent on 10 April 2026 by the Senior Church Buildings Officer to the local planning authority by way of statutory consultation under rule 4.5(4) of the Faculty Jurisdiction Rules 2015, as amended (the **FJR**). In 2017, 16 of the 38 Victorian pews that were then inside the church were removed under the authority of a faculty, leaving 22 pews remaining. In 2024, the parish temporarily removed a further eight pews to storage pursuant to an archdeacon's temporary minor reordering licence. One of these pews was in a very poor condition and it disintegrated when it was moved. The remaining seven pews are currently stored in a nearby barn. It is these pews that the parish are seeking permanently to dispose of.

5. A delegation from the Diocesan Advisory Committee (the **DAC**) visited both the barn and the church in August 2025 to discuss the proposals. The delegation considered the pews to be solid, unassuming, and typical of their period, whilst not having any particular features or artistic merit which would imply more than modest significance in their own right. Their importance lies more in the way they contribute to the overall character of the church, as an integral part of the Victorian re-fitting. The pews retained within the church seem to be in good condition and were well made, using good quality deal. Six of the seven pews in the barn were found to be in fairly good condition. The delegation was content that the retention of six pews to the east of the crossing, on both sides of the nave, with a further two pews on each side of the nave to the west of the crossing, would retain a representative collection in the church. The delegation did not see any particular reason to ask for the stored pews to be preserved.

6. A note headed '*Details of revision of church seating*' prepared following an informal meeting of six members of the PCC with the Archdeacon of Dorchester after morning service on 15 February 2026 sets out to reconcile the number of existing pews with past documentation, and to identify the pews which the PCC now wish to dispose of. Of the original 38 pews within the church, the current position is that 16 were disposed of in 2017 (leaving 22 in place); eight were removed in 2024 to facilitate works to the tiled flooring of the nave (of which one was in very poor condition and disintegrated), leaving seven stored in a barn owned by a resident of the village; and 14 pews now remain within the church and are to be retained (3 x 180 cm long and 11 x 150 cm long). The seven pews that are to be disposed of are: 2 x 270 cm long, 3 x 240 cm long, and 1 x 180 cm long. The note explains that an important aspect of the arrangement of the remaining pews is that they should stand in the central area at the front of the nave, thereby preserving a traditional view from the central crossing point of the nave, which is the usual position from which any visitor would view the interior of the church. With respect to the disposal of the pews to be removed, the PCC propose to follow the procedure they had successfully adopted in 2017; first of selling locally to parishioners and village residents, and then approaching a furniture dealer with any pews that remain unsold. This note also explains that the existing chairs within the church consist of two different styles: the first are black-metal chairs, upholstered in brown, which were introduced from the church hall in Thame after the first pew disposal in 2017; and the second are chrome-metal office chairs, upholstered in purple, which were introduced following the second round of pew removals in 2025.

The PCC resolution

7. At an extraordinary meeting of the PCC, held on 28 June 2026, it was resolved: (1) to confirm the decision to permanently dispose of the pews currently stored off-site; (2) to remove the chairs currently in use in the church, as required by the DAC, as these had no faculty or permission; (3) to request a faculty to purchase the Alpha light-weight wooden chair, with an

upholstered seat in Cranberry, as the first-choice replacement chair, if permitted; and (4) to request a faculty to purchase the Alpha light-weight wooden chair (unupholstered) to replace the existing chairs, if not permitted chairs with the upholstered seat. It was further agreed that the PCC Treasurer would submit a statement supporting the upholstered seats with the faculty request. The note of the meeting records that the PCC had discussed the three sample chairs that had been available in the church for a few weeks, along with other samples that had been brought along for viewing. The views of the PCC members present, other PCC members, and those received from the congregation and visitors had also been considered.

The Statement of Significance

8. The Statement of Significance explains that the main woodwork within the church is of two distinct types: (1) the pulpit, the minister's desk and the chancel pews, the font cover, and the reredos; and (2) the nave pews.

