

IN THE CONSISTORY COURT OF THE DIOCESE OF LEICESTER

IN THE MATTER OF: ST PETER, GAULBY

JUDGMENT

1. This is an application from the churchwarden and her assistant, a PCC member, of this a grade II* listed post-Medieval church to remove fifteen of their nineteen pews in the Nave, retaining two pews in the Nave and two pews in the chancel, and introducing fifty lightweight stackable wooden chairs, some with arms and some with vinyl padded seats.

2. On 16 July 2021 I gave directions to contact all consultees to ask them if they want to become party opponents. All of them have replied to say that they do not and are happy for their written views, as per the supporting documents, to be taken into account in my determination.

3. The church has a small but active congregation, with regular Sunday services and events, having increased over the past three years. It is occasionally used for village meetings and events. The bells are rung regularly. The village population is 140, in a benefice of 400 people. As the only public building in the village the PCC has undertaken a village consultation of making the church a community centre and the proposals for the works presently under consideration fit with earlier re-ordering works to the west end to make the church more hospitable (installation of a kitchenette) and accessible (installation of a wheelchair accessible toilet). The idea is to create more flexible space to enable wider community use. St Peter's facilities are unique amongst the benefice's four churches and the church forms a hub for them. The PCC has plans, unfortunately set back by the pandemic, to hold a series of concerts, summer teas and provision for welcoming dementia sufferers and their carers.

4. The church originally had Georgian box pews but they suffered from woodworm and were removed in the 1960s. Chairs were used in the interim until the current pews were installed in the 1990s, acquired from a boarding school chapel in Dorset. They are not thought by the DAC's expert to be of significance, save for some carved decorative ends, the best of which will be retained. There is a note in the PCC minute that it is hoped the pews can be sold to raise some funds and there had been some interest shown. It is intended that the remaining pews will be sold via the 'take a pew' scheme (a church pew recycling service based in Hertfordshire).

5. The local planning authority, Church Buildings Council, Historic England, The Ancient Monument Society, The Georgian Group and the Victorian Society have all been consulted. The PCC have responded to their concerns and adaptations to the proposals have been made in consequence. The final positions of the consultees are as follows:
 - 5.1. Harborough District Council makes no comment;
 - 5.2. The CBC does not object to the removal of the pews but it would strongly prefer there to be more unpadded than padded chairs on the basis that the user profile and use of the building is sufficiently generic to come within its guidance which advises that a timber chair is generally more suitable;
 - 5.3. The Victorian Society has expressed the view that more robust reasoning for removing so many of the pews ought to have been provided and it objects to the introduction of padded chairs;
 - 5.4. The Georgian Society defers to the advice of the Victorian Society on making the pews moveable (although the Victorian Society has now dropped this as a concern in its latest response) and considers upholstered chairs undesirable and detrimental to the character and appearance of the interior;
 - 5.5. Historic England's view is that wholesale removal of pews from the Nave would be detrimental to the church's historic character. Retaining some pews would reduce that harm. In so far as seats are introduced, HE considers that it may be odd to have a mixture of padded and unpadded seats and urges the parish to consider a good quality wooden chair, although it defers to the DAC;

5.6. The Ancient Monuments Society follows the CBC on matters of the choice of chairs.

6. The choice of chair has been arrived at following consultation with churchgoers and villagers, some of whom are medical practitioners working regularly with the age group whom this project will initially serve (55 - 96 years). There were concerns expressed about the comfort of elderly members of the congregation (which may raise the possibility of cushions being brought into the church for use if the chairs are not upholstered in any way, which would be unwelcome and unsuitable given the pandemic, as well as detracting from the significance of the church.) The proposed hard-wearing vinyl padding has been chosen for comfort and practicality. The PCC has shown awareness of the CBC guidance away from padded chairs but considers the need and preference of the congregation and community as overriding. It has identified a need for a mixture of chairs, some unpadded; some padded with arms, and some simply padded.

7. The proposed finish in light teak with beige padding aims to blend with current church furnishings. An Indian red colour was initially preferred by the PCC on the basis that it was a good match to floor tiles in the church. Upholstery is not generally successful in churches for the reasons set out in the CBC advice. It is important that the seating is unassertive and does not detract from the architecture of the church: the padded covering should not be the first thing to catch the eye when entering the church. Red upholstery would have had that effect and I welcome the PCC's change of mind, which came in February this year following much thought by the PCC to the responses from the various consultees and the DAC. The beige coloured padding chosen instead has a more restful neutrality and is, I think, an appropriate choice, with the added benefit that the red floor tiles will be opened up to greater view by the removal of the pews.

