

**IN THE CONSISTORY COURT OF THE DIOCESE OF CARLISLE**

**In the Matter of St. Michael's Church, Stanwix**

Determined on the papers and without a hearing

**THE PETITION OF:**

**(1) The Reverend Iain McIntyre  
(2) Daphne Libby**

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**JUDGMENT**

**Delivered on 25 July 2025**

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## **A. Introduction**

1. By their petition dated 25 February 2025 the Reverend Iain McIntyre and Daphne Libby, a PCC member (“**the Petitioners**”) seek a faculty permitting them to carry out certain works at St. Michael’s Church, Stanwix, Carlisle (“**the Church**”).
2. The Petitioners’ proposals (“**the Proposals**”) are:
  - (a) To take out for reuse the existing choir stalls from the south transept, remove the timber platforms beneath, and provide a new timber floor at the same level as the nave and transepts (“**Choir Stall Removal**”)
  - (b) To remove five rear rows of nave pews and pew platforms and install new floors at the same level as the nave, moving the existing panel radiator to side wall of the nave (“**Pew Removal**”).
  - (c) To provide glazed panels to the existing timber panelled internal west door (“**Door Glazing**”).
  - (d) To provide handrails at either side of the external steps (“**Handrails**”).
  - (e) To replace the existing sound desk with a digital model, and reposition it in south transept, re-routing cabling as necessary, and to install cabling within new flooring for power and AV outlets in the chancel (“**Sound Desk**”).

- (f) To remove the existing timber platform and communion rail ("**Platform and Communion Rail**").
  - (g) To extend the chancel floor towards the nave using timber construction, retaining the existing lower step with a 300mm tread ("**Chancel Floor**").
  - (h) To provide a 1200mm width ramp at 1 in 10 gradient between the nave and chancel, with handrail and nonslip safety floor ("**Ramp, etc**").
  - (i) To re-carpet throughout the nave, transepts, chancel and vestry using breathable carpet and underlay, and to fit safety nosing on the chancel steps ("**Carpeting**").
  - (j) To mount the existing timber pulpit on a wheeled plinth so that it may be repositioned ("**Pulpit**").
3. It is anticipated that the cost of carrying out these works would come to £70,000 over a two year project period.
  4. The DAC supports the Proposals, on the basis of certain proposed conditions.
  5. Having initially expressed concerns about the Proposals, Historic Buildings and Places ("**HBAP**") and the Churches Buildings Council ("**CBC**") are now content to defer to the DAC's advice. The Victorian Society, however, continues to maintain its objections, albeit not as a party opponent.
  6. In these circumstances, and given outstanding concerns over the Proposals, the purpose of this Judgment is to set out my reasons for allowing the Proposals in part.

## **B. The Church**

7. St Michael's occupies a prominent position at the top of a steep bank rising from the River Eden, near the junction of the historic north road (now the A7) and the road leading east (now the B6264). The Church forms a notable city landmark, visible from a considerable distance in the surrounding area.

8. The building is Grade II listed and lies within both the Stanwix Conservation Area and the Scheduled Monument Area of Hadrian's Wall and Vallum. The Church stands upon the site of the Roman fort of Uxelodunum, which, at approximately ten acres, is the largest fort along the Wall. A linear earthwork at the southern end of the churchyard is believed to correspond with the line of the fort's southern defences.
9. The Historic England official listing is as follows:

