

**Neutral Citation Number: [2020] ECC Der 1**

**In the Consistory Court of the Diocese of Derby**

**In the Matter of Holy Trinity, Mapperley, and**

**In the Matter of a Petition dated 14th September 2017 presented by Rev'd Gill Turner-Callis, Rector, and Christine Woodward and James Isam, as amended.**

### **Judgment**

#### **Introduction**

- 1) This judgment refers to a matter (disposal of the pulpit) that was not mentioned on the original petition, (which concerned only the church heating), but it emerged on the papers as part of what the petitioners wanted to do, and has, in the event, proved controversial. Mrs Patricia Gould was alive to the issue from October 2017 and wrote a letter of objection to the Registrar. For whatever reason the petition first came to me a year later, and at the end of October 2018, I wrote a lengthy Note pointing out the procedural deficiencies of the petitioners' proposal to remove the pulpit. I set out the steps that needed to be taken if I were eventually to rule on the question, namely there had to be a clear vote by the PCC approving that course, and either an amendment to the schedule of proposals on the petition or a fresh petition dealing with that specific issue, together with fresh public notices making clear this was part of the proposals.
- 2) I stated that Mrs Gould did not need to repeat her objections if that course were followed, nor did the Rector need to respond again. As the heating proposals were in every way uncontroversial, I gave permission for the petitioners to proceed with that work straightaway, without the question of the pulpit being resolved, and, if necessary, for the pulpit to be moved temporarily for the new heating to be installed. This they decided to do.
- 3) I had anticipated the steps indicated would be taken in the following few weeks, and did not impose any time by which they should be completed. In the result, it has taken a little over a year, for no obvious reason. In that period two more individuals have objected to the proposal to remove the pulpit, so there are three objectors in total. They have each indicated they do not wish to become formal objectors with party status, but want me to take their objections into account when making a decision.
- 4) It has been confirmed the petitioners are content this matter is decided on the documentation available, which is, in my view, an expedient course. I have made an order that amends the proposals in the petition to add '*and to remove the pulpit and dispose of it*', in line with the wording on the revised public notices, (because there has to be a formal request made for the particular proposal being sought), and also, to make a formal order that the case be resolved on the documentation I have. The issues are clear.

#### **History of the church**

- 5) Mapperley is a village near Ilkeston. Holy Trinity is an unlisted building. I have a number of photographs, many produced following my initial Note. The original Holy Trinity was built in 1865 but was later badly affected by subsidence from local coal mining, and was closed in 1964 and subsequently demolished. The new church was opened in 1966, so is a little over 50 years old. The National Coal Board agreed to finance the new building, which was designed to resist further subsidence, by being constructed on a concrete raft, with large A-frame beams. This gives it a modern triangular appearance, with relatively low side walls and large windows. From the exterior it presents as having a high roof, and buttresses. The main space is rectangular with rooms and service areas set on the liturgical north. It is the sole community building in the village and, apart from worship, it also serves as a school hall and gym during the week, according to the Statement of Significance, and is a base for the activities of other local bodies. The sanctuary at the east end with its raised platform can be curtained off. The east wall is undecorated brick which gives a warm feel to the building, although that was obviously no substitute for effective modern heating. The Heating Project Report I have been sent, was somewhat coy about the pulpit. In outlining the heating proposals, it stated that the existing pulpit, '*which was no longer in use*', and which stood on the north side of the sanctuary, '*could be removed to reveal the altar steps and to extend the altar rail*'. This was hardly definitive or definite as a proposal, although that may have become part of what the PCC intended.
- 6) The seating for the congregation is in light wood, the chairs having upholstered seats and backs. It is plainly much more recent than the building. The pulpit and reading-desk are however original features. The former presents as a straight front with sides, the front and sides being covered with vertical strips of

wood laid side-by-side. It is nailed (or perhaps screwed) and glued together. There is a sloping lectern protruding above it on two uprights, supplied with a strip light. From the interior, it appears there is a stout wooden frame supporting abutting vertical planks, which are covered by the strips on the outside. The reading-desk is not dissimilar, although somewhat simpler. That remains in use.

- 7) The architects of the building are not identified by the petitioners, but one of those who later objected, has identified them as Messrs Naylor, Sales and Widows.