9. The pulpit, the minister's desk, the chancel pews, and the font cover are of good quality, having been installed during the 1850 refurbishment of the chancel by the Rector at the time, the Reverend James Ingram. The original plans for this refurbishment can be found in the library of Trinity College, where Ingram was the President. They are of oak with carved tracery. The wooden reredos is of a similar style, and was also carved in oak, and commissioned in memory of the Reverend David Thomas (1836-1911). All of this good quality woodwork will be retained.

10. The pews in the nave, including those the parish propose removing, are of a similar date to the 1850 refurbishment, but they are of a lesser quality, with no detailed carving, and made of much poorer quality wood. A number of them have deteriorated over the years due to wear and woodworm. The current church architect, Mr Robert Montgomery, has described them as having no historical value or worth. He has condemned a number, due to their poor state of repair, which made them a health hazard to young and old alike; and these were removed under the terms of the 2017 faculty.

The Statement of Need

11. The Statement of Need explains that St Mary's is first and foremost a sacred space; its history and the beauty of its surroundings have drawn many to ponder and reflect. It also holds a central place within the life of the village of Garsington. Generations have worshipped, and marked the most significant points in their lives through baptisms, weddings, and funerals there. As such, the church holds many personal and village memories. It is also a place, along with others in the community, in which people come together, not only to commemorate important events, but also to enjoy social occasions, such as concerts and art exhibitions. The PCC are aware of their responsibility to conserve and restore the church building, maintaining it, and its furnishings, for the present, and future, generations. The PCC want to continue making developments to the church building which will better fit it for its present use and enhance its potential use for the local community.

12. Since 2011, the PCC have been continuing to develop a vision for the reordering of the interior of the church, in the light of their role as stewards of this ancient building and its mission to the community. They have carried out conservation work to the tower and urgent work to the stone-work of the church, replacing four of the windows on the south side that were badly eroded. The PCC have also renovated the bells and the organ, and erected a new server space in the south-west corner of the church. They have installed a water supply and drainage to the base of the tower, with a view to installing a WC there.

13. Following the quinquennial inspection report of 2013, the restoration, treatment and removal of those pews which had subsequently become a health hazard became a priority, and a first tranche of pews were removed under faculty approval. This has resulted in a re-arrangement of the seating which retains the pews in the front half of the church and creates a more flexible space towards the west end, near to the servery area. There were a number of unsightly metal and wooden chests, containing cleaning materials and flower-arranging equipment, which obscured the wooden medieval screen to the base of the tower. The north-west corner is used as a space for storing chairs, as well as housing the altar frontal cupboard and linen chest.

14. The installation of the servery has enabled a popular, monthly '*St Mary's café*' to take place in the church serving the wider village community. The parish have held an arts week exhibition, and a number of concerts, in the church, which would not have been possible without the removal of the first tranche of pews. The PCC's current priority is to re-order and provide better facilities within the interior of the church, by improving storage, heating and lighting, and particularly the seating. A number of the remaining pews are long and heavy, and hamper any more flexible use of the church building.

15. The PCC wish to retain the pews in the front section of the nave, which are loved by visitors from the village and beyond, both to preserve the traditional view from the main crossing in the nave, and also because the parish know that these are valued for the occasional offices, particularly weddings. A further reduction in the number of the longer pews would help to facilitate the more flexible use of the nave. The parish are aware that a number of parish churches in the diocese have completely removed all of their pews. But the parish wish to retain those pews at the front of the nave to preserve this traditional view.

Consultation

16. The local planning authority and Historic England have both been consulted but neither of them wish to offer any comments on these proposals. Historic Buildings and Places were consulted, and they are quite content to defer to the DAC on the matter of the pews and the design of the chairs. The Victorian Society have been consulted but they do not wish to comment on these proposals.