*“Church of England church on a medieval site. 1841-3 by John Hodgson; 1843 repairs; 1893 alterations and 1907 extension. Red sandstone ashlar in irregularly-coursed small blocks, on chamfered plinth, with clasping buttresses carried up as pinnacles on tower and nave; stone-bracketed metal gutters. Graduated greenslate roof with coped gables and cross finials. West 3-stage square tower/porch; 10-bay nave with transepts; apsidal chancel with north organ chamber (former vestry) and south vestry extension. Built in Commissioners style. Tower has west double plank doors in painted chamfered arch; tall lancets above on 2 levels, the upper ones with louvred vents; clock faces on 3 sides. Nave and transepts have tall lancet windows. Vestries have 2- and 3-light windows some with cusped heads, others rounded. Apse has arcade of small round-arched windows. INTERIOR: rib-vaulted plaster ceiling in nave and apse. Windows mostly of plain glass; some C20 stained glass. C19 painted board giving list of church benefactors and Hanoverian kings' arms 1714-1801. Late C19 hexagonal wooden pulpit and benches. 1893 granite-pillared sandstone font. Extensive white marble wall plaques some with carved portrait heads, draped figures etc, to Robert Ferguson d.1816 (see Marshall Hall, 1979), Eliza Graham d.1852 and John Chambers d.1850 are all by John Kirkbride 1786-1854; Esther Bonnel d.1822, Isabella Patrickson d.1854, Charles James Graham d.1847 and Wm Sowerby d.1855 are all by Thomas Nelson 1807-90; Charles Wm Thompson d.1843 by Christopher Woodall 1795-1859; Maria Woodrouffe Head d.1854 by Bedford of Oxford (this is probably J Bedford of Oxford Street, London); Capt Hugh Patrickson d.1821 by Paul Nixson 1768-1850. HISTORY: The foundation stone was laid on 1 June 1841 and it opened in 1843, but a fire on 21 December 1843 destroyed the wooden fittings and roof; for further details*

see Taylor (1982). *Built on the site of a Roman Wall fort. (Marshall Hall: The Artists of Cumbria: 1979-: P.50; Taylor G: A Brief History of Stanwix: 1982-).*”

10. The Church Heritage Record (607083) states as follows:

*“The effect of an elegant exterior with a fine tower where clasped buttresses project to form corner pinnacles is rather let down by an austere interior which has suffered from the early loss of the gallery. Described as built in Commissioners’ style St. Michael’s is very close in style to the church of St. John the Evangelist, Houghton. The exterior is of red sandstone, finely worked and with pinnacles rising from the clasped buttresses to the corners of the gable ends as well as the tower. Stonework is suffering the stone decay characteristic of the material used. The interior has a ribbed vaulted and painted plaster ceiling in the apse and flat painted plaster ceiling in the nave with applied mouldings and brackets supported on corbels. The principal element of interest in the interior is the collection of fine memorial plaques by John Kirkbride, Thomas Nelson, Christopher Woodall, Bedford and Paul Nixon.”*

11. The Statement of Significance records that the chancel was re-ordered in the 1960’s, although little detail of that exercise is given. There appear to have been other exercises in re-ordering that connect with the present Proposals, but about which there is only scant evidence, being:

- (a) The rotation of pews in the north transept, to face south, in 1964;
- (b) The removal of the choir stalls to the south transept, also in 1964;
- (c) The removal of the pews in the north transept, in 1993;
- (d) The removal of the front four rows of pews in 2006;
- (e) The return of the pulpit to its original position, in 2007

12. The Victorian Society has expressed its regret that *“Little information is available regarding the history of the church and it is disappointing that the statement of significance does not provide more information that could inform a full assessment of the significance of the building.”*

13. I am afraid that I must to some extent agree with this assessment. It would have been helpful to understand the history of the Church in greater detail, and to know the basis upon which earlier alterations were made to it. Specifically, it would have been helpful to understand the provenance of the choir stalls and pulpit, and to have had a developed and reasoned assessment of what contribution those features make to the significance of the Church as a building of special architectural or historic interest.
14. I visited the Church on 23 July 2025 and inspected it on my own. I took certain photographs that are in the Annex to this Judgment.

**C. Statutory consultees**

15. The Petitioners consulted the Church Buildings Council, Historic England, Historic Buildings & Places and the Victorian Society in connection with the Proposals.

**D. DAC notification of advice**

16. As I shall go on to discuss, the DAC unanimously recommends this scheme, with certain conditions.

**E. Applicable Law**

17. In considering whether to grant a faculty I have considered the series of questions identified by the Court of Arches in the case of *Re St. Alkmund, Duffield* [2013] Fam. 158 at paragraph 87 (and see *Re St. Peter, Shipton Bellinger* [2016] Fam. 193 at paragraph 35). The 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 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 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 to a building which is listed Grade I or II\*, where serious harm should only exceptionally be allowed.