Determination

8. In weighing the arguments for and against the removal of the pews and their replacement with padded chairs, I apply the framework set out by the Court of Arches in *Re St Alkmund, Duffield*¹ and *Re St John the Baptist, Penshurst*². The framework is: (1) would the proposals, if implemented result in harm to the significance of the church as a building of special architectural or historic interest? (2) If the answer is ‘no’, the ordinary presumption ‘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. (3) If the answer to (1) is ‘yes’, how serious would the harm be? (4) How clear and convincing is the justification for carrying out the proposals? (5) Bearing in mind the very strong presumption against proposals which will adversely affect the special character of the listed building, will any resulting public benefit (including liturgical freedom/ pastoral well-being/ mission opportunities/putting the church to viable use consistent with its primary role as a place of mission and worship) outweigh the harm? The more serious the harm the greater will be the level of the benefit needed before an application can succeed. In a Grade 1 or 2* building, serious harm should only exceptionally be allowed.
9. These are unexceptional pews, brought late into the church interior as replacements for previous box pews, lacking in connection to the church and not lending any particular style to it. The four pews with the most merit as a result of carved ends are to be retained, but as for removal of the remainder I am satisfied that their removal will not result in harm to the significance of the church as a building of special architectural or historic interest. The particular architectural interest of the church, which has been established since at least the 12th century, is principally due to the pinnacles with Chinese detailing on the tower, the clock - which only has a single hand and a bird-cage movement - and the 16th century altar rail. None of these features will be affected by the removal of the pews and as the pews themselves were late importations there is no contiguity of design, interrelationship with other features or element of atmosphere which is dependent on retention of the pews. The Statement of Significance neatly summarises how the sense of order in the church will be maintained as the chairs will be arranged in the traditional

¹ (2013) Fam 158

² [2015] WLR (D) 115

manner, and how the wood of the chairs will be more in keeping with the pulpit, lectern and chair suite, donated by Charles Keene in the 1960's. The attractive red of the nave flooring tiles will also be viewed more easily than now.

10. Accordingly I find that there is no harm to the significance of the church as a building of special architectural or historic interest by the removal of the pews.

11. As to the impact of introducing vinyl padded chairs, I note the CBC's advice opposing the use of upholstered seating. That advice states, in summary, that such seating is not appropriate because: (i) it has significant impact in terms of colour, texture and character not consonant with the quality of a highly listed church; (ii) such seating suffers more wear and tear: particularly if the church is to be used for other purposes (such as school services or assemblies); (iii) they are heavy and more difficult to stack; (iv) soft furnishings can alter acoustics; (v) wood tones fit well with church buildings and have been used for centuries: upholstered chairs are associated with offices.

12. In this case there are a significant number of chairs to be introduced into a relatively small and narrow interior. There will be an impact on the space, albeit that the neutral design and colour, the wooden frame of the chairs, the proposed traditional layout of the chair arrangement and the greater accessibility of the view of the floor tiles will render it, in my view, overall a harmonious one. I am satisfied that the CBC's preference for a preponderance of unpadded, plain timber chairs is sufficiently answered by the PCC's decision that the first row of eight chairs should be completely unupholstered to enhance the aesthetics from the chancel. Although the majority of the chairs in the body of the church will be padded, contrary to the CBC's views, the neutral effects of the beige padding (following Historic England's advice on the point) and wooden frames contributes a sufficiently soothing, quiet and steady effect.

13. Even if the effect is felt to represent some harm to the church, such harm will, in my judgment, be minimal for the reasons I have given regarding the impact of the introduction of the chairs. The research, options appraisals and revisions of plans show the level of thought and care that has gone into developing the proposals in this case and the Statement of Need and other supporting documentation provides clear and convincing justification for introducing chairs. That is, in particular: the comfort benefits to the numerous elderly members of the congregation; the flexibility for the expanding range of church and community activities the newly updated church is intending to accommodate; and answering the need for increased space around the new servery and the font. I do not accept the Victorian Society's view that there has been insufficient explanation or detail as to the range of activities that chairs will represent an advantage for over pews. There is explanation throughout the documentation explaining the range of uses that are intended and the accommodation that flexible chair arrangements will achieve for those activities. There is also evidence (including that from supporters who have written in) that the church serves a particularly important purpose as the sole community hub for Gaulby and its neighbouring villages but that in order to maintain the growing interest in using it, flexibility of layout and comfort of seating are required. In the words of a Mrs Sissing, who wrote in support of the plans, in this capacity in particular "...chairs will be a distinct advantage over pews, bearing in mind that different events require different seating formations..."

14. I also note the CBC's view in response to the petitioners' evidence regarding age and comfort that there is nothing exceptional about the age profile of this particular congregation. However, exceptional or not, the medical expertise and the local research brought to bear in this application strongly supports the conclusion that this particular congregation will benefit physically, will potentially expand in number and that the church will increase in the vibrancy and range of its use, by the introduction of padded chairs over plain wooden ones. Accordingly I prefer the conclusions drawn by the parish as to the padding proposed in this case. In my judgment the powerful public benefits of removing the pews and replacing with the PCC's preferred choice of chairs in this case strongly outweigh any minimal harm to aesthetics.

15. In these circumstances, I am prepared to grant a faculty for the removal and disposal of the pews and for the use of the proposed chairs. The time for completion of the proposed works is 18 months (perhaps a longer period than may strictly be necessary, but given in order to accommodate any setbacks caused by unforeseen COVID-related restrictions).

16. I am most grateful for the careful work that has been done by all those involved with this Petition and I wish the parish well for the future.

Lyndsey de Mestre QC

Chancellor

2 August 2021