17. The Church Buildings Council (the **CBC**) has also been consulted. It comments that the needs of the church have been articulated with sensitivity and consideration to caring for the church's unique character and its people. The CBC recognises the parish's effort and dedication in caring for this historic church as a place of welcome and mission in their community. The CBC appreciates the work that has already gone into preparing this proposal, especially efforts to reconcile the number, specificity, and location of the church's 22 pews. The pews all date from the c.1849 refurbishment of the church; and they are said to contribute to the aesthetic character and historical importance of the church interior.

18. The CBC does not oppose the proposed disposal of eight pews but it requests that careful consideration is given to which of the 22 pews are selected for retention. Careful assessment of all 22 pews should be made so that any commemorative plaques or other historic details are not inadvertently lost. The CBC firmly supports the retention of 14 pews in the church. Any greater reduction in the number of pews would have a detrimental impact on the aesthetic character and historic significance of the church interior. The CBC is happy to defer to the DAC for further advice.

19. The Notification of Advice was issued by the Diocesan Advisory Committee (the **DAC**) on 17 July 2026. The DAC advises that these proposals will not affect the character of the church as a building of special architectural or historic interest. The DAC recommends the proposals for approval by the court subject to the following two provisos: (1) That the chairs introduced under time-limited faculty ref: 2016-002032, and those introduced since that time without consent, are to be removed from the church. (2) The proposed replacement Alpha lightweight wooden chair is to be unupholstered.

The parish's preference for an upholstered chair

20. Paragraph 25 of the petition refers to a letter from the PCC which makes clear the PCC's "very strong preference" for chairs with upholstered seats. It is said to be extremely disappointing that the DAC have "instructed" that the replacement chairs should be unupholstered. This is said to be a "totally baffling decision", by the Church of England, to the PCC, to the congregation, and to most supporters and visitors. The PCC say that they wish their church to be a welcoming space for events that may last up to 2 hours, and not only for 40 minute services. Whilst the PCC will accept this proviso, even at this late stage the petitioners would urge the court to consider their letter, and to allow chairs with upholstered seats.

21. The letter setting out the parish's case for an upholstered chair explains that the PCC has viewed many chairs on-line and in person, as well as taking soundings from the many groups that regularly use the church. The need to remove and replace the chairs that have been in use for some 13 years has raised many questions about why this should be the case when it is known that the church is not well-funded. However, the PCC understand the need for the Diocese to maintain the integrity of the faculty system. The PCC have been fortunate enough to receive a donation towards the cost of replacing the chairs of £5,000; and they will fund the balance (expected to be £3,500 to £4,000) from their own general reserves. PCC members have all agreed that their preferred option is the Alpha light-weight wooden chair, with an upholstered seat in Cranberry, as illustrated thus:



The PCC strongly believe that these chairs, with the upholstered seat only, will be most practical, aesthetically pleasing, and in-keeping with the church. The actual volume of fabric on the seats will be negligible in relation to other wooden furniture (pews, choir stalls, etc) and the overall volume of the church. It is also considerably less than the combined volume of all the kneelers,

cushions, carpets, and drapes installed in the church for decades previously. In the 13 years the parish have been using the old upholstered chairs, they have had no issues with wear and tear, or with keeping them clean.

22. The PCC is very keen to use the church space for more, but suitably appropriate, events that will contribute towards the life and finances of St Mary's. A reasonably light and comfortable replacement chair (that is affordable and looks in-keeping) will significantly support this ambition. If the PCC is forced to use its very limited funds to purchase what most supporters will view as a less comfortable and flexible chair than this, it may have a significantly adverse effect on future financial support.

