

IN THE CONSISTORY COURT OF THE DIOCESE OF PORTSMOUTH

IN THE MATTER OF ALL SAINTS' CHURCH, RYDE

PARTY OPPONENT: THE VICTORIAN SOCIETY

APPLICATION REF: 2024-093984

JUDGMENT

1. On 12 June 2025 I made an order allowing a Petition (on certain conditions) for extensive internal reordering of All Saints' Church, Ryde. In this judgment I set out my reasons for making that order.
2. All Saints' is a Grade II* listed church in the Second Pointed Gothic style. Its tall spire dominates the town of Ryde on the Isle of Wight. The core of the church was designed by Sir George Gilbert Scott and built between 1868-1872, the tower and the spire following in 1881-2 (designed by Scott's son, John Oldrid Scott). The church is elaborately decorated inside, including painted chancel walls and an alabaster and marble pulpit designed by Scott.
3. The nave and aisles contain banks of wooden pews chosen by Scott to be "clean picked yellow deal ... to be pinned with oak pins and stained". It appears that Scott had hoped to fill the church with oak pews but the cost was prohibitive. Consequently, the pews are almost all made of pine, with a Y end and a bar for back support.
4. The church currently has capacity to seat around 532 adults on these pews. Almost half of the original pews have been removed since the church was originally built.

5. In both the nave and the aisles, a red/charcoal patterned tile floor forms a particularly attractive feature, matching the tiles around the chancel and at the west door. The remaining pews sit on wooden pew plinths. Original metal grilles which run alongside the tiles form part of the current heating system in the church.
6. On any view, the church is architecturally important. John Betjman described it as magnificent. The Ward Lock Co. guide of 1919 said that the church was considered by many to be the finest parish church in the south of England. The Grade II* listing of the church reflects its significance.
7. The interior of the church has not remained untouched since Scott's time. There have been several alterations to the interior over the years, e.g. the addition of a vestry, altar and reredos (1892-3), a new screen in the chancel (1905), replacement of war damaged stained glass (1951) and pew removals (in 1968, 1973 and 2008).
8. The Statement of Needs and Significance sets out the sad story of a significant drop in attendance at All Saints' church, mirrored across the Isle of Wight. Only 4 or so years ago the church had 3 congregations with over 80 congregants, but that this had fallen to a low of about 30 worshipers (at traditional services) in the last year or two. At the start of 2024 there were said to be only 120 churchgoers in all of Ryde, a town of some 35,000 people. All Saints' has traditionally been the home of civic services in Ryde.
9. All Saints' has stopped being able to pay its parish share. The congregation (the majority of which is aged over 70) has worked very hard to keep the church open and the building in good repair, but this has been a struggle. There are barely enough funds to insure the building.
10. Other churches near All Saints' have closed, including St John's church in Ryde, which shut because the building was in disrepair but there were no funds to effect repairs. All Saints' church is now the only major functioning Church of England building in Ryde. Meanwhile, the parish of All Saints' is ranked among the 11% most deprived in the country.

11. The Diocese of Portsmouth aims to revitalise ministry in Ryde by growing a Holy Trinity Brompton-style congregation at All Saints', modelled on the Harbour Church in Portsmouth. To that end, a new programme of contemporary services began in September 2023 and has, according to the Petition, grown to a congregation of about 60 (in addition to those attending for traditional worship). The contemporary worship congregation has been meeting in the modest church hall adjacent to All Saints', because of a lack of open space in the church. Church outreach activities have also been based in the hall.
12. The Petition sought permission for a major reordering of the interior of the church, including removal of all the pews and pew plinths, introduction of a new limestone floor throughout, electrical upgrades for power and lighting, introduction of café facilities and seating, a new heating system and new audio-visual provision, as well as other ancillary items.
13. The logic of the petitioners is that these works are necessary to turn the interior of All Saints' into a space which can host a contemporary worshipping community of some 300 people, as well as ancillary traditional worship provision, study groups, social and community activities. It is fundamental to the plan of the petitioners that the interior of the church should be a flexible space for both liturgical and non-liturgical use, hence the desire to remove the pews and level the floor.
14. Funding of around £2.5M has been set aside by the national church and the Diocese of Portsmouth to boost All Saints' not only as a centre of regrowth but as a base from which the Church on the Isle of Wight can be revitalised.
15. The proposals for reordering of All Saints' were subject to extensive consultation. I have reviewed all the correspondence between the petitioners and the various consultees (including the national amenity societies and the Church Buildings Council) and have considered the points made on both sides.
16. The Diocesan Advisory Council (DAC) issued a Notification of Advice in November 2024 recommending that the works set out in the Petition be allowed, subject to conditions for supervision by the inspecting architect and DAC, the recycling where

possible of the materials which are to be disposed of and the preparation of a photographic record of the current interior of the building.