### **Objections**

- 8) Mrs **Patricia Gould**, a member of the congregation, wrote to the Registrar initially on 15th October 2017, in regard to the removal of the pulpit (which, as I say, was not expressly mentioned in the original proposals). She was supportive of the heating plans, but pointed out that *'the pulpit wood matches that of the vicar's 'desk' at the other side of the church. These (were) original features of the church, which must be one of the few (if not the only) examples of 1960's church architecture in Derby Diocese. Surely that fact alone means this deserves further consideration'*. On 1st November she indicated that she did not wish to become a formal party, but wished me to consider her objection in reaching my decision.
- 9) The Rector responded to this in an email to the Registrar of 22nd November 2017. She asserted the pulpit had not been used for over 20 years, since the positioning of a *'sound system box'*, and asserting the PCC had voted to remove it. Further the parish wanted to erect a screen - and I confess to not being at all clear about this - but if it were to be placed on the north wall as had apparently been suggested, then the bottom part would be obstructed by the reading desk aspect of the pulpit, and if that were to be removed, then the pulpit would in any event be unusable. Better, she said, to remove the whole thing now!
- 10) I indicated in my Note in October 2018 that I could not approve an item that had not even been asked for, and set out the steps the petitioners needed to take to get the matters back on track. I was not able to find any record of the clear decision of the PCC, that the Rector asserted had been made, and was puzzled that any application for the screen had not dealt or would not be the better place to deal with, the need to remove the pulpit.
- 11) I realise of course that any scheme for re-ordering may involve minor steps that are not specified, and a certain amount of *'making good'* to finish the work off properly, but I certainly cannot include removal of the pulpit in that sort of *'minor'* supporting and ancillary category, even if it is *'unused'*.

### **Importance of pulpits generally**

- 12) The current Canons of the Church of England do not require the provision of a pulpit in a church, unlike the font and the holy table, although the Canons Ecclesiastical of 1603-4 imposed the obligation to do so. Nonetheless, a pulpit is still so much a regular feature of a church, and represents such a significant part of the necessary furnishings of the church for worship, primarily for the exposition of Scripture and exhortation and encouragement of the congregation, even if that is often done from some other convenient place, that its removal has to be specifically sanctioned.

### **Revised public notice**

- 13) The fresh public notice *'to remove and dispose of the pulpit'* was exhibited under the petitioners' names between 16th April and 13th May 2019 inclusive, indicating any objection should be notified to the Registrar by 13th May. Two further objections have been sent in.
- 14) Mrs **Lesley Hatfield** has written three brief letters, but unfortunately only one is dated - 2nd November - and it is difficult to tell which of the others came first. She is a PCC member. She contends the villagers are horrified that this (the removal of the pulpit) is happening. She says some want it removed *'just to put a sheet of paper up for a praise service that only happens once a month'*. It is very much *'part of our church'*. The letter of 2nd November confirms she has no objection to the underfloor heating being installed in part of the church, but she fears the pulpit will not be put back after being removed for (it) to be done. Some weeks had already passed since it was first removed, she says, so it is clear this letter was written in November 2018. She will not have been at all re-assured by the further delay of over a year that has occurred. Her third letter, which arrived with the Form 5 indicating she simply wanted me to consider her objection, further says she agrees that there will be a health and safety concern, but it could still be re-instated by being lowered. She objects to the pulpit going because of a screen being introduced. Third, she contends the vote at the PCC was to approve removal of the pulpit for the underfloor heating to be installed, and the understanding was that it would then be put straight back.