23. The PCC therefore urge the DAC to allow an exception to the '*no-fabric*' guidance in this case for the replacement chairs. Their fall-back position is for the same chair but without the fabric seat covering:



The referral of the faculty application

24. When this faculty application was first submitted to me through the OFS, on 14 August 2026, the Registry Clerk informed me that there seemed to have been some confusion on the part of the parish, who had thought that they had already submitted the faculty application to the Registry. One of the petitioners had informed the Registry Clerk they were desperate to move this situation on and really needed to get the reordering completed. However, the public notice had only just been displayed. I responded the same day pointing out that there would be a delay of 28 days for any objections to be received before any faculty could be issued. In the meantime, I invited the comments of both the DAC and the CBC specifically on the parish's case for the upholstered chairs. Since then, one of the petitioners has today completed the certificate of publication, certifying that a copy of the public notice was duly displayed during the period from 14 August to 13 September 2026 (inclusive). I am drafting this judgment on the footing that no objections to this proposal have been received. The Registry will only seal and issue any faculty once that has been confirmed to be the position.

25. On 11 September 2026, I received an email from the Senior Church Buildings Officer confirming that she had now received comments from the CBC and the DAC subcommittee on the parish's case for upholstered chairs. She attached the response from the CBC, which was supportive of an unupholstered chair, in line with the CBC's seating guidance. This *"recommends high quality, unupholstered, wooden seating in a tone fitting the aesthetic of the church. The Council recognises that the PCC has received parish feedback supporting upholstered chairs and that previous upholstered chairs have lasted 13 years. However, unupholstered seating is less prone to unsightly wear over the longer-term and is better suited to the character of a listed church."* The members of the subcommittee have also expressed a preference for an unupholstered chair, in line with the CBC seating guidance. One member of the subcommittee responded that the CBC explicitly recommends unupholstered wooden chairs; and their guidance note states: *"As it is statutory guidance, it must be considered with great care. The standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically and convincingly."* He did not think that the parish had presented a case which meets that standard, and unfortunately it would be difficult for the DAC to recommend the parish choice of chair without such justification. The other two members of the subcommittee (the Chair of the DAC and the Archdeacon) both agreed that the parish had not made the case for ignoring the statutory guidance from the CBC, and allowing an upholstered seat, in this instance. A later email explains that two members of the subcommittee had indicated that they might have been inclined not to object to the application but for the CBC's statutory guidance. However, the DAC's position has consistently been to abide by that guidance; and the DAC has not allowed upholstered seats in highly listed medieval churches such as St Mary, Garsington. There was concern that to allow an upholstered seat in this instance might be seen as setting a precedent.

The CBC's Guidance Note on Seating

26. The CBC's illustrated Guidance Note on Seating (revised in January 2017) begins by explaining that:

One of the most frequent changes made to churches today will involve seating in some way. Changing seating inside a church can have a significant impact upon the interior. The process of changing furniture, as well as choosing a suitable alternative, requires careful consideration. This document is intended to guide parishes through the planning stages and the decisions involved.

The foot of the first page of the Guidance Note bears the familiar rubric:

This guidance is issued by the Church Buildings Council under section 55(1)(d) of the Dioceses, Mission and Pastoral Measure 2007. As it is statutory guidance, it must be considered with great care. The standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically and convincingly.

Under the heading 'Selecting new seating' the CBC sets out its view as follows:

With many years of experience and having seen a range of completed schemes, the Church Buildings Council generally advocates the use of high quality wooden chairs (i.e. unupholstered) and pews where seating is necessary.

The Council's experience is that wooden chairs have the greatest sympathy with historic church environments, present the best value for money with long life-spans, and that a well-designed, ergonomic wooden chair can provide as much comfort as an upholstered design.