17. The Petition was given public notice in the usual way. I have seen an email to the DAC from Mrs Jane Caldow who grew up in Ryde, was married in All Saints' and used to attend the church. She objected to the removal of the pews and renewal of the floor. Though accepting that they must move with the times, Mrs Caldow regretted that traditional churches were being made to feel more like cafés and argued that the proposals would do irreparable damage to a complete and original George Gilbert Scott building. Mrs Caldow questioned the point of Grade II* listing if such changes could be made to a church without public consultation or a local planning process.
18. Mrs Caldow declined to become a party opponent in the proceedings, but I have taken her comments into consideration in deciding how to deal with the Petition. I would, though, make two specific points in response to her letter. First, the Petition was given public notice, as is routine for faculty applications, including by advertisement in the church and online. Apart from Mrs Caldow, no member of the public contacted the Registry to object to the Petition. Second, the standard secular planning process is amended in the case of Church of England by the Consistory Court system. The Consistory Court (presided over by an independent judge) has entrusted to it the regulation of what is known as the "ecclesiastical exemption", contained in section 60 Planning (Listed Building and Conservation Areas) Act 1990. The ecclesiastical exemption exempts listed ecclesiastical buildings from the secular listed buildings consent system, recognising their special function, and entrusts supervision of relevant alterations to the Consistory Court.
19. As one would expect, various aspects of the proposed works were challenged during consultation, some more substantially than others. For example, the Church Buildings Council asked various questions about the technicalities of the proposed electrical systems and the style of chairs to be used instead of pews. I am satisfied by the clarifications of the petitioners in relation to the former (and the works will remain subject to responsible oversight by the inspecting architect and DAC sub-committee). On the issue of the chairs, the basis of the permission I have granted is that the new free-standing chairs will be made by the Alpha furniture company with a plywood back

and seat (as proposed in an email to the DAC from the inspecting architect, Tim Sage, on 8 June 2025).

20. It soon became clear that there were two core objections to the proposed works. First, against the wholesale removal of all the pews. Second, against the replacement of the Victorian floor tiles with a new limestone floor throughout the nave and aisles.
21. The Victorian Society became a party opponent to these proceedings to advance these objections (the Society had previously criticised the audio-visual proposals, but this was not pursued in their formal objection). The Victorian Society argued that the removal of the pews and new floor would cause a high level of harm to the significance of the building, developing this point by saying that the seating and floor provide architectural order to the interior of the church, leading to the chancel and emphasising its opulence and importance.
22. The Victorian Society pressed me to allow the proposals only if the floor design was amended to retain the Victorian tiles. It also urged that the overall aims of the petitioners (to which the Society did not object) could be achieved with the retention of some of the historic seating. It was implicit in its submission that the high level of harm which the Victorian Society was concerned about could be avoided, in their estimation, by the proposed modifications, while still achieving the petitioners' aims.
23. The stance taken by the Victorian Society on these two issues essentially mirrored objections made to the same effect by the Church Buildings Council (which had not become a party opponent).
24. By contrast, Historic England responded to the consultation saying that they considered a good case had been made for removal of the pews: they considered that their removal would cause moderate harm to the significance of the building but that this was justified by the case which had been made on the need for flexible space in the church. Their view was that the pews were of no particular merit themselves but as an integral part of Scott's design for the church they contributed to its significance.

25. As for the tiles, Historic England considered that their removal would also cause moderate harm and doubted whether they needed to be removed to achieve the desired improvements to heating and levelling the floor. Historic England did not become a party opponent.

26. After I gave case management directions to take the matter towards a hearing, in a highly constructive move which is much to be encouraged in other cases, the petitioners and the Victorian Society met at All Saints' to see whether a compromise was possible. I was subsequently informed that the Victorian Society had agreed to withdraw its objection as the petitioners had agreed:

- a. to retain 45 of the existing short, aisle benches as moveable seating to incorporate the ornate bench ends from the nave pews, and
- b. to keep the existing central tiled walkway and the tiled crossing from the north porch to the south door in the designs for the new floor, using the existing metal grilles around the perimeter of the new design.

27. This compromise seemed to me to be highly sensible, reflecting both the architectural concerns of the Church Buildings Council, Historic England and the Victorian Society while allowing the petitioners to adapt All Saints' in furtherance of their missional aims.

28. Of course, the compromise did not remove from me my duty of considering whether the Petition sets out works which can be justified under the principles set out in paragraph 87 of the judgment 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 (see *Peck v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary's, White*

Waltham (No 2) [2010] PTSR 1689 at para 11). 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 (see *St Luke, Maidstone* at p.8), 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 II*, where serious harm should only exceptionally be allowed.