## PCC voting

- 15) I have a copy of the voting on 5th November 2018. The motion was *'to remove and dispose of the pulpit. To make the floor good and install matching tiles'*. 6 were in favour, 3 against and 2 members abstained, of the total of 14. I have no other record of any discussion at the time. I am not persuaded that any *'understanding'* about an immediate return of the pulpit after the underfloor heating was installed, occurred to the members generally. The further wording in the motion about making good and new tiling, if anything, weighs against that. Further if the *'villagers'* or other members of the congregation felt as strongly on this topic as Mrs Hatfield, I consider rather more by way of objection would have been registered. That brings me to the final objector.
- 16) **Elizabeth Campbell** was a resident of Mapperley village for over 30 years, until 2016, and now lives only half a mile outside, but continues to worship there. She has been the church treasurer since 2008, By profession she is a chartered town planner and historic buildings officer. She has the following qualifications: Dip TP MRTPI Dip Arch Bldg Cons IHBC, and has clearly given thought and time into considering this proposal, and doing some research. She is obviously concerned that as a member of the PCC that approved the proposal, she ought to back the decision, but feels that as a known objector, she can and should press her objection. I think she is entitled to do that if she feels strongly, though on less contentious issues, she may have felt it right to be bound by the corporate decision despite her personal disagreement.
- 17) Her objection is dated 1st May 2019, and relates only to the pulpit removal. The pulpit is part of the original furnishings, and matches the reading desk, although the pulpit was actually constructed with two not three steps, as shown on the original design (which she has looked at in the County Archives). While the Rector contends it is not used, she recalls it being used by the preacher, and for announcements at community events (reading out winning lottery tickets) because it was linked to the audio system at the time. It subsequently housed the audio equipment after a free-standing lectern was given to the church - for which I am sure they secured a faculty - and thus it could not be used. It is now intended to re-house the system at the back of the church.
- 18) Next she says the length of the altar rail cannot be lengthened by removing the pulpit, because the organ is immediately behind it. Despite the number of photos I have been sent, this is not clear. In any event my impression is that the issue of the rail is simply a tidying up effort, to make things look better, not because there is a need to make the rail longer. That seems quite a minor issue and did not feature in the resolution in November 2018, where *'making good'* and tiling were spin-offs from the removal, and nothing to do with the rail. M/s Campbell makes a further point about the screen being brought from the right-hand side to the left, over the pulpit's position, but says that altering the floor level of the pulpit, and the lectern part as a result, means the difficulties of that course can be avoided and the pulpit retained in place. (It seems to me her directional pointers are predicated on looking towards the altar from the nave area, and she is describing a move from the south side of the building to the north - otherwise I cannot make sense of it). Perhaps the most significant thing in what she says in May 2019 is that it appears all these plans about the screen had not been implemented.
- 19) Finally M/s Campbell says she has visited another church of this period by the same architects (Messrs Naylor Sales and Widows), the Baptist Church on Osmaston Road in Derby. This has no similar feature to the pulpit and reading-desk and lacks the *'wow'* factor of Holy Trinity.
- 20) When she returned the Form 5 around the beginning of November 2019, (saying she did not wish to become a party, but wanting me to consider her points in making my decision), M/s Campbell says ***'the screen is now in place'*** - so presumably erected after the pulpit had been removed for the installation of the underfloor heating - and if the steps were altered as she had previously suggested, she again asserts it could be returned and further used, if desired. She therefore maintains her objection. I have now seen the faculty for the screen that was granted in the mid part of 2019.
- 21) There is a further letter from her of 16th November referring to a health and safety issue that had been raised at the PCC, I understand. I believe that the pulpit is either physically attached to the raised area within the sanctuary where the communion table stands, or stands close to it. Whatever the exact point being made about removing the pulpit, or altering it to allow it to remain together with the screen, I am sure that no great ingenuity will be required for a joiner to adapt the platform and/or pulpit to avoid any hazards. She also raises a more general point about the way dementia sufferers identify a church by a cross and a pulpit, and the practical benefit of being more visible by the use of the pulpit. If that is so, I consider the pulpit would need to be more obviously fulfilling that role

- 22) Possibly from something the Rector says in an email, the health and safety issue relates to the possibility of someone at the pulpit and below the screen, having to face the light from the projector. Again I think a little ingenuity (or moving) would deal with that problem.
- 23) I ought to add that there are further letters from Patricia Gould of 2nd November 2019 and 14th November 2019. She contests the suggestion that the pulpit had not been used for 20 years, with her personal recollections, and comments on a 'mock-up' photograph from the petitioners showing the proximity of the screen to the pulpit if it were to be re-instated, and one or two other matters. She confirms that she was not suggesting the pulpit *had* to be used for lessons or preaching, and people were free to '*preach from the floor*' if they preferred.
- 24) There is also a letter *supporting* the petition from **Stella Gowdrige** dated 18th April 2019. She has been a member of Holy Trinity for many years. Her view is that the pulpit adds nothing to the aesthetics of the church, and in 15 years has never seen it used once. Its removal temporarily has made the church look better. She describes its construction as '*rough*' and '*minimal*'.

### **DAC views**

- 25) I have views from the DAC secretary and one of the architect members, rather than a full Notification of Advice, which I consider adequate for the strange procedural history. One says: '*I don't think the pulpit is of any great beauty or significance*' and the other: '*although the pulpit is part of the original design it isn't a work of great craftsmanship*'. It is acknowledged by the latter that the removal will not free up vast amounts of space, and may leave something of a gap, but retention cannot be insisted on by reason of historic or architectural significance.

