

Neutral Citation Number: [2021] ECC Bla 4



*Faculty – Grade II\* listed C16 rural North Lancashire church with early C13 remains, restored in 1863/4 and 1909 – Permanent removal and disposal of the doors from 27 late-Georgian (1819) and three Victorian (1863) wooden box pews – PCC fully supportive of proposal – DAC recommending proposal for approval – Objections from the Ancient Monuments Society, the Georgian Group, Historic England, and the Victorian Society but no-one becoming a party opponent – **Faculty refused***

**Application Ref: 2020-055548**

**IN THE CONSISTORY COURT OF  
THE DIOCESE OF BLACKBURN**

Date: Sunday, 11 July 2021

**Before:**

**THE WORSHIPFUL DAVID HODGE QC, CHANCELLOR**

**In the matter of:**

**ST CUTHBERT, OVER KELLET**

**THE PETITION OF THE REVEREND PAUL BOULTER (Vicar), MRS LINDA THOMAS (Churchwarden) and DR JOHN HALSEY (PCC Secretary)**

Determined on the papers and without a hearing

The following cases are referred to in the Judgment:

*Re St Alkmund, Duffield* [2013] Fam 158  
*Re St Cuthbert, Over Kellet* [2019] ECC Bla 1  
*Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393  
*Re St Peter, Shipton Bellinger* [2016] Fam 193

## JUDGMENT

### Introduction and background

1. This is an online faculty petition, dated 27 January 2021, by the minister (the Reverend Paul Boulter, who resigned as the vicar of St Cuthbert's with effect from 31 March 2021), one of the churchwardens (Mrs Linda Thomas, who was due to stand down at the Annual Parochial Church Meeting on 27 May 2021) and the PCC Secretary (Dr John Halsey) of this Grade II\* listed rural church permanently to remove the doors from 27 late-Georgian (1819) and three Victorian (1863) wooden box pews. The petition describes all the box pews as Victorian but the entry for the church on the village web-site states that the box pews were fitted in 1819; and the petitioners have asked for the petition to be amended so as to treat the pews as Georgian. The pew doors have already been temporarily removed and safely stored pursuant to an Archdeacon's Temporary Minor Re-ordering Licence. I have not seen a copy of the Archdeacon's Licence and I do not know when it was due to expire; but, by virtue of Rule 8.2 (10) of the Faculty Jurisdiction Rules 2015, as amended (the FJR), provided this petition for a faculty in respect of the scheme authorised by the licence was submitted to the court not less than two months before the expiry of the period specified in the licence, the scheme is deemed to continue to be authorised by the licence until this petition is determined by the court.

2. The village of Over Kellet lies in the north of the County of Lancaster, not far from, and to the south-east of, the town of Carnforth, and a little to the east of the M6 motorway. The church is C16, with early C13 remains, and it was restored between 1863 and 1864 and again in 1909. The church stands away from the centre of the village, to its south, and it is surrounded by fields. The church's Grade II\* listing dates from 4 October 1967. The listing description reads:

“Church, C16th with early C13th remains. Restored 1863/4, and 1909, when the eastern bay was rebuilt. Pebble-dashed rubble with sandstone dressings and slate roof. Church consists of a nave and chancel under one roof, north and south aisles, a porch on the north side at the east end of the nave, and a west tower. The vestry is in the angle between the tower and the north aisle. The C16th windows are mullioned with double chamfers and round heads to the lights. The north aisle windows are of 3 lights, with a 2-light window to the vestry. The south aisle wall is of 4 bays with 2-light chamfered windows with flush chamfered mullions and round heads. The porch is C19th, with a 4-centred arched head to the inner door. The tower has diagonal buttresses and a battlemented parapet. In the west wall is a blocked doorway with double hollow chamfer, 2-centred head and hood mould. Above is a 3-light C16th window with hood mould. Bell openings are all C16th, of 3 lights. The east window is of 3 cusped lights with perpendicular tracery above. Nave has 4-bay arcade with two chamfered orders and octagonal piers. The western arch and pier of the south aisle, together with the respond, and the western respond of the north aisle, are probably early C13th: the arch is unmoulded and the pier of round section. The timber roof is open, with the purlins and common rafters visible in both the nave and aisles. All trusses have collars and tie beams except trusses 1 and 2 from the west which only have collars. Trusses 7 and 8, at the east end, have curved principals. The church retains box pews in the nave and north aisle, with similar pews in the south aisle of pitch pine. At the west end of the south aisle are

the painted arms of George III. At the east end of the north aisle is a cylindrical gritstone font.”

