

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

In the matter of Newbold-on-Stour: St David

2023-081760

Petition to remove wooden benches from the Nave
and replace them with upholstered, wooden chairs

JUDGMENT

1. The Petitioners are the two Churchwardens of the Parish. They seek a faculty to achieve a reordering of their parish church involving the removal of most of the heavy wooden benches in the nave and their replacement with upholstered wooden chairs. There are apparently 14 long benches (sitting six people) in the nave and four slightly shorter benches (sitting four people) at the rear of the nave. The proposal is for the removal of the 14 long benches but with the retention of the four shorter benches. There also remain some of the pews from the original interior of the Church from 1835 which will be retained.
2. The chairs are being gifted to the Parish by the local Baptist Church, which has secured funding for different chairs. The statement of need includes anecdotal information that the Minister of the Baptist congregation is one of several people

who have previously tripped over the legs on the current long benches owing to their awkward design. I have seen photographic evidence of the unsatisfactory leg design that causes the trip-hazard.

3. The church itself is listed at Grade II, and is described in the Listing description thus:

“Church. Mid C19. Squared, coursed limestone rubble with ashlar plinth, string course, moulded eaves cornice, buttresses, quoins and coped gables. Tile roofs. Chancel, nave with vestry and north tower. Lancet style. Chancel of 2 bays with angle buttresses. To east a 3- lancet window with hood mould and carved label stops. To north and south 2 single lancets with hood moulds and carved label stops. Nave of 5 bays with cement rendered buttresses. To north 4, and to south 5, single lancets with hood moulds and carved label stops. Also, to south a gabled porch with plank door. To north a vestry with east 4-centred,-arched doorway with hood mould and carved label stops. 2-light cusped window to north. West window of nave has 3 separate lancets linked by a -continuous hood mould with label stops.

North tower of 2 stages with cement rendered angle buttresses, string courses and coped parapet. To east a pointed arch with plank door and hood mould with label stops. Clock above has moulded stone surround. To west a further single lancet. Above, a round window with moulded stone surround. To bell stage a 2-light window with plate tracery and hood mould with label stops. Interior: Early-English style chancel arch with shafts, capitals and many-moulded arch. Queen-post style roof with cusped struts.”

No mention is made in the listing of the wooden benches, nor are they referred to in the Pevsner entry for the building. The benches apparently replaced box pews when there was interior re-ordering, influenced by the Oxford Movement, in 1884 to 1886.

4. The statement of need submitted with the Petition (amended from the original) sets out that the Parish needs flexibility in use of the space in the nave. Numerous examples have been given of uses for the space, including changes to the pattern of worship to attract new people to the church, increased use by the local school and various youth organisations, and various other groups and events whose use of the building would be better served by having an ability to rearrange the seating available in the area. It is clear that the Church community is committed to providing a location that can be used by the wider community.

5. The Victorian Society wrote to oppose the removal of the pews and proposed a compromise whereby some or all of the benches could be shortened in length. The main thrust of the objection was as follows: *“Clearly the impact of removing the vast majority of the benches would hugely undermine the integrity of the 1884 scheme, which defines the present interior. As we noted previously, the benches are undoubtedly modest, but they are thoughtfully detailed, with pleasing elements of visible construction. Their substantial loss would be greatly regrettable. Despite the expanded Statement of Need we remain unconvinced of the need for so comprehensive a clearing of the historic benches. We often advocate a phased approach to the reworking of historic church interiors, and would do so here. Given the unconvincing case from need the parish has presented, we would recommend that any acceptable scheme will retain a critical mass of moveable benches in the nave (including perhaps by making the*

longer ones shorter). If in time, after a period of use, it becomes clear that further flexibility is indeed required, then the parish could return with a proposal to carry out additional work, by which point it would be armed with evidence to support its case (which is, on the basis of the information provided, what it lacks at present)." The objection was also made that the proposed chairs were of a heavy design, so suggested that lighter un-upholstered chairs – or even benches – would be better for a flexible use of the space within the church building.

6. The members of the Diocesan Advisory Committee unusually decided to put in writing objections to the points raised by the Victorian Society. The comments were as follows: *"The DAC received the latest comments from the Victorian Society on 19/10/2023 and these were discussed at the latest DAC meeting on 25/10/23.*

These comments say that the benches are modest. The DAC consider this to be an understatement and disagree wholeheartedly with the comment that they are thoughtfully detailed. The DAC consider that they are unattractive, highly impractical and a health and safety risk that, regardless of whether they were to be spaced further apart, the nature of the design of the legs makes them a trip hazard. As a result, the DAC also disagreed that the loss of the benches and introduction of the proposed chairs would erode the character of the interior and harm the significance of the church building as a whole.

