

IN THE CONSISTORY COURT
of the DIOCESE OF LIVERPOOL

Re St Helens Parish Church

JUDGMENT

Introduction

1. I am concerned with a faculty petition by St Helens Parish Church for the permanent removal of 5 rows of pews from the front of the nave and 12 rows of pews from the rear. Authority was given for these works on a temporary basis by the Archdeacon in December 2017 with a licence which was due to expire by March 2019, prior to which date the current petition was filed.

2. At the end of last year, several individual parishioners came forward, the most prominent of whom was Mr Peter Bellis the organist at the parish church, raising objections to the pew removal. Specifically, however, Mr Bellis pointed out that there had been inadequate notice served by the petitioners in accordance with the Faculty Jurisdiction Rules which had obstructed the ability of many to raise a valid objection. The inadequacy related to the posting of a notice outside the church. By a further direction the registrar required additional notice to be published, and this was achieved. The public notice has elicited a number of objections to the petition, to which I shall refer below.

Background and Nature of the application

3. St Helens Parish Church occupies a prominent position in the centre of the town of St Helens. Although there has been a church in that location for several centuries, the present building was constructed in the 1920s and consecrated in 1926. The founders commissioned the famous church architect WD Caroe who was responsible for a number of church buildings in the early part of the 20th century. It is a grade II listed building of particular grandeur with acknowledgement of Renaissance, Norman and Romanesque styles. There is a very large interior space with a high arched chancel, and a number of featured stained glass windows depicting biblical images of Christ as well as providing a Second World War Memorial. The communion table, reredos, organ case, and choir stalls were designed by the original architect, together with a

number of other sacramental features. It is not clear whether the architect had any involvement in the design of the pews which are relatively simple, only partially fixed, but probably installed at the time of construction of the church. They are described as having been “bought in” at the time by members of the congregation.

4. The pews span the vast nave providing four columns in what were between 17 and 19 rows before the recent temporary removal. Whilst the petition refers to 5 rows at the front nave, in fact this is better defined as 5 separate pews and similarly to the rear the “12 rows of pews” which it is sought to be removed are in fact 12 bench pews in three rows.

5. It would appear that the several rows of pews were removed under Archdeacon’s licence in 2011, for the accommodation of a crèche group, (“Tots and Tinies”) although it is possible that this related to the same work which the vicar and PCC have sought to advance in the more recent application when the Archdeacon became involved. This is not clear from the papers, but it makes little difference.

6. The parish church has been used as a community venue in the town centre for other than church purposes for many years, as it represents one of the largest, if not the largest auditorium and internal open meeting spaces for St Helens. The University Centre St Helens holds its annual graduation ceremony in the church.

7. It is mainly because of the size of the space within the church that the need for the faculty arises. Currently, the pews will seat approximately 800 people, although the congregation, as one might expect, is but a fraction of the full capacity. Whilst there are meeting spaces available in the upper hall, this creates problems of access for the disabled, and it has limited toilet or baby changing facility. The vision of the church is for gathering space, which is impossible whilst much of the nave is occupied by pews, in order to enhance fellowship and facilitate refreshments and meals after church services. The church is running a number of activities, especially for younger people, and the provision of a flexible space is said to be necessary to hold study courses, including alpha groups, and to run the early years groups both during and outside church services. There is an opportunity for the exhibition of artwork to the rear of the nave in the large open space which would be created by the removal of more pews, and it is likely that there can be greater engagement with the non-church community, which would in turn enhance the mission of the church. St Helens Parish Church is described as a “resource church” and part of Transform, reaching youth, young adults and young families. Further, it is intended that the newly created space would provide opportunities for local schools to use the church, and for the continued involvement of the messy church.

8. Where the pews are to be removed, the proposal is that carpet tiles would be used to replace the exposed stone floor.

9. I understand that the proposal in relation to seating is that whenever large events are held, the pews that would remain could be supplemented by individual chairs. This would enable the local university to continue to use the church, and provide a resource for concerts and performances which would in turn generate income for the upkeep of the church.

10. The petitioners have consulted Historic England and the 20th Century Society. The former have indicated that they do not wish to become involved, whilst there has been no response from the latter.

The objections to the petition

11. The objections appear to be those of local parishioners, as I have indicated. At an earlier stage I gave a direction that the objectors should be given an opportunity to become formally involved in the process as party opponents. They have declined to do so, but are content that I should take into account the nature of the matters which they have raised. After Mr Bellis had raised his original procedural concern, which related to the adequacy of the notice, these parishioners were given an opportunity to come forward, and have provided to the registry their own objections.

12. I summarise the opponents to the petition as follows:

Mr Bellis

13. He has provided documentary material relating to the minutes of the annual parochial church meeting, and the rector's report for that meeting from April 2017. The document makes reference to reordering of the interior of the church, and provides a particular assurance that before any decision was made, local attending church members would be consulted as well as those in the wider community. Mr Bellis contends that the PCC have gone about the application, including the obtaining of the temporary authority, in an underhand fashion, have not been transparent, and possibly have been in breach of the FJR either removing the pews before permission was granted, or failing to reinstate them after it had expired. The main thrust of his argument is that the pews have historic importance, having been designed by the original architect to complement the building as a component part of the fixtures and fittings, and that there is a legacy which is to be handed down to the next generation.