### **Discussion and decision**

- 24) I am grateful for the matters to which the objectors have drawn my attention. Generally, this case illustrates the great advantages of considering fully any changes that it is desired to make, and their impact on one another, and not presenting them in an isolated and fragmentary manner. The fact, as was alleged by inference, that the screen could not be placed where it is if the pulpit was to be retained where it was, or returned there, was not raised on or as part of the 'screen' petition, where it could more conveniently have been dealt with.
- 25) Further there are three objectors who are part of the central life of the church who have come forward to put their views to me, and they would have been denied that opportunity if I had not made clear the removal of the pulpit could not just be swept up in the major proposal. One of the purposes of the faculty jurisdiction, is to enable people to have their say before a decision is made. I think it has also been a mistake that this whole matter has been so prolonged (and I apologise for the few weeks' delay in my dealing with it over the Christmas and New Year period), because it is likely that waiting for a resolution of an issue merely keeps it alive, rather than allowing people to move on.
- 26) I start with the contention Holy Trinity presents a '*wow*' factor to a visitor. The photographs present some of the attractive features of this small modern church at its eastern end. However I am not persuaded that either the pulpit or reading-desk contribute to that effect. They are at best workmanlike and practical, but plain and unadorned. They have no artistic or other merit, save that they were original fittings. On examination they are fairly roughly constructed and finished, albeit quite solid. They are not an example of the original designers' work that I think they would wish to point to as demonstrating their creative powers. They have been available to do the jobs they were designed for over the last 50 or so years, but neither is of any real quality such that its removal would be an artistic loss.
- 27) The petitioners' case is really based on the proposition the original pulpit is no longer used, and now serves no useful purpose. It serves no purpose of its own, since the church received a further lectern/ pulpit by way of a gift. That appears on some of the photographs. Although plainly a commercially manufactured item, it is somewhat more elegant than the original. They have the burden of demonstrating their proposals should be approved.
- 28) This is of course an unlisted building. If it were listed, the Court would consider the so-called **Duffield Questions** from 2013, in arriving at its decision, whereby it assesses matters in a sequential way, to arrive at a decision on the effect of the proposals on the appearance and significance of the listed edifice, as against the benefits to be achieved by the proposed changes. There is a *strong* presumption against altering a listed building. In this case that guidance does not apply and it is I think dangerous to seek to apply it by analogy, and if it is not to be employed in the same sort of way - pretty rigidly - what real help can it be?
- 29). Not without some hesitation, I have come to the view the petition should be **granted** so the petitioners are free not to return the pulpit, and may destroy or otherwise dispose of it. My reasons are that although

three individuals have objected, there is a clear preponderance on the PCC for getting rid of it. It does little, if anything, for the look of the interior, and it is not an item of intrinsic worth or merit. It has not been used as frequently as it was originally intended, or as it was in its early life, even if it cannot strictly be said to have been unused for 20 years, Plainly the Rector is relying on what others have said in making that assertion. My hesitation is that the petitioners have not demonstrated any really positive case for disposing of it, save that it is redundant.

30) Two of the objecting individuals have relied principally on the originality of the pulpit as part of the furnishings, as meriting its retention, the third seems possibly to have something of a dislike for screens being used in church, or at least that it takes precedence over the traditional preaching place, a view others will doubtless share. Once it has been established - as in my view it has - that the pulpit is no longer needed and is redundant in respect of the church's needs, there are no *sufficient* countervailing arguments for it to be kept. I do not accept its removal harms the appearance of the church, or that it represents any kind of historic or artistic interest or significance, so that it should be retained for that reason. (I have to say that if this pulpit had been part of the fixtures or furnishings in a C19th church and was of at least some artistic merit, then in the absence of some greater justification for getting rid of it, the decision might very well have gone the other way).

31) The petitioners may 'make good' where required, including by laying appropriate tiling, and may lengthen the altar rail by up to 1.3 m if they wish in line with the present design. This is too minor a matter in this church to require any greater degree of consent being sought, and its being carried out, could not sensibly and reasonably be objected to. They may have 6 months to carry out any ancillary work.

John W. Bullimore  
Chancellor  
20th January 2020