

Neutral Citation Number: [2024] Ely 1

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of St John the Baptist Holywell

Stephen York and Roger Beaman

Petitioners

PRELIMINARY MATTERS

1. The Churchwardens of St John the Baptist Holywell have petitioned for a faculty to carry out a major reordering of the interior of this Grade I Listed Church, parts of which date back to the 13th century and perhaps earlier. There was a major reordering in the mid-19th century and in 1862, as part of that work, the original box pews were replaced with the present pews which are accurately described as of “unremarkable design”.
2. The proposed reordering has developed over at least five years. The scheme proposed is in line with the diocesan vision, “Ely2025” of making churches viable as community spaces. Put shortly the scheme encompasses the introduction of a lavatory in the tower, raising the ringing floor, a gallery in the tower overlooking the nave, a servery unit at the west end of the north aisle; moving the font to the north east corner of the nave and replacing the pews with Howe 40/4 (or equivalent) chairs to allow for more flexible use of the nave. The proposals are in line with a number of other schemes in the diocese for which faculties have been granted.

OBJECTIONS

3. In November 2019 Historic England wrote that the need for the lavatory and servery had been justified, that they had no objection to the first floor ringing chamber, the removal of the pews or the relocation of the font. They were concerned about some details of the servery and the eye level cupboards which made the servery look more like a domestic kitchen.
4. Their concerns about the cupboards were taken into account and were removed from the proposals. Historic England provided no response to the revised proposals consultation sent out in March 2023.

5. SPAB responded in November 2019 and were supportive of the need for a lavatory and a servery but were at "...a loss to understand why, in this case, a much more complicated, expensive, and visually intrusive intervention is proposed". They considered that there needed to be a much more robust case to support this intervention before SBAB could countenance this level of harm.
6. Nigel Walter (Archangel Ltd) responded in December 2019 with what might be regarded as the "robust response" that SPAB had requested. In particular he challenged their assertion that the lavatory could be better accommodated within the church in a pod and submitted that such a scheme would have a greater visual impact than what was proposed. He also rebutted the suggestion that a pod incorporating a lavatory and a servery would be less complex or less expensive. SPAB have not responded to the March 2023 consultation.
7. CBC responded in May 2021 making some recommendations in respect of the position of the staircase to the ringing chamber and as to the need to provide a more robust justification for the removal of all the pews. They were content with the kitchen design because the wall cupboards had been abandoned.
8. The revised proposals were sent to the amenity societies on 16th March 2023. Only SPAB put in a formal response to the effect that it would not be submitting a response. None of the other societies, including the Victorian Society and the Georgian Society have made any submissions.
9. The DAC raised some concerns about the proposals in the early stages of their development. In particular they asked the petitioners to consider whether some of the pews could be retained and put on wheels to make them moveable. In May 2023 the DAC provided its "Notification of Advice" in terms which identify that DAC members were not unanimously in favour of all parts of the scheme:

"The consensus of the DAC is to "not object" to this proposal subject to confirmation of the selection of Howe 40/4 chairs or a very similar design to be approved by the DAC. Concerns remain from some members that the parish should retain a small number of the existing pews, suitably modified to make them easy to move, and that the design of the stair balustrade could be improved, but not to the extent that the DAC would "not recommend" the proposal."