Upholstered seats are not considered to be appropriate for the following reasons:

- *They have a significant impact in terms of colour, texture and character which is not consonant with the quality of a highly listed church;*
- *Experience demonstrates that upholstered seating needs more regular refurbishment (wear and tear, staining) than seating without upholstery. This is especially true of multi-use churches where it will be normal to eat and drink regularly on the chairs;*
- *They are heavy and therefore more difficult to arrange and stack;*
- *The addition of soft furnishings can alter existing acoustics;*
- *Wood tones and textures fit well within church buildings and have been used for centuries in this context, whilst some colours have associations with other types of buildings such as offices.*

The legal framework

27. Since the church of St Mary, Garsington is a Grade II* listed church building, the court is required to have regard to what have become known as the *Duffield* guidelines when determining this faculty application. These are named after the decision of the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158, and have been considered, and refined, in later cases. The court must first consider whether the implementation of these proposals would cause any harm to the significance of this church as a listed building of special architectural or historic interest. As part of that process, the court must first identify the nature of that significance. If so, the court must then consider how serious such harm would be, and how clear and convincing is the justification for carrying out the proposals. The court must bear in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building. Where a church is listed Grade I or II*, only exceptionally should serious harm be allowed. The court must ask itself whether the petitioners have demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits, which would outweigh any resulting harm. At paragraph 87 of their judgment, the Court of Arches made it clear that in this context, ‘public benefit’ includes:

... matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission.

28. As I observed at paragraph 19 of my judgment (in this diocese) in *Re St Laurence, Combe* [2022] ECC Oxf 5, following the *Duffield* guidance, the court must bear in mind that:

- (1) The burden rests on the petitioners to demonstrate a sufficiently good reason for making any changes to a listed church building;
- (2) The more serious the harm, the greater the level of benefit that will be required before the proposals or works can be permitted; and
- (3) Only exceptionally should serious harm be allowed to a building which is listed Grade I or II*.

The court must also consider:

- (4) Whether the same, or substantially the same, benefits could be obtained by other proposals or works which would cause less harm to the character and special significance of the church building. As I pointed out in my judgment (also in this diocese) in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265 at paragraph 7:

If the degree of harm to the special significance which would flow from proposed works is not necessary to achieve the intended benefit because the desired benefit could be obtained from other less harmful works, then that is highly

relevant. In such circumstances, it would be unlikely that the petitioners could be said to have shown a clear and convincing justification for proposals which would, on this hypothesis, cause more harm than is necessary to achieve the desired benefit.

29. In *Re St Stephen, Redditch* [2025] ECC Wor 2 (in the Diocese of Worcester) Chancellor Humphreys gave consideration (at paragraphs 27 to 32 of her judgment) to the meaning of the expressions ‘serious harm’ and ‘substantial harm’, specifically in the context of proposals for the creation of further rooms on a mezzanine level, to be introduced above the ground floor of a Grade II listed church building, as part of major re-ordering proposals. As I understand her judgment, the Chancellor was of opinion that no issue could be taken with the propositions: (1) that ‘substantial harm’ should be equated with ‘serious harm’; (2) that this represents a ‘high test’, with the key being the seriousness of the degree of harm to the significance of the particular church building in question; and (3) that for harm to the significance of a church building to be considered as ‘serious’ (or ‘substantial’), its impact must be such that its significance is either vitiated altogether, or is very much reduced, so that very much, if not all, of that significance is ‘drained away’. At paragraph 33 of her judgment, Chancellor Humphreys concluded that:

Ultimately therefore, the determination of the level of harm to the significance of [the church building] caused by the proposals is a matter for me, informed by the representations of both the petitioners, the objectors and by the other evidence in the case. Similarly, the weighing up of the public benefit of the proposals and balancing them against the harm is also a matter for me, taking into account the evidence filed in the case.

I agree with, and would endorse, this description of the task that befalls me. For a fuller description of the decision-making function, and the process involved in assessing the degree of harm to a listed church building; and weighing any countervailing public benefits, and the church’s needs, against such harm, reference may usefully be made to paragraphs 87 to 96 of the characteristically full and detailed judgment, borne of his considerable experience as a diocesan chancellor, of Chancellor Petchey (in the Diocese of Southwark) in *Re Holy Trinity, Clapham* [2022] ECC Swk 4, (2023) 25 Ecc LJ 276.