#### **F. Proposals - Generally**

- 18. The Petitioners explain in their Statement of Needs that there has been a longstanding desire within the congregation to re-order St Michael's Church to improve both its usability and its appearance. Earlier proposals, including the removal of the choir pews in 2004 and a comprehensive redesign commissioned in 2019, did not progress, the latter being abandoned prior to costing because of the Covid pandemic.
- 19. The Petitioners' present approach is to work towards the same objectives by more measured and achievable steps, recognising the limited resources of a congregation that is predominantly retired and not affluent. The immediate impetus arises from the worn and shabby condition of the carpet.
- 20. The Statement of Needs also speaks of the severe congestion experienced at the rear of the Church, where multiple functions compete for restricted space. The proposals aim to provide a more welcoming and functional environment, while preserving the building's historic character.

21. The Petitioners say that *“There will be no harm to any area of significance. On the contrary, symmetry will be restored, some visible cabling runs will be removed, and those which are still needed will be hidden in ducting under the new floors”*.
22. In their Statement of Significance, the Petitioners add that the Church constitutes the largest indoor space within the area, rendering it a significant venue for community use and larger gatherings. They contend that its open interior, unobstructed by pillars, permits the accommodation of substantial numbers with clear sightlines throughout.
23. It is said that the Thursday Tots group, organised by members of St Michael's but attended mainly by families unconnected with the church, has reached capacity due to the limited open floor space. The Petitioners identify that some such families have subsequently attended Messy Church and brought their children for baptism.
24. The Petitioners further state that the Church has an established relationship with Stanwix Primary School, which makes regular use of the building for assemblies, seasonal services, and rehearsals, and that this partnership is expected to grow. They add that the Church is increasingly used for community events, including concerts and performances, notably the 4Front Christian Touring Theatre Company's annual pantomime.
25. I shall now consider the specific Proposals, in so far as they are contentious. In the first place I shall deal briefly with the elements of the Proposals that are not actively objected to, before turning to the disputed matters (Choir Stall Removal, Pew Removal, Carpeting, and Pulpit).

#### **G. Door Glazing**

26. The Petitioners explain that they wish to glaze the internal west door to make the entrance to the Church more welcoming. The idea is to allow visitors to see what is going on in the body of the Church, beyond the door.
27. The Statement of Significance explains: *“The existing clear varnished oak framed and ledged double leaf door (between porch and nave) will be retained; 8 existing clear varnished oak panels will be removed and replaced*



*with equivalent 8mm clear laminated safety glass panels with new matching oak beads.”*

28. In my view there is a clear and convincing case for this proposal, and no harm will result from its implementation to the significance of the Church as a building of special architectural or historic interest.

#### **H. Handrails**

29. The proposal here is to improve accessibility by adding handrails to the main access, for the benefit of those with limited mobility.
30. As the Statement of Significance puts it, *“At the west door there are two steps and no handrail. A portable ramp is used when needed. Two handrails will be carefully fitted to existing stonework on either side of the door, designed for accessibility when traversing the steps in either direction.”*
31. Again, in my view there is a clear and convincing case for this proposal, and no harm will result from its implementation to the significance of the Church as a building of special architectural or historic interest.

#### **I. Sound Desk**

32. The proposal here is to move the sound desk from its existing position to a new location in or near the south transept. Subject to my ruling concerning the removal of the choir stalls (see below), which will impact on the space available for this, I am satisfied that this proposal is unobjectionable.

#### **J. Platform and Communion Rail; Chancel Floor**

33. These two aspects of the proposals are to be read together.
34. The Petitioners propose that *“Levelling the chancel floor and removing the platform and rail will enable the chancel to be used for smaller, more informal services, and will be much better suited for community events”*; and add that *“Moving service leaders and musicians up into the chancel will increase visibility and provide more room for seating at the front of church”*.

35. In rather more detail, and in the words of the Statement of Significance, *“The levelling and opening up of the chancel area (and provision of ramped access) will enable this area to be used more effectively. We intend to move the piano, musicians and singers up onto the raised area and purchase 2 large TV screens (on wheeled stands) to relay liturgy, song words, sermon PowerPoints, videos, etc, and we expect that preaching and leading will also be done from here. All these moves will improve visibility for, and engagement with, the congregation. The Table, although not fixed in place, will remain in its current position. The new ramp and handrail will enable accessibility to the chancel for all. The new layout will also enable smaller more informal services to be held in the round in the chancel, and it will be a more functional space when we host the school or put on community events.”*
36. The Petitioners add that *“Apart from for the preparation of Communion at the Table, the chancel area is not currently found to be conducive for use in services, due to the halfway step, the timber platform, and the barrier formed by the rail. The bread and wine are brought down into the nave for distribution.”*
37. In my judgement, there is a clear and convincing case in favour of this proposal. I accept the Petitioners’ contention that the multiple floor levels within the chancel detract from its practical utility and add nothing of substance to the significance of the Church as a building of special architectural or historic interest. I am satisfied that the proposed alterations will occasion no operative harm

