

**IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD**

**GNOSALL: ST LAWRENCE**

**JUDGMENT**

- 1) The church of St. Lawrence in Gnosall has a Grade I listing. Although various additions and alterations have been made over the years it is Norman in origin and substantial parts of the Norman church remain. Pevsner says (The Buildings of England: Staffordshire) that the interior of the church contains “some of the most exciting Norman work in the county”.
- 2) The Churchwarden and Parish Secretary petition with the unanimous support of the Parochial Church Council for a faculty authorising the removal of the rear two rows of pews at the west end of the church. The listing description describes the fittings as “mostly modern” and my understanding is that the pews originate from a Victorian restoration.
- 3) The Petitioners explain that the church is used for a number of activities in addition to church services in the traditional form. In particular there are monthly “Messy Church” services and also monthly lunches for the elderly. During term time there are, on I think a weekly basis, “Play and Praise” (for toddlers and their parents) and “Tea and Toast” (for parents and small children on their way home from school). The Petitioners state that the Parochial Church Council adopted a Mission Action Plan for 2018. One of the main objectives of that plan was to cause the church building to be used more for community activities. As well as providing a service to the local community it is hoped that such increased use will make members of that community familiar with the church and so more likely to attend for services.
- 4) It is said that the removal of the last two rows of pews will, while leaving the church predominantly pewed, create more space for the activities I have just mentioned. The removal of the pews will increase the usable area in that part of the church which is near to the toilets and to the vestry from which food and drink are served. The Petitioners point out that currently the monthly lunch for the

elderly is held in the chancel which has to be reached by steps and where there is insufficient space for all those to whom the church wishes to provide lunch.

- 5) The Petitioners also contend that the removal of the two rows of pews will enhance the appearance of the church. The pews currently abut two mediaeval pillars and their removal will increase the visual impact of those pillars.

### **Consultation.**

- 6) The Diocesan Advisory Committee certified that the proposed works would affect the special significance of the church. The Committee proceeded to recommend that approval be given for the works. It did so in the light of the benefit of facilitating the proposed activities and because, in the view of the Committee, the pews were “not of the greatest historical importance” and the visual impact of their removal would be limited given the considerable number of pews which were to remain.
- 7) Historic England and the Victorian Society were both consulted. The latter stated that it did not wish to make any comment on the proposals. The former stated it had no objection to the proposals although pointing out that care will be needed in the choice of any permanent replacement for this seating.

### **Procedural Matters.**

- 8) Miss. M. Hughes is an active worshipping member of the church. Miss. Hughes has written a letter of objection but has chosen not to become a party to the proceedings.
- 9) I concluded that it was expedient to determine the matter on the basis of written representations. The Petitioners have consented to that course and have provided written submissions in response to the concerns raised by Miss. Hughes.

### **Heritage Considerations.**

- 10) I have already said that St Lawrence is a Grade I listed church. The proposed works will lead to an alteration in its appearance and have the potential to affect its special significance. Therefore, the approach laid down in *Re Duffield: St*

*Alkmund* [2013] 2 WLR 854 as modified in *Re Penshurst: St John the Baptist* (2015) 17 Ecc L J 393 is to be followed namely:

- a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
- d) How clear and convincing is the justification for carrying out the proposals?
- e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?

11) In considering the last question I have to bear in mind that the more serious the harm the greater the level of benefit needed before proposals can be permitted. I also have to bear in mind that serious harm to a church listed as Grade I or Grade II\* should only be permitted in exceptional cases.

12) I am satisfied that subject to the matters raised by Miss. Hughes the Petitioners have established a sound case for the grant of the faculty sought. There will be harm to the special significance of the church in that the removal of the pews will entail the loss of historic fabric. However, that harm will be modest. Two rows of pews will be removed at the rear of the church in circumstances where those pews are not of particular historical importance; where the predominant appearance of the church will remain that of a pewed church; and where the principal feature of the church's special significance lies in the Norman elements rather than the more modern fittings. The Petitioners have shown a clear case for the changes proposed and have established that there are potential benefits which will substantially outweigh that modest harm. Subject to Miss. Hughes's reservations about what is proposed the benefit of providing space for activities of

outreach and hospitality and so as to facilitate activities of the kind I have listed above is a real and substantial one particularly in the light of the objectives of the Mission Acton Plan adopted by the Parochial Church Council. It follows that by reference to heritage considerations approval would be appropriate.

