

IN THE CONSISTORY COURT OF THE DIOCESE OF CARLISLE

Re: Church of St. Mary, Gosforth

JUDGMENT

Delivered on 29 August 2025

A. Introduction

1. By a petition dated 24 April 2025, the Reverend Philip Dorling applies for a faculty to authorise the following works (“**the Works**”) at St. Mary’s Church, Gosforth (“**the Church**”):
 - (a) Removal/ relocation of certain pews;
 - (b) The reconfiguration of the space around the chancel by creation of a dais;
 - (c) The installation of a handrail and removable ramp;
 - (d) The installation of AV equipment;
 - (e) The fitting of new motion sensitive LED lighting; and
 - (f) The installation of an electronically operated timer lock to a door.
2. The purpose of this judgment is to explain why I have decided to allow this application, with one exception, and on the basis of some conditions. Even though the petition is now unopposed, a short judgment is appropriate in view of the Grade 1 listing of this Church and of the helpful and considered consultation responses received from The Victorian Society, HBAP, the CBC, SPAB and Historic England. The proposed Works were reconsidered, and the Statement of Needs revised, in response to those responses. The upshot is that none of the National Amenity Societies maintain objections to the Works, although the

Victorian Society asks that consideration be given to retention of the timber chancel rail.

3. The DAC voted by a majority (1 objection, 2 abstentions) to recommend the scheme, with proposals for conditions. The absence of unanimity in the DAC's views is another reason for this short judgment. Its notification of advice, dated 28 March 2025, records its opinion that the Works will not be likely to affect the character of the Church as a building of special architectural or historic interest.

B. The Church

4. The Church is Grade 1 listed and rightly celebrated by Pevsner as having "*the richest haul in the county of Anglo-Saxon and Anglo-Danish work, culminating of course in the Gosforth cross*". That cross dates from the later 10th century and towers some 15 feet high over the churchyard.
5. The proposed Works concern the interior of the Church. As the official list entry records, the site of the Church has been important since the 8th century and the oldest parts of the fabric are 12th century. The building was extensively remodelled and extended prior to 1897 when the nave was rebuilt, with north aisle and vestry added, by C.J. Ferguson.
6. The official list further records that the Church is "*Graded primarily for the numerous early medieval fragments incorporated into the structure*".

C. Applicable Law

7. In considering whether to grant a faculty I have considered the series of questions identified by the Court of Arches in the case of *Re St. Alkmund, Duffield* [2013] Fam. 158 at paragraph 87 (and see *Re St. Peter, Shipton Bellinger* [2016] Fam. 193 at paragraph 35). The questions are:
 - (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 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?
- (3) If the answer to question (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 that there is a strong presumption against proposals which will adversely affect the character of a listed building, will any resulting public benefit (including 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) 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 particularly be the case if the harm to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed.

D. Discussion

8. I only need deal with two aspects of the Works, being the proposed removal/relocation of certain pews, and the proposal to create a dais.
9. The Victorian Society identifies that the loss of benches would harm the significance of the building because *“Much of the building's special interest and character comes from Ferguson's additions to the building, in particular his furnishings. These are in a style which mixes gothic and later influences, although this was not an unusual design choice by the late 1890s, the detail of Ferguson's furnishings makes them of some interest and significance, certainly above that of an average late 19th century furnishing scheme.”*
10. The removal of pews is proposed for two reasons. One is to create a more open entrance space, with room for visitors to the Church to gather. The other is to

allow space for the creation of a dais at the chancel step. The dais is envisaged as an area that would be regularly used by the village school, for music performances and plays. The statement of needs explains that the school makes weekly use of the Church for such purposes. Having seen further information in this regard, the Victorian Society recognises that the Church is well used by the school and the dais could benefit school services and activities.

11. In my view the removal of a limited number of pews, and the creation of a dais, carries a risk of low, if any, harm to the significance of the church as a building of special architectural or historic interest.
12. The Petitioner has, in my judgment, demonstrated a clear and convincing case for the removal of the pews in question and the construction of a dais. I am satisfied that the school and community use that will be facilitated by these Works are consonant with putting the Church to viable uses that are consistent with its role as a place of worship and mission. My decision is that these factors outweigh any harm resulting from the Works.
13. There remains some uncertainty as to the fate of the pews proposed for removal. The Revised Statement of Needs states that *“The pews affected will be carefully removed and will be stored and not destroyed, they will be available to be moved back into the church in future if required”* (emphasis added). Elsewhere, however, it is stated on behalf of the Petitioner that *“The PCC recognises the significance of the pews which date from 1897 and are (as identified in the HBAP response), really good Arts and Crafts work. They will certainly not be destroyed but will be stored safely within the church and we note that only a small number of pews are to be removed.”* (Email to National Amenity Societies from Louise Thomson dated 13 February 2025, on behalf of the Petitioner; emphasis added). Read together, these documents demonstrate the PCC’s clear intention not to dispose of the pews but to retain them. What is less clear is whether storage will take place within the Church itself or elsewhere. For that reason, and to ensure their continued preservation, I consider it appropriate to impose a condition governing the arrangements for storage.

14. For that reason, I do consider, as the DAC proposes, that a condition is indicated as to the storage arrangements for the removed pews.
15. The remaining matter to be considered concerns the Victorian Society's request that the timber chancel rail should be retained, since it *"is an integral part of Ferguson's scheme of fittings and furnishings and its loss would harm the building's significance."*
16. I do not understand that the retention of this rail would interfere with the use of the proposed dais, and so I shall direct that it should be retained.

E. Decision

17. Subject to the three conditions mentioned below, I direct that the faculty should issue as sought. The conditions that are attach to this faculty are that:
 - (a) The timber chancel rail shall be retained.
 - (b) Before any pew is removed from the Church under the terms of this faculty, the Petitioner shall agree with the Archdeacon the long-term storage arrangements for those pews. Such storage must be secure, dry, and protected against pests, and must ensure that the pews remain available for reinstatement within the Church should that be required in future.
 - (c) Before construction of the dais the Petitioner shall agree with the Archdeacon how the removable ramp serving it shall conveniently be stored, moved, installed and uninstalled.
18. I charge no fee for this written judgment, but the Petitioner must pay the costs of the petition, including any fees incurred by the Registry in dealing with this faculty application.

JAMES FRYER-SPEDDING

Chancellor

29 August 2025