**K. Ramp, etc**

38. The proposal here is for the construction of a ramp with associated handrail, to provide access to that area for those with limited mobility.
39. Applying the *Duffield* test, I am satisfied that this proposal is unobjectionable.

## **L. Choir Stall Removal**

40. I now turn to the first of the contentious proposals, being the Petitioners' application for permission to remove the choir stalls from their existing position in the south transept.
41. The Petitioners' case is that "*Removing the choir pews will enable us to bring the south transept back into service as an area for seating, close to the front.*" In the Statement of Significance they explain that "*The choir stalls currently situated in the South Transept will be removed and re-sited in Trinity School (Church of England Academy); they are likely to be installed in Devonshire Hall, the original Chapel for Carlisle Grammar School, built in 1883.*"
42. The Petitioners further reason that the "*Removal of the choir pews will restore symmetry across the front of church; flexible seating will be arranged across the whole width of the Nave and Transepts. Early in 2025, this area is due to benefit from new Halo infrared pendant heaters; we hope that this will encourage more of the congregation to gather in the warm space at the front of church, enabling better engagement with the worship.*" They add that this reconfigured area would benefit the Tots group, giving them a large central carpeted play area.
43. In terms of the history of these stalls, the Petitioner write that "*The oak choir stalls were moved to the south transept in 1964, at which time the communion rail was also fitted. The choir stalls in their current position have never proved to be useful for congregational seating since they face at right angles to the Nave and have poor visibility of the Chancel; they have largely been used as a storage area. The pews in the north transept were turned to face south in 1964 but were subsequently removed in 1993.*" Furthermore, "*Four front rows of pews were removed from the Nave in 2006 to provide a flexible seating area across the Nave and into the north transept. Opening up the south transept for equivalent flexible seating will restore symmetry.*"
44. In a letter dated 29 January 2025 the CBC objected that the significance of the choir stalls had not been set out, so that it was unable to form a view on whether it saw removal as being acceptable. Having said this, in a later email Dr. Clare Price of the CBC commended the PCC for the care with which it

justified its proposal in response to the CBC's initial observations. The CBC was reassured by the proposal that the choir pews should be loaned to a local school, provided that a condition report was obtained first.

45. HBAP express a similar concern, noting that the choir stalls are "*really impressive examples of late Victorian design and craftsmanship*" and "*very accomplished work*", showing three distinct designs, namely:
- a) 2 clearly designed to sit over a step with the front "leg" hitting the floor at a different level from the counterpart behind. The seats end in an elaborate console bracket and the bookrest behind in a pillar that is some three times higher than the stumpier one at the front.
  - b) 2 behind with 17th century style cresting to the ends, presumably to mark the slightly higher status of those sitting there.
  - c) A frontal with a run of Renaissance- inspired arcading sitting on a panelled dado.
46. HBAP is concerned at the risk that the choir stalls, if relocated, might then fall outside the purview of the faculty system (unless framed as a loan to the school). It also expresses its concern that the seats mentioned in paragraph 45(a), above, might be hard to rehouse without cutting them down, since they straddle a change in level.
47. If the choir stalls are to be removed from their present position HBAP ask that consideration be given to keeping one example each of the seating described in paragraphs 45(a) and (b) against the outer wall of each transept.
48. In response to HBAP's concerns, the Petitioners state that the choir stalls "*are not currently at all useful for worship purposes at St. Michael's and are instead only used as a storage area.*"
49. The Victorian Society has also commented on this aspect of the Proposals. It points to a lack of substantial information regarding the provenance of the choir stalls and states that such an assessment "*will be essential before any proposal for removal can be properly considered.*" Further, it argues that "*Later re-orderings of the interior have harmed the significance of the building*

*and the further removal of the choir stalls would cause even more harm to significance. It is unclear how these would be adapted to fit their new location and we are concerned that if removed they would cease to be covered by the Faculty Jurisdiction and at risk of loss and further harm.”*

