

In the matter of St Mary, Ringmer

Judgment

1. By a petition dated 17 May 2015, the churchwardens and honorary treasurer of St Mary, Ringmer seek a faculty for:
 - i. the removal of two short pews at the west end of the south aisle of this church and provision of additional bookshelf units;
 - ii. the removal of the rearmost pew on the south side of the nave to provide additional space for wheelchair users.
2. The church is a grade I listed building dating from the fourteenth century, situated within the Ringmer Village Conservation Area. The church lies to the north of the main Lewes-Ringmer road and is bounded on three sides by a graveyard.

Diocesan Advisory Committee

3. The DAC issued its Notification of Advice on 17 June 2015 recommending the proposals.

Historic England

4. By letter dated 24 July 2015, Historic England commented, 'The proposals are considered to be modest involving the removal of a very small number of fairly standard Victorian benches'. The letter concluded by saying that Historic England had no objection to the proposal.

Letters of objection

5. A letter of objection from Mr A R Peters MBE dated 23 July 2015 was received in the registry prior to the lodging of the petition. A further letter from Mr Peters dated 2 September 2015 was received just after the time for objection had passed. In the circumstances I am content to waive any procedural non-compliance. Mr Peters did not elect to become a party opponent and I therefore take the contents of both his brief letters into account in making my decision, together with a correspondence from the petitioners.
6. Mr Peters' objection relates to the removal of the two short pews at the rear of the south aisle. He states with commendable brevity:

'My reason for objecting to the removal of these pews is that situated as they are they serve an ideal position for sidesmen of church watchers or for any member of the congregation who is late or wishes to leave early with small children.'

This is supplemented in his second letter, in similarly succinct terms:

'... in addition I would add that the two pews in question are occupied almost every Sunday morning by two families with young children and we get few enough of these without removing pews which they find convenient.'

7. The petitioners provided a written response to Mr Peters' observations in a letter dated 28 September 2015 from Mr Paul Hathway, churchwarden. This letter was somewhat confusing as it suggested that, in one location at least, the pews would be replaced by chairs which seemed to compromise the objective of de-cluttering and for which no permission was currently sought. I issued directions seeking clarification which was forthcoming in a further letter from Mr Hathway dated 15 October 2015. This made clear that there was an error in the earlier letter and that there was no intention for there to be replacement chairs.

Law

8. Proposed changes to a listed church building need to be addressed by reference to a series of questions commended by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158:
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 the answer to question (1) 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 3, 4 and 5 do not arise.
 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 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? 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 is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.

Assessment

9. I propose to determine this petition by reference to the legal test which I have just outlined. The DAC Notification of Advice in this matter is dated 17 June 2015 and, in addition to recommending the proposals, it expresses the opinion,

'that the work or part of the work proposed is not likely to affect the character of the church as a building of special architectural or historic interest.'

This is undoubtedly correct. Although the building is grade 1 listed, that factor alone is not determinative. The selective removal of a very small number of pews will not affect the character of the church as a building of special architectural or historic interest.

10. In considering question (1) above, I have had regard to the DAC opinion and the assessment of Historic England. I also note that Mr Peters' objection is based on the utility of the pews during services and not upon the deleterious effect upon the building which would be occasioned by their removal. In those circumstances, I have no hesitation in concluding that the proposals would not result in harm to the significance of the church as a building of special architectural or historic interest.
11. It follows that I am not required to consider questions (3) to (5). Instead the question is whether the presumption against change has been rebutted. Here the petitioners, in my opinion, have demonstrated a sound and compelling case for the removal of a small number of pews from two particular parts of the church. It would allow push chairs to be positioned in such a way as not to block the aisles. The pews do not need to be retained for

'churchwatchers' since they can perform their responsibilities to equal or better effect from other locations within the church. Further, I do not consider it proper for a consistory court to resolve a faculty petition in such a manner as to encourage parishioners to arrive late for divine service or to leave early. That would be to send out a very unfortunate message to the diocese.

12. I have no doubt that Mr Peters is entirely sincere in his letter of objection and that in writing as he did, he was motivated by nothing other than care and concern for the parish and those who chose to worship with him in a church which he has loyally attended for upwards of 60 years. However, I am satisfied that the petitioners have considered his concerns and have specifically considered the points with the groups whom he claims will be affected: young families, sidesmen and churchwardens. In their view, which I accept, the removal of the pews as proposed will be positively beneficial and not have the negative impact which Mr Peters fears.
13. It therefore follows that a faculty may be issued. As is usual, the petitioners will bear the costs of the proceedings to include a correspondence fee and the costs resulting from the additional directions which were necessary to clear up an ambiguity of the petitioners' own making.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

20 October 2015