

Neutral Citation Number: [2024] ECC Yor 2  
IN THE CONSISTORY COURT OF THE DIOCESE OF YORK  
IN THE MATTER OF: ST JAMES THE GREATER, ROMANBY

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JUDGMENT

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**Introduction and background**

1. The church of St James the Greater, Romanby, is a Victorian chapel of ease located within the parish of Northallerton. It was designed by Charles Hodgson Fowler and features, amongst other elements, a simple, rectangular nave without side aisles. The altar is its sole focus. Currently this light, airy and pale coloured interior contains plain, dark brown pews. These are described as Victorian catalogue pews and it has not been suggested anywhere in the papers before me that they are of any intrinsic note. They do, though, contribute to the present interior appearance in a striking way and date from the same period as the church itself.
2. By a petition dated 31 August 2024, the proposal before me is “*to remove and permanently dispose of all of the Victorian pews and replace with stacking wooden chairs*”. I have been supplied with Statements of Significance and Need, which I have studied carefully in conjunction with all of the other evidence which includes two important and articulate objections (both received from residents of Romanby with strong links to the church over a lifetime through their own close ties and significant donations of their family members to the church), plus the exchanges of correspondence with the CBC and Victorian Society who were both, upon my directions, contacted for their views on the proposals given the age of the pews, their potential contribution to the church and the listing of the building (Historic England was also consulted but did not reply).
3. None of those contacted have chosen to become a party opponent<sup>1</sup> and neither of the statutory consultees made any substantive comments on the works, but pursuant to rule 10.5(2) of the Faculty Jurisdiction Rules 2015 (as amended) I have taken account of the letters of objection and of the comments on them received from the petitioners. The DAC has been consulted and its advice is that the works are “recommended”. The petition has the support of the PCC.

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<sup>1</sup> Both objectors were contacted by the Registry but are deemed, by a lack of subsequent reply, to have declined to become party opponents in this matter.

## **The proposed work and objections to it**

4. The Statement of Need and accompanying documents set out the reasons why it is said that the proposed works are required. First, to provide comfortable seating for worshippers. It is said that the current pews are uncomfortable and that there is considerably increased comfort in the proposed new Treske chairs (this is not a view shared by the entire congregation, as the petitioners have frankly admitted, but the evidence before me is that there is a majority view that the existing pews are uncomfortable and that has not been gainsaid by the minority of alternative views I have been presented with, which do not substantively address the question of the pews' comfort). Secondly, in order to grow the ministry of the church, further flexible space is said to be needed for activities such as play groups and overseas workers worship groups which require more than the current room at the rear of the church in order to allow for growth and expression. At the moment there are attempts made by the predominantly elderly congregation to move the heavy pews as and when needed, with obvious attendant health risks. Thirdly, there is a point raised about the inherent safety of the pews, namely their instability if not properly chocked and a trip hazard posed by the feet of the pews.
  
5. The two letters of objection set out views which the petitioners have very fairly acknowledged may also be shared by a minority of others with ties to the church. In summary their objections relate to the loss of heritage (in particular the fact that the pews have been in the church for as long as the church has stood) and tradition if the pews are replaced by stacking chairs; a concern about the possible lack of comfort of the proposed Treske chairs; unhappiness that the proposal may strip the church of its individuality and personality and an objection based on the fact that a room at the back of the church already exists for the sorts of activities that are cited in the Statement of Needs. These are valid points and I have taken them into careful consideration in my evaluation of the proposals before me.

## **The law**

6. Where a project causes the loss of historic parts of a listed church, I must consider the petition against the *Duffield*<sup>2</sup> questions in order to assess the impact of the plans on the building and the benefits to the mission and worship of the church.
  
7. The *Duffield* 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?

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<sup>2</sup> *St Alkmund, Duffield* [2013] Fam 158; *St John the Baptist, Penshurst* [2015] Court of Arches, Rochester

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.
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 the level of benefit needed before the proposals should be permitted.

8. In order to answer these questions, my starting point is that this is a grade II listed church, namely a building of national importance which warrants special protection. I must assess the special architectural and/or historic interest of this listed church. In this case, the striking feature which carries throughout the listing entry, the Statement of Significance, the photographic evidence and the other elements of evidence before me is the simplicity of appearance of this church. The church as a whole, exterior and interior, is characterised by uncomplicated, uncluttered shapes and designs and as such the appearance is both humble and elegant.
9. Turning to question 1, the proposal before me - to remove all of the pews and replace them with Treske chairs (in a choice of design which has now been agreed with the DAC after much thought and dialogue) - will impact upon the appearance of the interior. The pews are Victorian and date from the same period as the church and are therefore in keeping with the interior as a whole, a point well made by one of the objectors. Furthermore, the pews currently offer interest to the interior in the form of a striking contrast with the rest of the pale interior. That contrast will be lost in the replacement with light coloured Treske chairs and the interior will appear more homogenous.
10. However, whilst it is obvious that the proposed works will lead to a noticeable change of appearance, that is not the whole issue raised by the first *Duffield* question. The question I have to answer is whether the effect on the character of this listed building by their removal and replacement with chairs will be a harmful one.
11. In my judgment, the answer to this question is yes. There will be harm caused by the loss of the pews (which are mentioned in the listing entry, albeit in passing in a descriptive comment, rather than being singled out for their quality), both by the loss of visual contrast in the interior as it currently stands and therefore some of the individuality and personality

that the church currently exhibits, as well as the loss of the orderliness and simple lines of the pews themselves and their historical connection to the church.