50. In a later response, the Victorian Society argues that a fuller assessment of significance is required before any loan is made. That said, provided that a loan was on terms that they could not be disposed of without further faculty the Victorian Society would not object to relocation.
51. The DAC recommends approval, with conditions that “*The adaptations to the choir pews are approved by the Archdeacon in consultation with DAC experts prior to being loaned*” and that disposal to the school should be on the terms of a formal loan agreement, to be checked by the Diocesan Registrar.
52. In my judgement HBAP’s characterisation of the choir stalls as “*really impressive examples of late Victorian design and craftsmanship*” and “*very accomplished work*” is persuasive. I refer to the photographs of the choir stalls I took during my site view, and that are in the Annex to this judgment. It is unfortunate that the Petitioners did not support their application with a fuller assessment of the provenance of the stalls: as to who designed and manufactured them. It seems likely to me that further evidence will be available in this regard, not least because when the stalls were removed from the chancel they were relocated, rather than being disposed of at that time. That speaks of value being attached to their retention. I must ask myself why I should approach the matter differently now.
53. In considering the *Duffield* test, my assessment is that the removal of the choir stalls from their present position would harm the significance of the Church as a building of special architectural or historic interest. In my view, they are a handsome feature of the Church, exhibiting skilled craftsmanship and exemplifying late Victorian design and craftsmanship. I must respectfully differ from the DAC on this point, based on my visit to the Church and taking account of the views expressed by HBAP and the Victorian Society.

54. Even if I am mistaken on this point, I do not consider that the Petitioners have demonstrated any sufficiently compelling reason to displace the ordinary presumption that, absent good cause, change ought not to be permitted. The Petitioners' case is that:
- (a) The removal of the choir stalls would bring the south transept "*back into service as an area for seating*". In my opinion this not a good reason for change. The stalls are already an area for seating.
  - (b) The Petitioners contend that removal would create a symmetry with the north transept. My assessment is that this is not a good reason for change either. Symmetry would only be achieved if moveable seating were precisely arranged in the same way in both transepts, or if both were left empty. I also take account of the fact that in previous schemes of reordering the consideration of symmetry was evidently either not advanced as an argument; or else was not taken to be a sufficient consideration to warrant disposal of the choir stalls.
  - (c) The Petitioners argue that removal of the choir stalls would create an opportunity to use flexible seating in the north transept. That may be right: but in my view it is not a sufficient reason to overcome the presumption against change. The stalls are already available as seating, and I do not find that their fixed nature creates problems warranting their removal.
  - (d) I have also considered the Petitioners' case that there is only a poor view of the Chancel from the choir stalls. I discount that suggestion for two reasons. First is that the Proposals entail extending the chancel floor forwards towards the nave. This should address any perceived problem of visibility, or lack of it, from the Choir Stalls. Second is that when I visited the Church, I sat in different positions in the Choir Stalls to check this proposition. In my assessment the view is only impeded to any real extent at the end nearest to the organ. The same might be the case for any moveable seating placed in the transept were the choir stalls to be removed.
  - (e) Although the Petitioners have identified the possibility of the Choir Stalls being removed to Trinity School there is scant detail in that regard. It is said that the

choir stalls are “*likely*” to be installed in the Devonshire Hall: not that they definitely would be. No details are given of whether it would be necessary to modify the Choir Stalls in any way on order to fix them in a new position.

55. For the same reasons, and since the Statement of Significance lacks details of the provenance and importance (or otherwise) of the Choir Stalls, I find that any such benefit as might result from the removal of the Choir Stalls would not outweigh the harm I have identified.