The entry for the church in the current volume of Pevsner’s *Buildings of England* for North Lancashire, published in 2009 and edited by Clare Hartwell, refers (at page 485) to the “early C19 box pews.”

3. I note that in January 2019 my predecessor, Chancellor Bullimore, granted a faculty for the removal of certain items of redundant furniture from St Cutbert’s church: see *Re St Cutbert, Over Kellet* [2019] ECC Bla 1. Although I have consulted this judgment, I do not consider that it is relevant to the subject-matter of the present petition (apart from recording the extensive knowledge and experience of this church enjoyed by one of the present petitioners, Dr John Halsey).

4. The proposal for the permanent removal of the doors has the full support of the PCC. At its meeting on 13 November 2020 the DAC recommended the proposal for approval by the court despite advising that this was likely to affect the character of the church as a building of special architectural or historic interest.

#### The Statement of Significance

5. The parish’s statement of significance describes the church as a Grade II\* listed 16<sup>th</sup> century church with early 13<sup>th</sup> century remains which was restored in 1863-4. The church retains 19<sup>th</sup> century box pews of pitch pine in the nave, north and south aisles. It is said that the proposal will have no impact upon the congregational seating in the box pews and that the removal of the pew doors will be of low impact as the doors are not a heritage asset. The church is used primarily for Sunday morning worship, plus occasional offices, school services and seasonal services. Midweek use is occasional rather than frequent. The parish say that they need the church pews to be more accessible and welcoming. The existing box pews are impractical and present a health and safety risk to church attenders. The church building is small in size, and the presence of pew doors causes challenges with space, especially with small children. Also, with Covid-19 restrictions likely to be in place into the future, pews without doors will reduce the number of surfaces being touched and thus minimise the risk of virus transmission. The parish explain that following the introduction of the Covid-19 restrictions on church services during 2020, a Temporary Minor Re-Ordering Licence was granted for the pew doors to be removed in order to reduce the number of surfaces being touched when meeting together for worship services.

#### The Statement of Needs

6. In a statement dated 15 October 2020 regarding the PCC’s decision to apply for a faculty permanently to remove the pew doors, Dr John Halsey, the PCC Secretary, states that having obtained an Archdeacon’s Temporary Minor Re-ordering Licence, the PCC unanimously resolved to apply for a faculty permanently to remove the 30 pew doors based upon the following reasons:

(1) Health and safety

(a) Access to the pews is easier without the need to open the pew doors, many of which are poorly fitting and difficult to open.

(b) Children are at risk of trapping their fingers in the doors during the well-attended All-Age Services and Festival services.

(c) Regular cleaning of the doors is required during the coronavirus pandemic.

(2) Visual appearance

(a) The church looks brighter, more accessible and welcoming without pew doors to open.

(b) Since the removal of the doors, no adverse comments have been made about this decision and there has been a unanimous view that this has been beneficial by improving the visual appearance of the church.

According to this statement, the doors are not considered to be of any historical interest or value.

7. These reasons are reiterated in the parish's statement of needs, which records that the parish consider that a compelling case can be made for the permanent removal of the pew doors, especially as they are not of historical interest or value. The visual appearance of the church is improved, and church attenders feel safer and more welcome during services.

#### The objections

8. As part of the DAC's consultation process, Historic England and the relevant amenity societies were all consulted. In response, objections have been received from Historic England, the Ancient Monuments Society, the Victorian Society, and the Georgian Society. The consultation response from the casework officer for the Society for the Protection of Ancient Buildings advises that having reviewed the documents available on the online faculty system, "the Society defers to the Victorian Society on this occasion owing to the age of the pews affected by the proposal".