12. A positive outcome to question 1 leads me to consider question 3, namely to evaluate the degree of harm that would be caused by the proposed works. In this regard I take note of the fact that the pews are catalogue items, of no especial historical or aesthetic merit on their own. However, I pay particular attention to the points made by the objectors about their significance “in situ”, namely the particular historical connection they have to this church and their particular contribution to the appearance of the interior. Both factors undoubtedly enhance the significance of the pews. I have considered, too, that there will remain some pewed areas of this church. The chancel furnishing, which is acknowledged to be superior in quality to that contained in the nave, remains with choir stalls seating eighteen and stalls for two clergy. I have also taken into account that the small size of the interior, the limited number of pews in question and the nature of the needs articulated on the evidence before me indicates that there is no realistically reduced alternative to removal and replacement of all of the nave pews by retaining some (in the past a single pew was removed in an attempt to make greater room for wheelchairs but I am informed that the area that was created was too small to meaningfully achieve that purpose).
  
13. In considering all of these matters I have born in mind a central theme that comes through strongly in both the listing entry and in the other evidence before me. This is best encapsulated in the sentence in the listing entry that reads “*The interior is a plain, quite open and airy space with clean attractive lines. There are no fancy furnishings or ornate distractions...*” In my judgment, despite the connection and contribution that the pews make to this small interior, its core significance and character will remain intact despite the proposed changes. In particular, the very careful and guided selection of the plain Treske chairs<sup>3</sup> that are proposed is harmonious and in keeping with the interior. What would principally be lost here visually would be the contrast in colour between the pews and the light interior. However, what would be lost in the contrast of the darker pews would, in my view, be made up for in the simple, clean design and tonal harmony of their replacement. As to the historical losses – in particular the connection between the furniture and the church as they have been in place since its inception - it is fair to recognise that churches (and cathedrals) throughout time have changed and replaced elements of their fabric, sometimes ancient ones, in appropriate circumstances for many different reasons and the changing fabric of the interior itself forms part of the history and narrative of the church. In terms of the aesthetic impact, the important element is that the elegant lines and simplicity of appearance of this church must be respected. These are factors that, whilst changed in form, will, in my judgment, be retained in substance by the proposed

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<sup>3</sup> There is before me ample evidence of careful consideration and much expert advice being taken to arrive at an appropriate style of chair to complement this interior.

replacements<sup>4</sup>. Taking all of these factors into consideration, I conclude that the degree of harm likely to be caused by the replacement of the pews with Treske chairs is moderate.

14. Turning to question 4, I have to consider how clear and convincing the justification for these works is. In essence, it is said that the area which will become available through the removal of pews is intended to provide a space which can be used for a wide variety of purposes, including children's work and fellowship. Stacking chairs, which can be removed and stored elsewhere, will facilitate these uses, while still permitting the area to be used to seat worshippers when needed. Whilst it is apparent to me that the works would clearly achieve the effect they are intended to produce within the interior space, I have given considerable thought to the prospect raised in the written objections that there already exists a room in this church where the sorts of gatherings indicated are carried out. However, I have been provided with uncontroverted evidence that this room no longer fulfils the needs referred to and has been outgrown and that additional space in the nave is required. I am also persuaded by the argument that there is an additional case for replacing the pews based on both comfort and the avoidance of health and safety issues, and that this has not been gainsaid in the materials before me. There is therefore a strong argument for enabling the more flexible use of the body of the church proposed in the petition in addition to the existing rear room, and there are undoubted public benefits which in my judgment will outweigh the moderate harm which will be caused. I am therefore satisfied that there are convincing and persuasive reasons works for these works to be permitted.
15. As to question 5, bearing in mind the strong presumption against proposals which will adversely affect the special character of a listed building, nonetheless I consider that the resulting public benefit (in particular the evidence of the likely increase in pastoral well being of the congregation and users of this church, and that of the increased opportunities for mission and the potential for the diversification and growth of the range of viable uses the church may be put to) outweighs the harm in this case and therefore the presumption is rebutted.

### **Conclusion**

16. It follows from the above that I am satisfied that these works should be permitted. A faculty shall therefore issue.

**Lyndsey de Mestre KC**

**Chancellor of the Diocese of York**

**10.12.24**

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<sup>4</sup> I note that the kneelers, handmade by members of the congregation, are to be kept and used – this allays an aspect of the concerns raised in the letters of objection.