### **M. Pew Removal**

56. The Petitioners’ case for the removal of the five rear rows of pews is that “*A larger welcome area will enable us to be more friendly and welcoming, before and after services, and is a first step towards our vision for kitchen and toilet facilities within the church building.*” Their stated aim is to reduce congestion and allow an area for socialising and enjoying refreshments together. The Petitioners also foresee that during use of the Church by the Tots group this is a space where prams and buggies might be left, rather than blocking the central aisle.
57. The Petitioners also reason that “*Removing the rear pews will bring further forward those who like to sit at the back.*”
58. The Statement of Significance identifies that the nave pews are varnished pine, on raised pine platforms. The detailed proposal is that “*Five rows of pews on each side will be removed from the rear of the Nave to form a welcome and refreshments area at the back of church. The existing rear pew with churchwarden stall will be retained and re-used as the new rear pew. The reason for removing five rows is so that the new rear pew lines up with the plaster mouldings on the walls (aesthetics advised by our architect). The resulting space will be sufficient for our future vision to fit out this area with a small kitchen, a toilet, and an enclosed creche.*”
59. In a letter dated 29 January 2025 the CBC objected that (as in the case of the choir stalls) the significance of the pews had not been set out, so that it was unable to form a view on whether it saw removal as being acceptable. The

CBC also observed that while it was sympathetic to the idea of providing a welcome space, it is unclear how much space is needed: without an assessment of the number of people likely to be gathering in this space. They also point to the absence of an assessment of the space likely to be taken by a server and WC in the future.

60. In the response the Petitioners explained that the nave pews are pine with grained varnish. The front four rows were apparently removed in 2006, and before that similar pews were removed from the south and north transepts during reordering in 1964 and 1990's, respectively. This response appears to have assuaged the CBC's previous concerns.
61. The Victorian Society, in its initial response, considered that some removal of benches at the west end of the nave could be acceptable: but pointed to the space already available at the east of the nave and the transepts.
62. My own view, from visiting the Church, is that the area presently available at west end of the Nave is indeed quite limited. I refer to the photograph in the Annex to this judgment.
63. In my judgement and taking into account that similar pews were removed from the Church in 1964 and the 1990's, the removal of these five rows of pews, on the basis proposed, would result in low, if any, harm to the significance of the Church as a building of special architectural or historic interest.
64. Furthermore, in my view the Petitioners have shown a good reason for change: namely the need for a larger circulation and welcome area at the west end of the Nave. I find their reasoning clear and convincing on this point.
65. My only remaining reservation concerns what flooring and floor covering should be laid after removal of the pews. I deal with that point below, in the next section of this judgment headed "Carpeting".

#### **N. Carpeting**

66. The Petitioners' proposal regarding the carpeting of the Church is controversial, as I shall now explain.



67. The Petitioners contend that *“Re-carpeting will be a game changer and will transform the ambience of the interior. Small children will be so much safer, and the whole building will be warmer and smarter.”* They propose that *“all areas where pews have been removed will have new flooring level with the existing nave floor, and the entire nave, transepts, chancel and vestry will be re-carpeted.”* They continue *“Worn and mismatched carpeting will be removed. Localised defective areas of flagstones will be repaired. All areas (including some currently uncovered areas of sandstone flagged floor) will be fitted with new breathable carpet and underlay in a single colour sympathetic to existing decor.”*
68. They explain that *“The main driver towards making changes has been the shabbiness of the carpet. However, to re-carpet first and think about re-ordering afterwards is clearly the wrong way to go about it.”*
69. CBC states (letter of 25 January 2025) that it *“does not consider carpet to be a suitable flooring material as set out in its guidance on floors”*.
70. HBAP, in a similar vein, write *“Must there be so much (new) carpeting? Carpeting has the well known tendency to wear, stain and ruck ; it dampens the acoustics and it will require the expense of replacement every generation. Do we know what is underneath?”*
71. In response, the Petitioners say that the Church *“has had carpet covering the majority of the flooring as long as anyone can remember”*. They explain that the presently exposed floor, and the floor beneath the existing carpet, is a mixture of sandstone flags (aisle), marble tiles (chancel), timber floor and concrete floor (where pews previously removed in the nave and north transept), and pine wood blocks in the vestry. If the choir stalls and further pews were removed as proposed, then the Petitioners propose new wooden floors in those areas, to be carpeted over.
72. The DAC recommends approval of the proposal, noting the variety of styles and colours of carpets, and writing that they *“did nothing to add to the character of the church”*. Nonetheless, the DAC considered that the Petitioners had made a strong case for the need for additional carpet and

assessed that it would not harm the overall character of the building. The DAC noted that the proposed additional carpeted area would be less than 10% (more probably nearer 5%) of the total area already carpeted. On this basis the DAC recommended approval, conditional on prior approval by the Archdeacon, in consultation with DAC experts, of the make and colour of the carpet.