(1) The response from **Historic England** is dated 15 December 2020 and comes from Mr Daniel Jones, an inspector of historic buildings and areas. It covers the following areas:

(a) Significance

St Cuthbert's in Over Kellet is a 16th century church which incorporates 13th century remains of an earlier church. It was restored in 1863-4 which saw ceilings removed to expose the roof structure, reinstatement of the chancel arch and increasing the amount of seating. This restoration was undertaken by E.G. Paley, an eminent ecclesiastical architect in Lancashire and responsible for designing St Peter's in Lancaster which in 1924 became the cathedral. Further restoration was undertaken by successors in Paley's practice in 1909. The church's significance is recognised in its designation as a Grade II\* listed building, placing it within the top 8% of listed buildings nationally. Key elements that add to the significance of the church include demonstrating good examples of craftsmanship in its construction and for retaining evidential value in its archaeological remains. The church retains box pews in the nave and north aisle with similar pews of pitched pine in the south aisle. These pews are understood to be late Georgian which is a rare feature and rarer still for retaining their doors. These particular examples of box pews are considered especially rare as they demonstrate the practice of imitating woodgrain through using paint, typically applied to less aesthetically pleasing sections of timber to give the impression that they are actually of high quality timber.

(b) Impact

The permanent loss of important historic fabric which is an important contributor to the building's significance would diminish the architectural quality of the building and therefore lead to less than substantial harm to this nationally significant listed building. The doors are an important part of the pews' composition which is a contributing factor of the building's architectural significance and therefore should be retained. There does not appear to have been any consideration given to alternative methods such as pinning the doors in their open position allowing the historic fabric to be retained whilst providing the benefits desired.

(c) Policy

Paragraph 193 of the National Planning Policy Framework (the NPPF) requires that great weight should be given to an asset's conservation, irrespective of the potential level of harm to the asset's significance. Paragraph 194 of the NPPF states that any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

(d) Position

The pews are noted as being rare examples of Georgian box pews and are considered to be an important element of the building's composition. The proposed loss of historic fabric is considered to amount to less than substantial harm to the significance of the Grade II\* listed building. We do not support the proposal permanently to remove the pew doors.

(e) Recommendation

We recommend that the doors are reinstated (they have been temporarily removed) and that options are explored to pin them back in their open position. This would allow the retention of historic fabric, negating the impact on the building's significance and provide the benefits desired by the applicants.

(2) Mr Matthew Saunders, the ecclesiastical caseworker for **the Ancient Monuments Society**, comments as follows:

(a) An unillustrated Statement of Significance of six lines on a Grade II\* listed building is not adequate. This is especially so as the significance of what is being proposed does not seem to be understood : (i) The very useful photographs of all the affected doors confirm that the bulk of the pews are in fact late Georgian and all of a piece. The highest numbered photos (28, 29 and 30) show work of 1863, more elaborate both in the timberwork and in the hinges and catches. (ii) Georgian box pewing is rare, the more so for retaining its doors and this example is rarer still for the retention of the graining where paint is used to simulate the grain of the timber. Pew No 4 is among those that retain evidence of the circular Georgian swivel catches which held them in the closed position.

(b) Noting that the doors have already been removed and the faculty seeks consent for their permanent removal, the Society express the hope that removal was carried out with careful dismantling of the hinging and that the doors are safely stored.

(c) The arguments for permanent removal are given in the Statement. The Society points out that ill-fitting doors can be repaired and the need to clean surfaces will be less pressing once the pandemic is over. Also there does not seem to be any recognition that doors were first applied to pews for a practical purpose, namely, to reduce the impact of draughts.

(d) Georgian box pewing is not sacrosanct but it is rightly picked out in the literature of authoritative bodies like the Church Buildings Council as being a survival that must receive respect.

(e) At the very least, consideration must be given to the partial reinstatement of the doors, which could be accompanied by measures to make them fully operable and safe.

The caseworker recognises that these observations will be disappointing to the parish but the need for damaging works to joinery of 200 years' age must be compelling before they can be taken forward