29. Further guidance was given on these questions in paragraph 22 of the judgment of the Court of Arches in Re St John the Baptist, Penshurst [2015] PTSR D40:

- (a) Question (1) cannot be answered without prior consideration of what is the special architectural and/or historic interest of the listed church. That is why each of those matters was specifically addressed in *Duffield* paras 57-58, the court having already found in para 52(i) that “the chancellor fell into a material error in failing to identify what was the special character and historic interest of the church as a whole (including the appearance of the chancel) and then to consider whether there would be an overall adverse effect by reason of the proposed change”.
- (b) In answering questions (1) and (3), the particular grading of the listed church is highly relevant, whether or not serious harm will be occasioned. That is why in *Duffield* para 56 the court’s analysis of the

effect on the character of the listed building referred to “the starting point...that this is a grade I listed building.

- (c) In answering question (4), what matters are the elements which comprise the justification, including justification falling short of need or necessity (see Duffield paras 85-86). That is why the document setting out the justification for the proposals is now described in rule 3.3(1)(b) of the FJR 2013 as a document “commonly known as a “statement of needs”” (*italics added*), in recognition that it is not confined to needs strictly so-called.
- (d) Questions (1), (3) and (5) are directed at the effect of the works on the character of the listed building, rather than the effects of alteration, removal or disposal on a particular article.

30. I turn then to consider how I should answer the Duffield questions in this case. To be clear, this is on the basis of the amended proposals as they emerge from the compromise agreement. Had I been asked to consider the Petition without that amendment, my conclusion might have been different.

31. Question 1: in light of my summary of the architectural history and context of All Saints’ in my introduction, I conclude that harm would be caused to the significance of the church as a building of special architectural or historical interest. Question 2 therefore does not arise.

32. Question 3: I consider that the works would involve moderate but not serious harm. The unity of the interior design of the church is a special architectural feature and so removal of original features will inevitably undermine that unity. However, that harm is mitigated by the retention of a significant proportion of the original pews as moveable seating, particularly as they will be adapted to preserve original ornamental features. Retention of the tiles and their pattern in the new floor will also mitigate harm, in particular preserving original features on the ground which will draw the eye towards the chancel and give a sense of the original layout.

33. On the issue of internal design integrity, the point was urged at various times that the interior of the church is an untouched, single-architect building. That, for the reasons set out above, is not entirely accurate. For example, that almost half of the original pews have already been removed supports my conclusion that removal of further pews will only involve moderate, not serious, harm.
34. I am also fortified in my conclusion that the Victorian Society's argument that serious harm was involved was on the assumption that all pews would be removed and the floor entirely replaced, which is no longer planned. Historic England noted that the pews are of little merit themselves, but important as a feature in the whole design: they considered that even their wholesale removal would only cause moderate harm.
35. Nothing in the other proposals (audio-visual works, café facilities etc) changes my assessment of the proposals involving moderate harm. As required by Penshurst, I have taken account of the Grade II* listing of All Saints' in reaching this conclusion.
36. Question 4: I consider that the petitioners have advanced a strong case on the need for the works. All Saints' is undoubtedly a magnificent building but it is not a museum. It is a parish church which exists for the glory of God and the benefit of its parishioners. The local area suffers from significant levels of deprivation and the church is not currently fitted out to meet those needs: the implementation of the proposed works is needed to provide proper and flexible facilities for mission.
37. It is also clear that other churches in Ryde have been declining quickly and their buildings falling into disrepair or non-use as a result. All Saints' itself suffered a dramatic fall in its congregation until the petitioners launched their revival strategy. In terms of numbers, that strategy has started to work, but I am satisfied that no more can be done with the building configured as it is. I am satisfied not only that the petitioners' plans are well thought through but also that they are a proportionate and genuine attempt to prevent the sort of decay seen in other local church buildings as well as serving the social and spiritual needs of local people. The Statement of Significance and Needs was long, thoughtful and pastoral.

38. Question 5: I am satisfied that this is a case where the strong presumption against works which will adversely affect the special character of a listed building should be displaced because the resulting public benefits will outweigh the moderate harm I have identified.
39. This is reflected in the ability to use the church space for a new breadth of liturgical uses. I note in this regard that contemporary and traditional services are already running alongside each other but only in the constrained way which is currently permitted by the church layout: much more is planned and, in my judgment, possible, as the petitioners have explained. In particular, I have taken account of plans to use the space for study, fellowship and other public events such as concerts for the good of local people.
40. I also consider that the case for meeting local social need is well made as are the plans of the petitioners to address it if they can use the nave and aisles flexibly. Again, that such outreach work is already going on but in constrained circumstances is important in my reaching this conclusion. It is not enough for a petitioner simply to assert that certain uses of a listed church will be possible if it is significantly reconfigured: a detailed, realistic case must be advanced, based on evidence. That is what the petitioners have done here.
41. I have also borne in mind that All Saints' is currently in good structural and decorative condition. That is more likely to remain the case well into the future if it is the home of a lively, active congregation, than if the doors are closed and church life there dies.
42. I record my thanks to the Registry, the DAC, the parties and all consultees for their work on what has been a complicated and delicate case.
43. The order which I made in this case was in the form attached to this judgment.

John Summers

Chancellor of the Diocese of Portsmouth

17 June 2025