30. Finally, at paragraph 81 of my judgment in *Re Jesus College, Cambridge* [2022] ECC Ely 2 (handed down as Deputy Chancellor of the Diocese of Ely) I referred to the requirement, enshrined in s. 35 of the *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*, to have due regard to the purposes served by a church. This provides that:

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.

I explained that the statutory predecessor of that section (s. 1 of the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*) had been considered by the Court of Arches (Sir John Owen, Dean, and Chancellors Goodman and Sheila Cameron QC) in *Re St Luke the Evangelist, Maidstone* [1995] Fam 1. This was the first occasion on which the Arches Court of Canterbury had sat in its new constitution as a three-member court. At page 7 of the report, the Arches Court held that in the absence of words expressly limiting the wide jurisdiction long enjoyed by chancellors, the section could not be said to apply to chancellors, since they were not persons who carried out “functions of care and conservation”. Rather, in carrying out their functions under the faculty jurisdiction, chancellors were required (in the words of what is now s. 7 (1) of the *2018 Measure*) to “hear and determine ... proceedings for obtaining a faculty”. However, the Arches Court went on to make it clear that: “If the section had applied to the chancellors it would have added nothing to the

existing duty and practice of chancellors.” I recorded that I understand this to mean that, independently of s. 35, when exercising the faculty jurisdiction, a chancellor should have due regard to the role of the particular church as a local centre of worship and mission. I also note, and bear in mind, the Court of Arches’ observation (at page 8 of the report) “... that a church is a house of God and a place for worship. It does not belong to conservationists, to the state or to the congregation but to God.”

Analysis and conclusions

31. Since this is an unopposed faculty petition, I am satisfied that it is expedient in the interests of justice, and in furtherance of the overriding objective of the FJR, for me to determine this application without a hearing, and on the basis of the written and illustrative material that has been uploaded to the OFS, and is available to the court. Doing so will save expense, and will enable the court to deal with this case proportionately, expeditiously and fairly. I have not found it necessary to visit this church. That is because the helpful images of the church interior that have been included within the documentation uploaded to the OFS (and which are reproduced at the end of this judgment), together with images of the alternative styles of chair preferred respectively by the parish, and by the CBC and the DAC, have given me a very clear understanding of the single issue which effectively falls for determination on this faculty application.

32. I am entirely satisfied that the parish have provided a clear and convincing justification for the permanent removal and disposal of the eight pews that were removed from the church in 2024 in order to facilitate works to the tiled flooring of the nave. I am also satisfied that this will cause no (or alternatively minimal, and the least possible) harm to the significance of this Grade II* listed church. The pews receive no mention in either the official list entry for the church maintained by Historic England (which dates back to 1963) or the entry for the church at pp. 642-3 of the current (2023) edition of the volume of *Pevsner’s Buildings of England for Oxfordshire: Oxford and the South-East* (ed. By Simon Bradley, Nikolaus Pevsner and Jennifer Sherwood). I accept the assessment of the delegation from the DAC that the pews are solid, unassuming, and typical of the period; and that they are missing any particular features, or artistic merit, which would imply more than modest significance in their own right. Their importance lies more in the way they contribute to the overall character of the church, as an integral part of the early-Victorian re-fitting. I agree that the retention of six pews to the east of the crossing, on both sides of the nave, with a further two pews on each side of the nave to the west of the crossing, will be sufficient to preserve a representative selection of pews within the church. I note that this accords with the views of the CBC, which firmly supports the retention of the 14 pews that remain within the church. I agree that any greater reduction in the number of pews would have a detrimental impact on the aesthetic character and historic significance of the church interior.

33. The real question on this online faculty petition is what should replace the existing chairs, which are clearly unsuitable for any permanent place within a highly listed church building of medieval origin. Should the parish be permitted its preferred choice of the Alpha light-weight wooden chair, with an upholstered seat in Cranberry, contrary to CBC guidance? Or should the existing chairs be replaced with the same chair, but without the fabric seat covering, which conforms to such guidance?