(3) The response from **the Victorian Society** comes from Mr James Hughes, their senior conservation adviser. He notes that the Society for the Protection of Ancient Buildings have deferred to them. He also notes that the Statement of Significance simply ascribes a nineteenth-century (presumably Victorian) date to the pews but all the evidence points to the box pews as being Georgian. The *Buildings of England* describes them as early C19, and the implication of the list description ("the church retains box pews in the nave and north aisle, with similar pews in the south aisle") is that these predate the Victorian period. He also notes Matthew Saunders's expert assessment that the pews are late Georgian "and all of a piece", with some later 1860s joinery discernible by its detailing and metalwork. Grained box pews like this are a relative rarity, and, given their date, the views of the Georgian Group will need to be sought. Clearly there has been some degree of reworking of the seating, but what survives appears to be an unusually well preserved and impressive ensemble of boxed seating. A detailed pew report would be extremely helpful in this case, and Mr Hughes urges the parish to commission one if it is at all serious about pursuing this proposal. For all that a report would be illuminating, however, it seems self-evident that the doors are inherent to the design of the pews, their function, their appearance, their very nature, and their significance. Disposing of all the doors would clearly strike a serious blow to their interest. The assertion that the doors are of no interest or value is "simply wrong". The Victorian Society is used to being consulted on proposals supported by substandard Statements of Significance, but that submitted with this application is "quite astonishingly poor". A far more thorough, scholarly, and objective Statement of Significance will in due course be required. A compelling Statement of Needs, that articulates precisely why the disposal of the doors is considered absolutely necessary, will also be required. Until such time as the future of the doors is settled, the Victorian Society suggest that they are returned to the church and carefully refixed in place. In its present form the Victorian Society object strongly to what is proposed; and they look forward to further consultation in due course and much improved documentation.

(4) In a letter dated 14 December 2020 Mr Gareth Roberts, the conservation adviser to **the Georgian Group**, explains that the proposal aims to make the church more accessible and welcoming. The documents state that the existing box pews are impractical and present a health and safety risk to church attenders. The proposal is permanently to remove 30 pew doors. Following the introduction of the Covid-19 restrictions on church services during 2020, a Temporary Minor Re-Ordering Licence was granted for the pew doors to be removed. This was

to reduce the number of surfaces being touched when meeting together for worship services. The letter reminds the court that St Cuthbert dates from the C16 with early C13 remains. It was restored in 1863-64 by Austin and Paley, and again in 1909 when the eastern bay was rebuilt. It contains early C19 box pews, as well as some additional box pews which are likely to date from 1863, which can be seen within the documents provided. The Georgian Group wishes to defer to the Victorian Society over the future of the 1863 box pew doors. So far as the earlier pews are concerned, the Georgian Group objects to the proposed works for the following reasons: The Georgian pews contribute to the significance of the interior space of St Cuthbert's church, and are of considerable significance in their own right. Relatively complete examples of Georgian box pews are becoming increasingly rare, and every effort should be made to retain them in situ. The examples within St Cuthbert are rarer still for the retention of their graining, where paint is used to simulate the grain of the timber and for their comparatively late date. Relatively complete examples of early nineteenth century box pews are less likely to survive than their mid to late eighteenth century counterparts.

9. In addition to consultation with Historic England and the relevant amenity societies, the usual public notices were duly displayed,; and, at my direction, notice of the proposals was duly published on the diocesan web-site pursuant to FJR 9.9. No objections have been received in response to any of these notices.

10. Each of the four objectors was served with a written notice under FJR 10.3 inviting it to become a party opponent to the proceedings. The Ancient Monuments Society, the Georgian Group and the Victorian Society all responded and they confirmed they did not wish to become formal objectors but they did wish the court to take their original letters of objection into account. In the case of the Victorian Society, this was said to reflect their limited resources rather than any change to the serious concerns they had with the proposals. The Georgian Group reiterated that the majority of the pews were Georgian rather than Victorian, noting that the volume of the Pevsner *Guide to the Buildings of England* for 'Lancashire: North' confirms that these are early nineteenth century box pews. The Georgian Group commented that the Georgian pews contribute to the significance of the interior space of St Cuthbert's church, and are of considerable significance in their own right. Relatively complete examples of Georgian box pews were becoming increasingly rare, and every effort should be made to retain them in situ. Historic England did not respond to the rule 10.3 notice.