**The Objections by Miss. Hughes and the Petitioners' Response thereto.**

- 13) Miss. Hughes sets out three matters which cause her to object to the proposed works. First, she says that there is a need for the pews to provide seating in the church. Miss. Hughes says that for large services such as Remembrance Day or large funerals all the current pews are fully occupied. Miss. Hughes is concerned that the movement of chairs into the church on such occasions will be a cumbersome exercise and that the last minute movement of chairs to deal with occasions when more people than are expected attend (for example at a funeral) will be unseemly. Next, Miss. Hughes believes that it is unnecessary and inappropriate for the proposed activities to be in the church building. She explains that there is a community centre close to the church at which these activities can take place. It is Miss. Hughes's view that the church building should be used predominantly for worship and that the work of service to the local community should take place in the community. Finally, Miss. Hughes regards the proposed expenditure of £15,000 on these works as "disgraceful". This point follows from her belief that what is proposed is unnecessary and potentially inappropriate. In those circumstances Miss. Hughes believes that it is wrong that church funds should be spent on this work rather than on "worthier" causes.
- 14) In response to Mrs. Hughes's concerns about seating the Petitioners explain that the removal of the two rows of pews will leave pewed seating for 126 people. That is sufficient seating for Sunday services and for all but the most well-attended of funerals. The church has a further 180 chairs which can be brought into the church for occasions when more than 126 people are likely to be present. The Petitioners say that the intention would be to bring such chairs into the church in advance of the relevant services. It follows that it will only be on occasions when there has been a serious underestimation of the numbers attending a particular service that there will be a need for chairs to be brought in at the last minute. As to the necessity for and appropriateness of the various

activities taking place in the church building rather than in the community centre the Petitioners point out that “Messy Church” is an act of worship. In respect of the other activities they take the stance that it is appropriate for services to the community to be provided in the church building. In that regard they refer to the objectives of the Mission Action Plan and to the intention that greater community use of the church will mean that members of the local community become familiar with the building and that such greater familiarity will reduce any reluctance which might otherwise exist to attend services. In response to Miss. Hughes’s objection to the expenditure of church funds on these works the Petitioners point out that the expenditure has been approved by the Parochial Church Council as an appropriate use of the funds of the church.

- 15) The matters raised by Miss. Hughes as grounds for objecting to the proposed works are very much issues in respect of which the Consistory Court will give considerable weight to the views of the churchwardens and the Parochial Church Council as the elected representatives of the worshipping community.
- 16) Dealing with Miss. Hughes’s concerns about seating I am satisfied that the Parochial Church Council has considered the question of the adequacy of the quantity of seating remaining. I am satisfied that the removal of two pews will not mean that there is insufficient pewed seating on most occasions and I am also satisfied that there are adequate chairs and arrangements for installing them to provide seating for those likely to attend on other occasions.
- 17) It is not inappropriate for activities such as “Messy Church” or the provision of meals for the elderly or activities for children and their parents to take place in a church building. As the Petitioners say “Messy Church” is an act of worship and as such it is wholly appropriate for it to take place in the church building. There can be legitimate differences of opinion as to the best location at which to provide activities for the local community. The argument put forward by Miss. Hughes to the effect that the church building should be used for worship with outreach activities taking place in the community is not an illegitimate argument. However, it is also not the only permissible view. The contrary view that the church building should be used for such activities as part of the work of service to the community and by way of drawing local people into the church as an aspect of the mission of

the local church is also a legitimate and permissible one. Indeed, it is one which has substantial support in the Church. Determining the balance between those competing views is a matter for the judgment of the Parochial Church Council. In Gnosall that Council has determined that the activities should take place in the church building. That is a decision which the Court is to regard as a proper and legitimate one and to which considerable weight is to be given. It follows that Miss. Hughes's concerns on the ground of the appropriateness of the relevant activities taking place in church cannot stand.

- 18) Finally, as to the use of church funds for this work it has been the consistent position of the Consistory Courts that matters of judgement as to the use of church funds are questions for the elected representatives of the church community and not for the court save in the most exceptional of cases. Miss. Hughes believes that the church funds should be used for other purposes but that belief, genuine though I am sure it is, cannot be a ground for refusal of a faculty in circumstances where the proposed works and the expenditure on them have the unanimous support of the Parochial Church Council.
- 19) It follows that the matters raised by Miss. Hughes do not operate to warrant a refusal of the faculty sought. The faculty will issue subject to the conditions I have imposed.

STEPHEN EYRE  
HIS HONOUR JUDGE EYRE QC  
CHANCELLOR  
30<sup>th</sup> April 2018