73. The Victorian Society maintains its concern by the proposal to carpet the interior of the Church. It refers to the PCC's response, identifying the variety of historic floor finishes that survive in different states of repair. It suggests that *"Ideally these should be exposed and repaired in line with statutory guidance. If a softer floor finish is required for certain uses a limited area or rugs should be considered. Restoration of the floor finishes would provide a significant heritage benefit for the proposals."*
74. As matters stand, and as appears from the photographs I took when visiting the Church (see the Annex) it is clear that the existing carpets are in poor condition. There are a variety of different carpets in the Church, of different ages, colours and condition. The DAC's observations amount to a politely expressed reflection of the position as the Petitioners themselves candidly acknowledge it to be.
75. In my view the removal of the existing carpets at the Church would be most unlikely to harm the significance of the Church as a building of special architectural or historic interest. On the contrary, it is likely that an improvement would result.
76. The more vexed question is whether the Petitioners should then be permitted to lay carpet throughout the entire nave, transepts, chancel and vestry; or if the floor beneath the carpet, when exposed, should then be left uncovered; or whether a mixed approach should be taken.
77. The CBC has published statutory guidance concerning historic floors. As stated in that guidance (*"Historic Floors Guidance Note"*) it was issued under section 55(1)(d) of the Dioceses, Pastoral and Mission Measure 2007 and, being statutory guidance, *"... it must be considered with great care. The*

*standards of good practice set out in the guidance should not be departed from unless the departure is justified by reasons that are spelled out clearly, logically and convincingly.”*

78. The guidance states that where “*a convincing argument can be made for a new floor then the specification in terms of the layout, materials and detailing needs to be carefully considered. Natural stone is often the favoured option but there may be circumstances where other materials might be appropriate. Fitted carpet is not recommended as it has an overly domestic feel, quickly becomes tatty, and can cause damage to the floor on which it is laid (indeed the opportunity should be taken, as part of the work envisaged, to assess any damage that might have been caused to monuments, etc. by existing carpets and mats). It can also fundamentally alter the acoustics of a building.* Bear in mind that the specific choice of materials and finishes needs to be handled with some sensitivity; new natural stone or tiled floors are sometimes unsuccessful in that they are too uniform in colour, tone and pattern. In such cases the overall character can be unpleasantly bland and monotonous, as the patina and natural variation of the old floor is sacrificed in favour of uniformity and neatness.” (emphasis added).
79. In my view the good sense of this guidance is illustrated by the experience at this Church. The existing carpet has deteriorated to the point where it has become quite unattractive. This being so, I must ask myself why the Petitioners should be permitted to lay another, larger, area of carpeting. In due course that would also deteriorate, and lead to further expenditure in replacing it. To expose, and repair where necessary, the existing floor (and to lay a new permanent floor where pews are to be removed) would not run those same risks of deterioration and inevitable future expenditure. Where necessary, rugs could be used in areas where a soft floor finish is required.
80. As matters stand, I am not satisfied that the Petitioners have given due regard to the statutory guidance. I note their assertions that the carpeting is long standing; would benefit from uniform renewal; and is laid over various areas of sandstone flags, marble tiles, timber floor, concrete floor and wood blocks.

None of these points, without more, address the concerns that I have italicised in the statutory guidance at paragraph 78, above.

81. I should add that I take account of the Petitioners' concern that a fitted carpet would be safer than a hard floor in areas where children play. Nonetheless, it seems to me that it should be possible to use special rubberised mats in such areas. I note that is the approach that has been taken in the vestry (see photograph in the Annex).
82. Since the Petitioners do not appear have given due regard to the statutory guidance my view is that they have not provided a clear and convincing justification for this aspect of their Proposals. While I fully accept that the existing carpets need to be removed, I am not presently persuaded that the right course of action would be to lay fresh carpeting over an even larger part of the Church.
83. My view is that the right way forward is to allow the Petitioners to revisit this aspect of the Proposals, if they so choose, and to do so in accordance with the directions given at paragraph 95, below.