#### The parish's response to the objections

11. At my request, on 6 April 2021 the Diocesan Registry wrote to the petitioners by email seeking the parish's comments on the specific objections raised by Historic England and the amenity societies. Dr John Halsey, the PCC Secretary and one of the petitioners, responded by letter dated 19 April 2021. He confirmed that at a meeting of the PCC on 15 April 2021, attended by all nine members, they were unanimously agreed that the court should deal with the petition based on written submissions. They also informed me that one of the petitioners, the Rev Paul Boulter, had resigned from his post as the vicar of St Cuthbert's on 31 March 2021. Having carefully considered the objections raised by the amenity societies, the PCC wished to make further representation, restating their case for the permanent removal of some of the box pew doors and, in the light of the objections raised, offering a revised proposal. The letter proceeds as follows:

“We are grateful for the views expressed by the Georgian Group, Historic England, the Victorian Society and the Ancient Monument Society.

These objections were carefully considered prior to and at the PCC meeting on 15 April 2021.

We did not consider the recommendation of Historic England to pin the doors in their open position to be a viable or safe option as this would create an accessibility hazard and danger in the north and south church aisles.

The Georgian Society state that examples of complete box pews are becoming increasingly rare. We are not proposing to remove any of the pews which will mean that the practice of imitating wood grain by using paint will remain visible in the pews.

We respect and appreciate the fine balance between the loss of some historic fabric with the public benefits and needs of an active church community wishing to provide a safe and accessible welcome in our historic church building.

Taking this balance into consideration, rather than permanently removing all 30 doors, we unanimously agreed that we wished to remove 27 doors and retain the pew doors in the south aisle (pew numbers 28, 29 and 30).

We consider that in so doing we will achieve our objective in improving the visual appearance, accessibility, and safety of the church but by retaining these doors allow future generations to appreciate the box pews with the doors in situ as they were originally designed.

We have reviewed our statement of needs and remain of the opinion that the justification to remove the 27 pew doors is based on the following reasons.

#### Health and safety

- (i) Access to pews is easier and safer without the need to open pew doors.
- (ii) The improved accessibility is especially relevant for those with limited mobility and those using walking aids.
- (iii) Children are at risk of trapping their fingers in the doors during the well-attended All Age, School and Festival services.

#### Visual appearance

- (i) Following the temporary removal of the pew doors the church looks brighter, more accessible and welcoming.
- (ii) Since the temporary removal of the doors there has been a consensus that this has been beneficial and improved the visual appearance of the church.

To our knowledge there was no opposition to our original petition when this was considered by the Diocesan Advisory Committee.

Following the public notice and notification of the proposal in the monthly village news (Over Kellet View) circulated to all residents of Over Kellet, no enquiries to inspect the

plans were made and we therefore assume no formal objections have been made by any members of the congregation or community.

We are a small, friendly, and welcoming Anglican church serving the parish of Over Kellet fully committed to the Blackburn Diocese Vision 2026 with a desire for making disciples of Jesus Christ, being witnesses to Jesus Christ and growing leaders for Jesus Christ. We have strong links with Wilson's Endowed School and the SIAMS 2019 inspection, in which the school was graded excellent in all areas, stated that the partnership with St Cuthbert's church is exemplary.

We consider that a compelling case can be made for the permanent removal of 27 pew doors. The visual appearance of the church is improved, accessibility is improved, and our congregation and visitors feel safer and more welcome during services.

We sincerely trust the Chancellor will positively consider our request and the compromise we propose.”

The parish clearly view the pew doors not simply as a nuisance because they have to be opened and closed twice during each service. Their objections to the reinstatement of the pew doors are clearly more fundamental than that. In summary, the parish consider that the visual appearance of the church is improved, that accessibility is improved, and that the congregation and visitors feel safer and more welcome during services.

#### Visit to the church

12. In view of the objections to this petition, I felt it essential, for its proper disposal, that I should visit the church to view the pews (albeit with their doors temporarily removed). I did so, without any advance notice, on Sunday 23 May, attending the church's Pentecost Communion service conducted (whilst the church await the appointment of a new vicar) by Canon Grant Ashton, the assistant archdeacon of Lancaster. I was welcomed by the church community, who clearly care for their church building; and I spoke to the two churchwardens and the PCC Secretary. At the time of my visit, the parish were preparing for their Annual Parochial Church Meeting on the following Thursday (27 May) and I picked up a set of papers for this, including the Churchwardens' Report. This acknowledged that trying to identify patterns of attendance for the year had not been straightforward, with the church building closed for several months between May 2020 and May 2021 and many older members of the congregation being classed as vulnerable and advised to stay at home, even when the church building was open. Average Sunday attendances (after the re-opening of the church) were said to be in the thirties; and this accords with my experience of the Pentecost Service.