10. Public Notice was issued on 31st January 2024 and it produced one letter of objection dated 22nd February 2024 from Mrs Margaret Perryman BEM and Mr Anthony Perryman LLM. Mrs Perryman as vergers of St John the Baptist for twelve years and Mr Perryman as a Licenced Lay Minister for over 16 years, know the church and the parish well. They describe how the vicar at the time that the plans were drawn up thought it would be a good idea to turn their “lovely village church into a village hall”. Whilst they accept the need for a lavatory and a refreshment area they consider that they could be placed in the bell tower and the ringing floor raised up. They object to the removal of useable pews and to moving the font from its traditional place and state that the font will not withstand the move.
11. They predict that, if the changes take place, a majority of the elder congregation will leave and not come back. I have studied the survey conducted in October 2021. I produce the figures in respect of the various relevant elements of the reordering, adding together the figures for whether the response was “very much in favour” and “in favour” together and in brackets the figures for those on the electoral roll or who are regular worshippers:
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| Installation of a toilet in the tower: | 100% in favour (100%) |
| Installation of a servery: | 94% in favour (100%) |
| Replacing pews with chairs: | 75% in favour (67%) |
| Repositioning of the Font: | 63% in favour (57%) |
| Repositioning of the bell ringing floor: | 82% in favour (81%) |
12. Whilst there is authority as to how much one should rely on opinion polls when considering, in particular, objections to the grant of a faculty, I find these figures of some use when considering Mr and Mrs Perryman’s comment about the effect of the reordering on the older members of the congregation who, logic dictates are likely to be numbered among those on the electoral roll or who are regular worshippers. The figures are only marginally different in the sub-group to the overall opinion. Within the sub-group 14% (3 people) were against and 19% (4 people) were very much against replacing the pews with chairs, and 19% (4 people) were against and 14% (3 people) were very much against repositioning the font. Whilst it is to be regretted if change leads to anyone feeling that they must leave their place of worship, these figures do not, in my judgment, support a finding that the majority of the elder congregation will leave.
13. The present Churchwardens. Michael Williamson and Stephen York have put in a response to the objections of Mr and Mrs Perryman. The removal of the pews was not based on their condition but to allow for a

variety of worship to take place in the church, to allow fund raising and other church events to be conducted in an open space and to attract other local groups to hold meetings there rather than in the local village hall which is already in heavy use. To leave any pews in place would only partially achieve that aim and having pews on casters creates a problem, not only in terms of moving them, including health and safety risks, but also because once moved they will fill the whole of each side aisle. They also point to the difficulty of wheelchair users negotiating the cramped pew layout and, at funerals, the difficulties in bringing and positioning the coffin with the front pews so close to the chancel screen.

14. As to the current position of the font by the south door, although accepted as the traditional place, it results in a very constricted entrance to the church and a very narrow space for the baptism party to gather round the font. The architect has raised no concerns as to damaging the font were it to be moved.

DISCUSSION

15. The amenity societies have not objected to the revised proposals and none has become a party opponent. Mr and Mrs Perryman have not become parties opponent but wish their views to be considered by me which I have done with care.
16. Before considering the first of the Duffield Questions, in accordance with In Re St John the Baptist, Penshurst, I must first decide what is the special architectural and/or historic interest of the church as a whole. I have taken as my starting point in relation to answering the relevant Duffield Questions that this is a Grade I Listed building. There are no specific features of the interior which are highlighted as being of particular importance other than the windows and some of the Masonry which will be unaffected by the proposed reordering.
17. In considering whether I should grant the Faculty I have followed the guidance laid down in In Re St Alkmund, Duffield:-
 - (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - (ii) If the answer to question (i) is “no”, 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, Questions iii, iv and v do not arise unless the answer to question (i) is “yes”.

- (iii) How serious would the harm be?
 - (iv) How clear and convincing is the justification for carrying out the proposals?
 - (v) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special 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 rôle as a place of worship and mission) outweigh the harm? In answering this question, 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 is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.
18. **Question 1:** My answer is “yes” and it follows that I next move to Question 3.
19. **Question 3:** There will be harm but not serious harm.
20. **Question 4:** I find that there is a clear and convincing justification for carrying out the proposals.
21. **Question 5:** my answer is “yes”. I judge that the resulting public benefit in respect of opportunities for mission and putting the church to viable uses that are consistent with its rôle as a place of worship and mission outweigh the harm to the building knowing that there is a strong presumption against proposals which will adversely affect the special character of a listed building.
22. In assessing the harm to the building overall I judge that the proposed reordering will not cause serious harm to the building overall. Even if I am wrong about that, I find the need for such harm as will be caused is justified exceptionally in any event.
23. In In Re St John the Baptist, Penshurst the court referred at the beginning of its judgment to the tension which frequently exists between on the one hand conservation of what is best in our heritage and on the other hand the requirements, or claimed requirements, of present day worship and mission. I find that, in the case of St John the Baptist, the balance is strongly in favour of the requirements of present day worship and mission.