Regarding the chairs, the DAC freely admits that they do not comply with the Church of England's guidance on new seating in churches and that it is unfortunate that this is the case. However, the DAC considers that they offer a

great deal more flexibility than the current benches. The Victorian Society comments that a lightweight, highly-stackable chair is needed. The proposed chairs are certainly lighter, easier to move and more stackable than the benches currently installed. Whilst both the upholstery and its quality are regrettable, it is no different from the upholstered pew cushions currently on the benches so the DAC did not see this as a reasonable objection. The chairs will be more comfortable, as they were made to be upholstered, whereas the benches were not. Finally, the parish have been offered the proposed chairs as a free gift from the local Baptist church. The church cannot afford to replace the benches with chairs from their own finances and so, through this generous gift, they have been given a chance to make their ideas reality. The DAC considers that this is too good an opportunity to refuse and, for all these reasons, has decided to issue a Notification of Recommendation.”

Accordingly, a Notification of Advice from the Diocesan Advisory Committee was issued recommending the proposal. Further the Certificate was endorsed to state that the members of the Diocesan Advisory Committee did not believe the work proposed is likely to affect the character of the church as a building of special architectural or historic interest.

7. The Public Notice has been displayed for the required period and no objections have arisen as a result.

8. Given the difference between the Victorian Society and the Diocesan Advisory Committee, when this matter was referred to the Court directions were made requiring the response from the Diocesan Advisory Committee to be forwarded to the Victorian Society. The Victorian Society was asked whether they would wish to become a party opponent to the proceedings and if not the Society was invited to make any further representations in writing by a set date. The Victorian Society did not make any formal response. It had already been indicated that if the Victorian Society did not seek to become a party opponent then this matter would be determined on the papers without need for a hearing.

9. In weighing the arguments for and against the removal of the benches and their replacement with upholstered chairs, I apply the framework set out by the Court of Arches in *Re St Alkmund, Duffield* 1 October 2012.

The framework is:

Step 1: would the proposals, if implemented result in harm to the significance of the church as a building of special architectural or historic interest?

Step 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.

Step 3: if the answer to step 1 is ‘yes’, how serious would the harm be?

Step 4: How clear and convincing is the justification for carrying out the proposals?

Step 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.

10. I am not satisfied that the removal of the benches from the nave will result in causing harm to the significance of the church as a building of special architectural or historic interest. The benches are not original furnishings and are not mentioned in the listing summary or in Pevsner. Further, the Church community aims to retain four shorter benches and there is no suggestion that the original pews that remain from 1835 will be disturbed. It is clear that the benches are not of great quality, although dating from the 1880s, and it is clear that their design does present a trip hazard that the Parish (and the members of the Diocesan Advisory Committee) are keen to remove. I have considered the compromise suggested by the Victorian Society (reducing the length of some or all of the 14 benches it is sought to remove). This would still mean that the church would have an inflexible space to use and the trip hazard would still remain. It would be unrealistic to expect the benches to be repeatedly moved and so the space opened up would be limited. This would not be sufficient flexibility for

worship or school services or use by local groups or for community events by retaining but shortening the unattractive benches.

11. I am satisfied that all 14 benches the subject of this petition can be removed from the church: if at all possible the Church can raise some revenue by offering the benches for sale.

12. The members of the Diocesan Advisory Committee rightly identified that the introduction of upholstered wooden chairs does not meet the recommendation of the Church of England concerning the use of chairs in listed places of worship. However, I found the representations from the members of the Diocesan Advisory Committee useful in determining this matter. I welcome the use of wooden chairs to meet the flexible use of the building intended by the Parochial Church Council. It is important that if upholstered seating is to be provided that the upholstery does not detract from the architecture of the church - the fabric should not draw the eye of someone entering the church. Here the offered chairs are upholstered in a sombre colour very similar to the cushioning that already exists on the benches currently in use. It seems unlikely that the upholstery would distract the viewer from taking in the splendours of the church building. In these circumstances, I am prepared to authorise the use of upholstered wooden Chairs, as requested.

In this matter the opposition of the Victorian Society meant that directions had to be given. That was not the fault of the petitioners, but unfortunately they will need to pay the additional fees appropriate when directions have been given on a petition. I will not require them to pay for the time spent on writing this judgment.

Let a faculty be issued, subject to the condition that within one month of the Chairs being introduced into the Church the petitioners ensure that full details of the works have been entered in the Church log book.

The petitioners will no doubt have regard to whether any amendments to the church Inventory need to be made.

Glyn Samuel
Chancellor
13th February 2024