13. I was shown around the church, and I was also able to walk around the building on my own, both before and after the communion service. I also walked around the church's well-maintained grounds. The entrance to the church building is through a porch leading to a door in the north wall, to the east of the leading pew in the north aisle (numbered 9). The pew doors are all safely stored (together with their fixings and attachments, all duly labelled to mark the pew from which each door had come) either in the room which has been created at the foot of the west tower or within the pews at the rear of the church. 27 of the pews face towards the altar at the east end of the church. Pews 1 to 9 are to the north of the north aisle, at right angles to the north wall, and opening on to the north aisle. Pews 10 to 18 are to the south of the north aisle and open on to it. The north aisle is slightly wider than the south aisle. Pews 19 to 27 adjoin

pews 10 to 18 to the south and open on to the south aisle. Pews 28 to 30 are parallel, and back on, to the south wall of the church. It is these three pews whose doors the parish now propose, by way of concession, to retain. These are the three pews which the ecclesiastical caseworker for the Ancient Monuments Society has identified as dating from the 1863 restoration. Thus, the parish still propose to make permanent the removal of all the Georgian pew doors.

14. Since the Archdeacon of Lancaster had granted the Temporary Minor Re-ordering Licence, I emailed him to ask if he had any observations he might wish me to bear in mind when considering this faculty application. His response was that the parish had put the case to him on health and safety grounds. They had said children had been at risk as they moved around the church when the pew doors were open. They had also come to be concerned over the doors as a hazard in an unlocked church after the turn of the year. The Archdeacon said that he knew the community to be almost entirely behind the project and that they had sought to make a concession to the concerns that had been raised by retaining some of the doors in the south aisle. He recognised this to be “a tricky judgement”.

#### The applicable legal principles

15. As the church is a Grade II\* listed building, this faculty application fall to be addressed by reference to the series of questions identified by the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 (as affirmed and clarified by that Court’s later decisions in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at paragraph 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193 at paragraph 39). These 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 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?
- (4) How clear and convincing is the justification for carrying out the proposals?
- (5) In the light of the 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 role as a place of worship and mission) outweigh the harm?

When considering the last of the *Duffield* questions, the court has to bear in mind that the more serious the harm, the greater the level of benefit that will be required before the proposed works can be permitted; and that serious harm to a church listed as Grade I or Grade II\* should only be permitted in exceptional cases. I recognise that these questions provide a structure and not a strait-jacket.

#### Discussion

16. Attached to this judgment are photographs of the doors to pews 1 and 4 (to the north of the south aisle), pew 10 (at the front of the south of the south aisle) and pews 28 to 30 (to the south of the south aisle). I find that all the pews are late-Georgian, having been fitted in 1819,

apart from the three pews (28 to 30) along the south wall of the south aisle, which date to the 1863 restoration. On the substantially unchallenged evidence afforded by the listing description and the entry in the relevant volume of Pevsner's *Buildings of England*, and provided by the objectors, I reject the submission by the parish that the pew doors are of no historic interest or value. Based on that evidence, and my own observations, I find that the permanent removal of the pew doors would result in harm to the historic significance and the fabric of this Grade II\* listed church. I accept the submission of the Georgian Group that the Georgian pews contribute to the significance of the interior space of St Cuthbert's church, and that they are also of considerable significance in their own right. I also accept the point made by Historic England that the pew doors are an important part of the pews' composition, which is a contributory factor to the building's historical and architectural significance. I therefore answer question (1) in the affirmative, so question (2) does not arise. As for question (3), in the light of the evidence, and my own observations, I would assess the level of harm, both to the historic significance and to the fabric of this Grade II\* listed church, as moderate to high.

17. I am not satisfied that the parish have put forward any clear or convincing justification, still less a compelling case, for the permanent removal of the pew doors. I do not find that considerations of health and safety are sufficient to outweigh the harm that would be caused by the permanent removal of the pew doors. I do not consider that the difficulty of opening and closing the pew doors is any greater, or more unmanageable, for the present than for past generations of worshippers. Although I am always reluctant to overrule the views of the parish on considerations of aesthetics, and I also acknowledge that I have not seen the pews with the doors in place, based upon my own visit to the church, and my personal experience of other churches with box pews with doors, I do not accept that the church looks materially brighter, more accessible or welcoming, or that its visual appearance has been improved, as a result of the removal of the pew doors. However, if I am wrong about this, this consideration would not outweigh the harm that would be caused by the permanent removal of the pew doors. I can identify no public benefit resulting from the permanent removal of the pew doors that would outweigh the harm caused by such removal.