24. Expanding on my decision in respect of Question 3, whilst there will be harm to the overall interior of the church, I do not consider it to be serious harm. The scheme has been modified to reduce the impact of the servery and, having concluded that the best place for the lavatory is in the tower that is bound to lead to a raised ringing floor of the type which has been designed. There are positive benefits to this part of the scheme because it will allow bride and groom to leave the church whilst the bells are being rung and it will allow the congregation at any service where the bells are rung to observe the skills of the bell ringers.
25. As to the removal of pews, there will always be strong views expressed one way or the other about their removal, as I am sure they were expressed in 1862 when the Georgian box pews were removed in favour of pews. Prior to the Georgian box pews and in pre-reformation times it is very likely that there was either no seating in the nave or, if there was, it comprised of individual chairs placed there by members of the congregation who wanted to sit during parts of the service. Fashions change and the present fashion is in favour of chairs. The ability to remove individual chairs allows wheelchair users to feel included within the congregation.
26. I have considered the option of adding casters to the present pews, having been reduced in length, but I consider that not to be an option; someone has to move the pews in a constricted space and that indicates potential health and safety issues. The pews would have to be moved to the side aisles which would defeat the object of providing a clear open space. I have considered whether the harm could be reduced by retaining some pews. In that regard I have looked at the photographs and they show how the pews make the church feel restricted. To mix chairs with pews in a relatively compact interior would not work and would in part defeat the purpose of providing an uncluttered space in the nave.
27. I have sympathy with Mr and Mrs Perryman's desire to keep the font by the entry point to the church. Whilst the symbolism of entry into the family of the church through baptism and the font being at the entry to the church is important, there are other issues which need to be considered. Baptism is either exclusively or very regularly conducted as part of a congregational service to emphasise that the baptised are welcomed into the family of the church and supported by the congregation. Within that context it makes good sense to have the font where it can be easily seen. The move of the font does not, in my view, amount to serious harm. There is no evidence to suggest that the font would not withstand the move and I am confident that an architect with Mr Walter's experience of church buildings would have said so if that may be a possibility.

DETERMINATION

28. The estimated cost of the scheme is said to be £550,000. That is a substantial amount of money and, bearing in mind the size of the largest estimated congregation at Sung Eucharist or Morning Worship amounts to approximately £18,000 per head or, in relation to the electoral roll, about £11,000 per head. At present £91,200 is available for the scheme.
29. Whilst funding will be sought from the wider community and from grant bodies it puts in context the size of the task ahead to create a space which will attract a larger congregation and more community involvement in the church. The last thing that anyone would want is for the work to be part completed and for the funding to run out. I shall impose a requirement that 75% of the cost (updated for inflation when the work is due to begin) has been raised or promised before the work can start. If it is possible to phase any of the work without the whole feeling incomplete, then I would permit the work to be carried out on that phase. This is something which will need to be discussed with the architect if it is considered to be an option.
30. I therefore grant the faculty with the following conditions:-
- (a) No work is to be carried out until 75% of the cost of the work based on updated figures of costs provided to the Registry at the time that the work is due to begin has been raised or a firm undertaking has been given that the funding will be forthcoming from the individual or body providing funds;
 - (b) If the petitioners want to phase the work, they must submit a plan to the DAC and obtain the DAC's approval to it as to how this is to be achieved. In the absence of agreement the matter is to be referred back to me. If approved then the work can start on each phase when 75% of the cost of the work for that phase is in place in accordance with the terms of paragraph (a);
 - (c) Howe 40/4 chairs are to be used. If another chair of a similar design is to be used, the alternative is to be approved by the DAC. In the absence of agreement the matter is to be referred back to me.
 - (d) Time to complete the work: 3 years
31. I have no doubt that Mr and Mrs Perryman will be disappointed by my decision but the proposed work is designed to ensure that there will be facilities and space to allow the church to grow and to improve its long

term financial future. The alternative to change may be a church without a future. I know that neither of them would like to see their much loved church become redundant.

His Honour Judge Leonard QC
Chancellor of the Diocese of Ely
19th June 2024