34. I have recently had to consider a similar dilemma in my judgment (also in this diocese) in *Re St Leonard, Grendon Underwood* [2026] ECC Oxf 4. The petition in that case sought faculty

approval for the disposal of 35 deteriorating plastic chairs, and the purchase of 35 additional upholstered stacking chairs to match 25 already in use in this Grade II* listed church. Applying the *Duffield* guidelines, I assessed the harm to the church's significance, and whether it was justified by any corresponding public benefit. I found that whilst removing the plastic chairs was clearly beneficial, and would cause no harm, introducing more upholstered chairs would cause low to moderate harm to the church's character, and would conflict with the CBC guidance favouring unupholstered wooden seating. The parish's arguments (cost, flexibility, lightness, and suitability for mission) were insufficient to justify departing from that guidance, especially as similar benefits could be achieved with compliant alternatives. The existing upholstered chairs, which had been introduced unlawfully, could not set any precedent. I granted a faculty for the disposal of the plastic chairs; but I refused to allow the proposed replacement seating unless the chairs were redesigned in accordance with CBC guidance. I indicated the court's willingness to approve compliant alternatives.

35. At paragraph 30 of my judgment, I emphasised that the task before the court was to undertake a multi-factorial, evaluative exercise, weighing all the competing considerations. I had to set the parish's reasons for their choice of chair against the DAC's reasons for objecting to that choice, and the CBC's reasons for supporting the DAC's position. I indicated that previous case law authority was of little direct assistance. There are cases in which consistory courts have permitted, and others in which they have refused to authorise, the installation of chairs in contravention of the CBC's published guidance on seating in churches. Every such case necessarily turns upon its own particular facts. All that can be said, by way of general principle, is that the burden rests on the petitioners to demonstrate a sufficiently good reason for introducing any particular chairs into a listed church building. In the instant case, that burden extends to spelling out clearly, logically, and convincingly the reasons why this court should depart from the standards of good practice set out in the CBC's published guidance note on seating.

36. In the *Grendon Underwood* case, I was satisfied that the presence of the existing chairs had caused a degree of harm to the significance of a fine, medieval village church as a Grade II* listed building of special architectural and historic interest. I considered that the introduction of any significant number of additional chairs of the same design and style would add to that degree of harm. The parish's choice of chair departed from the CBC's published guidance on seating in churches. That guidance is a matter of substance, and not mere form. It exists to identify the designs, and styles, of chair that are appropriate to a listed historic church interior, and those that are not. I agreed with the DAC's assessment in that case that the appearance of the design, and style, of chair favoured by the parish would have an adverse effect on the special character of the Grade II* listed church of Re St Leonard, Grendon Underwood. That was apparent from the images of the existing, and the proposed, chairs which I reproduced at the end of my judgment in that case. I assessed the level of that harm as low to moderate (rather than serious or substantial). Nevertheless, I agreed with the DAC that the parish had provided no clear or convincing justification for the limited harm that would be caused by the introduction of their preferred design and style of chair. I was further satisfied that the same, or substantially the same, benefits could be obtained by the introduction of another form of seating which would cause less harm to the character and special significance of that Grade II* listed historic church building. For all those reasons, I found that the petitioners had not discharged the burden that rested upon them of demonstrating a sufficiently good reason for introducing their particular preferred choice of chair into their listed church building. Nor had they spelt out clearly,

logically, and convincingly any sufficient reasons why I should depart from the standards of good practice set out in the CBC's published guidance note on seating.

37. In the present case, by way of contrast, I am satisfied that the petitioners have discharged the burden that rests upon them of demonstrating a sufficiently good reason for introducing their preferred choice of chair into this Grade II* listed church building. In my judgment, the parish have also spelt out clearly, logically, and convincingly sufficient reasons why this court should depart from the standards of good practice set out in the CBC's published guidance note on church seating.