18. Whilst I have no doubt of their good intentions, and of their genuine love for their church building and the community it serves, I fear that the parish have simply not made out a sufficiently strong case for the permanent removal of the pew doors against the well-presented views of the objectors. I am genuinely sorry for the disappointment that this judgment will cause to the worshipping congregation and the parish; but they are the present custodians of the historic fabric of their church for future generations, as well as acting for present generations. I acknowledge the Christian generosity of spirit that lies behind the concession that the parish have offered to retain the doors to pews 28 to 30; but I fear that this would not sufficiently address the harm that would be caused by the permanent removal of all 27 of the late-Georgian pew doors. I have also considered whether I might be prepared to approve an alternative proposal for the permanent removal of a lesser number of pew doors should this be offered by the parish; but again I fear that this would not sufficiently address the harm that this would cause to the integrity of the late Georgian boxed pews as a rare surviving example of a complete set of such pews (or, in the words of the Victorian Society's commentator, "an unusually well preserved and impressive ensemble of boxed seating").

## Conclusion

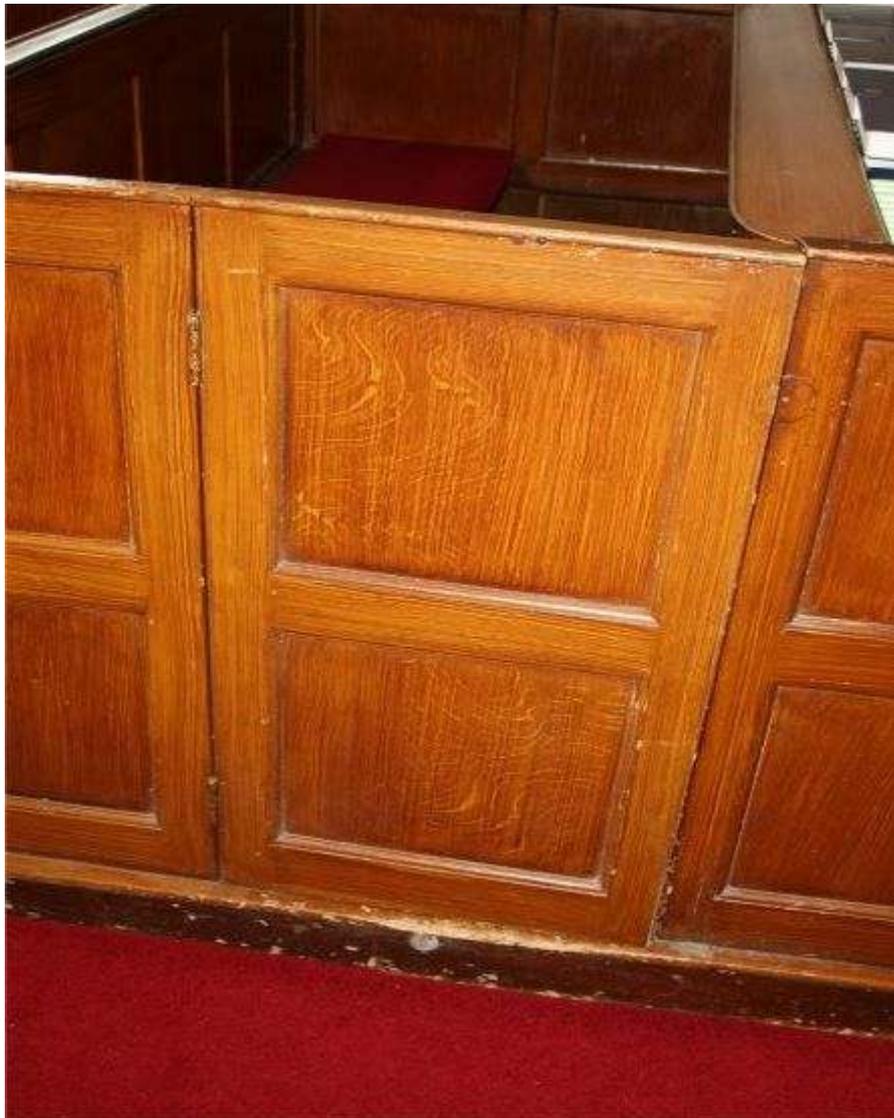
19. For these reasons, and with a heavy heart, I refuse this faculty. I am content for the parish to make suitable arrangements with the Archdeacon of Lancaster for the timing of the return of the pew doors, bearing in mind any continuing constraints caused by the present and foreseeable state of the Coronavirus pandemic.