#### **O. Pulpit**

84. The final matter for consideration is the Petitioners' proposal regarding the pulpit, namely: "*The wooden pulpit will be fixed onto a wheelable plinth in order that it can be moved to an alternative location within the church*" while allowing for it to be "*brought back to its current position in the future, if so desired*".
85. The proposed floor plan submitted with the Petition shows the pulpit relocated in the Chancel.
86. Both the CBC and the Victorian Society object that the significance of the pulpit has not been provided.
87. The CBC objects to relocation of the pulpit within the chancel, as being an inappropriate location for a pulpit that would negatively impact its significance.

Similarly, the Victorian Society does not consider there is any sufficient justification for its relocation.

88. In response, the Petitioners explain that the pulpit, having been moved to different locations in the past, was returned to its original location in 2007. Once mounted on a movable plinth, the Petitioners say that they would then “*be able to work out the most practical position for it*”. They explain that it is not currently used and contend that it obscures sight lines to the chancel from the north transept and to the proposed position of TV screens.
89. I agree with the CBC and the Victorian Society that the Statement of Significance does not provide any adequate assessment of the significance of the pulpit to enable the potential impact of the proposal to be understood.
90. Further, I note that although the pulpit has historically occupied different positions in the Church, it most recently returned to its original position. Presumably that was, at least then, considered to be beneficial.
91. I also respectfully question the extent to which the pulpit interferes with visibility of the Chancel area from the north transept. This is for two reasons. First is from what I saw when visiting the Church (see the final photograph in the Annex to this judgment). Second is because of what the Petitioners themselves write in the Statement of Significance, namely: “*The church building is the largest indoor space available in the area which makes it an ideal venue for large groups and events. The lack of pillars means that a large number of people can be accommodated without obstructed views.*” (emphasis added)
92. Based on the very limited materials on the point available to me, in my view it is not possible for me to come to an informed conclusion about the likelihood of harm to the significance of the Church as a building of special architectural or historic interest that would result from the moving of the pulpit to an undetermined new location. For that reason, and for the other reasons just mentioned, I am not persuaded that the Petitioners have demonstrated a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted.

**P. Decision**

93. For the reasons set out above I am prepared to allow the following Proposals, namely what I have termed the Door Glazing; Handrails; Sound Desk; Platform and Communion Rail; Chancel Floor; and Ramp proposals.
94. I also direct that the faculty sought should issue regarding the Pew Removal proposal, but subject to the condition that the Petitioners shall not remove the pews in question until after I have first approved the type of floor (and floor covering, if any) proposed to be laid after the pews in question have been removed. This is because of the conditions that will attach the Carpeting proposals.
95. As to the Carpeting proposals:
- (1) The Petitioners shall, within 6 months of the date of this judgment (or such extended period as may be allowed), and if so advised, submit to the Registry a fresh proposal for the treatment of the floors within the Church, giving due and express consideration to the CBC Historic Floors Guidance Note.
  - (2) Any such proposal shall:
    - (a) Be accompanied by a plan identifying the nature and condition of the floors throughout the Church and beneath all existing carpeting;
    - (b) Be supported by professional advice concerning the contribution that floor makes or could make (if exposed and restored) to the significance of the Church as a building of special architectural or historic interest;
    - (c) Explain why the use of rugs or other removable coverings would be insufficient in any areas where a soft floor finish may reasonably be required;
    - (d) Specify the anticipated lifespan of any carpeting proposed, to the extent that option is still pursued.
    - (e) Set out comparative costings for:

- (i) Re-carpeting, to the extent that it is still proposed, and for
  - (ii) Exposing and making good the existing floors; and
- (f) Be accompanied by a copy of each of the faculties previously issued that permitted laying each of the carpets now fitted at the Church.
- (3) Before submitting any such revised proposal, the Petitioners shall:
  - (a) Consult afresh with the CBC and Victorian Society; and
  - (b) Obtain fresh advice from the Diocesan Advisory Committee.
- (4) If the Petitioners do not submit a fresh proposal in accordance with paragraph (1), above, then the Petition shall stand dismissed in this regard.
- 96. I refuse a faculty for the Choir Stalls and Pulpit Proposals.
- 97. I charge no fee for this written judgment, but the Petitioners must pay the costs of the petition, including any fees incurred by the Registry in dealing with this faculty application.

**JAMES FRYER-SPEDDING**

Chancellor

25 July 2025

## Annex – Photographs

The Choir Stalls







West end of the Nave





## Carpeting







Vestry mats



Pulpit





View from North Transept