38. The PCC's preferred choice of seating in the present case is very different from that proposed in the *Grendon Underwood* case, as emerges clearly from a visual comparison of the photographic images of the different forms, and styles, of seating proposed for the two churches, as reproduced in my two judgments. In the *Grendon Underwood* case, the stacking conference chairs had prominent fabric backs as well as fabric seats. The chairs preferred by Garsington's PCC have wooden backs, and are built to a far more sturdy, and lasting, specification. In my judgment the PCC's choice of the Alpha light-weight wooden chair, with an upholstered seat in Cranberry, will have a far more aesthetically pleasing appearance, when viewed against the tiled flooring of the interior of the nave of this particular church, than the same chair without the fabric seat covering. It is not unusual to find similarly coloured pew cushions or fabric pew runners in highly listed churches. Indeed I found myself sitting on such a pew runner at communion this morning in my own (admittedly only Grade II listed) parish church of 1837-43. I would certainly not have given the court's approval to seats with upholstered backs as well as upholstered seating in the case of this highly listed, medieval church. However, I find myself in agreement with the PCC's assessment that their preferred choice of chair, with Cranberry upholstered seats and wooden backs, will afford the most aesthetically pleasing form of seating in keeping with this particular church, and also the most practical and comfortable. The actual volume of fabric on the seats will be negligible in relation to other wooden furniture, and the overall size of the church. I note that in the years they have been using the existing, upholstered chairs, the PCC say that they have had no issues with wear and tear, or with keeping them clean. I note also the PCC's keenness to use the church space for more, but suitably appropriate, events, that will contribute towards its life and finances; and their assessment that a reasonably light and comfortable replacement chair (that is affordable and looks in-keeping) will significantly support this ambition. I note, too, the PCC's concern that if they are forced to use their very limited funds to purchase what most supporters will view as a less comfortable, and flexible, style of chair, then this may have a significantly adverse effect on future financial support. These are matters that seem to me to fall within the legitimate scope of a PCC's margin of appreciation, and to constitute further factors that fall to be weighed in the balance.

39. I recognise that the CBC's Guidance Note on Church Seating constitutes statutory guidance. As such, it must be considered with great care. The standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically, and convincingly. The fact that such guidance has not been revisited in almost a decade bears testament to its robustness. I also respect the DAC's consistent practice of abiding by such guidance, and of not allowing upholstered seats in highly listed medieval churches, such as St Mary, Garsington. I have paid due regard to the DAC's concern that to allow an upholstered seat in this instance might be seen as setting a precedent. I agree that it is not for the DAC to set new precedents. That is a matter for the Chancellor, or his or her Deputy. Nor

do I regard this particular decision as setting any precedent. Cases as sensitive as this will always fall to be determined on their own particular facts. Ultimately, my personal assessment is that the PCC's preferred choice of chair will present a far more aesthetically pleasing appearance, when viewed against the tiled flooring of this particular church interior, than the same chair without the fabric seat covering.

40. For these reasons, the faculty will be granted subject to the following conditions:

- (1) This faculty is limited to authorising the permanent removal of only the eight pews that have already been removed from the church. Fourteen pews are to be retained.
- (2) The chairs introduced under time-limited faculty ref: 2016-002032, and those introduced since that time without consent, are to be removed from the church.
- (3) The seat of the proposed replacement Alpha lightweight wooden chair may be upholstered in a cranberry coloured fabric.

I will allow three months for the full implementation of this faculty.

41. The Registry are only to seal and issue this faculty once it has been confirmed that no objections have been received in response to the public notice.

David R. Hodge

The Worshipful Chancellor Hodge KC

The Fifteenth Sunday After Trinity

13 September 2026

The interior of the church looking east



The interior of the church looking west



The interior of the church looking north-east



The interior of the church looking south-east