*David R. Hodge*

Chancellor Hodge QC

The Sixth Sunday after Trinity 2021

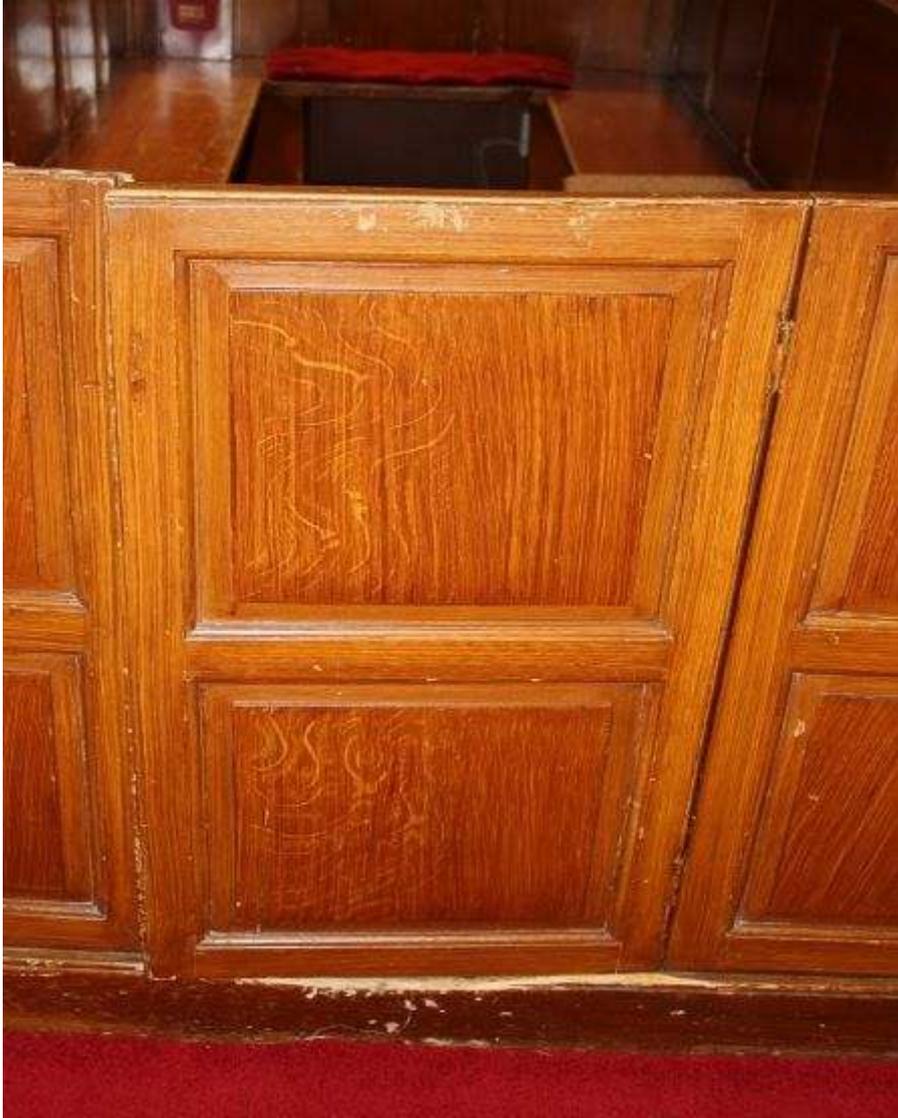
Pew 1



Pew 4



Pew 10



Pew 28



Pew 29



Pew 30