Mr Williams Round

14. David Williams Round in a brief letter of objection complains about the lack of consultation and a general meeting which had been promised. He also wished to pass on to the next generation the "facilities" by way of heritage.

Mr and Mrs Parr

15. Mr and Mrs Parr believed that church members had been deceived in the way in which the application had been handled. They also had been denied an opportunity for consultation. They pointed out that the church was an iconic building which they wished to pass on to the next generation.

Mr C Smith

16. This parishioner provided a letter in exactly the same terms as Mr and Mrs Parr. It had clearly been duplicated and provided for signature. That is entirely acceptable, as those objecting to a change of this nature would wish to get together and make sure that their voice is heard consistently.

Mr and Mrs JG Bate

17. Mr and Mrs Bate provided the fullest objection in a three page letter. They were concerned that partial removal of the pews was a precursor to complete removal which would significantly offend older members of the congregation whose families had probably contributed to the purchase of the pews in the first place. They pointed out the high cost of replacement with chairs, when pews already in place served the purpose of providing seating which would make the congregation sit up and pay attention, and which was likely to last for many decades. They appeared to take issue with the objectives of Resource which was too secular-focused. The way in which alterations to the internal layout had been undertaken recently detracted from solemn and humble worship, although this objection appears to relate largely to the staging in front of the chancel and the style of worship which was followed. Their understandable concern relates to the preservation of a liturgical and spiritual focus to worship which they believe is being diluted by modern methods and the watering down of the gospel.

18. Mr and Mrs Bate engage with a common theme in relation to worship forms which by implication, they suggest are being encouraged by pew removal, that is the division of congregations between the older members who prefer a quieter and more contemplative liturgical worship (9 o'clock service) and a louder band led worship (11 o'clock service).

19. I trust that this summary does justice to their objections.

Legal approach

20. Permission will usually be granted for a faculty if the court can be satisfied that the pew removal will not affect the character of the church, as a listed building, in terms of its architectural or historic interest. Churches will always want to develop their mission, and this will involve structural alteration and changes to worship layout to adapt to changing cultures and

different generational ideas, but this cannot be achieved by a wholesale disregard to heritage. The consistory court must undertake a balancing exercise.

21. Guidance has been provided for the approach to be taken by the Court of Arches in **Re St Alkmund, Duffield [2013] Fam 158**, which approach is now followed almost invariably.

- (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 **Peek v Trower [1881] 7PD 21 26-8**, and the review of the case law by Chancellor Bursell QC in **In re St Mary’s White Waltham (no2) [2010] PTSR 1689** at para 11). Questions 3, 4 and 5 below do not then 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 II*, where serious harm should only exceptionally be allowed.*

Determination

22. I use these questions as my starting point. It is important when considering the first question that I focus only on those works which are the subject of the faculty petition. I do not take into account the prospect that there may be significant further pew removal, or that the staging, immediately in front of the chancel, for which permission will have been given previously has concerned some of the objectors.

23. In this respect I find the question of harm, which is always relative, to be a straightforward one to resolve. The removal of these pews will still leave a substantial number of forward-facing pews in the nave. If and insofar as the pews were designed by the original architect, (of which I am not convinced) or have an aesthetic association with the construction of the building intended to complement the architectural style, then the retention of a substantial portion of pews will address any concern that such an intention is being abused. In other words, in such a large nave the proposed pew removal, whilst in the eyes of some maybe symbolic of a slippery slope towards unacceptable modern worship styles, is a minor alteration which in my judgment represents very little if any harm.

24. Further, in relation the matters raised by the objectors, I cannot identify any evidential basis for harm to the architectural or historic aspect of the church building, or to undermine the need set out in the petition papers. They engage, for the most part, with the lack of consultation,

and a desire to pass on a heritage, which are not factors to impinge upon the merits of the application. Further, any procedural failures have been addressed.

25. Thus, I do not believe that it is necessary to move on to the third of the Duffield questions. However, whether this issue is approached on the basis that the presumption of leaving things as they are is to be rebutted, or, in the event that I am wrong on the first question of harm, that any harm which may be perceived is outweighed by the need to further the mission of the church, I have little doubt that this is an appropriate case for the granting of a faculty. This church has a community role of some significance, and evidence has also been provided of a progressive forward-looking missionary approach. It is clear that to fulfil its role flexible space is required, and the mission objects cannot be achieved if this vast nave remains fully occupied by pews which on most Sundays and worship services will be largely empty. A very compelling case for need is presented.

26. In coming to my conclusion, I acknowledge the real concern which the older generation, and those who have worshipped at this church for many decades will feel as they see wholesale changes made to the worship space and the church building which to them is symbolic, and represents a heritage which must be passed on to subsequent generations. However, there comes a time when it is necessary to acknowledge that the needs of the future generations may not always lie comfortably with those of the present. The comments of the original architect, W.D. Caroe are highly pertinent, referring to church buildings generally:

“the right approach is to consider an adaptive reuse, extension or appropriate alteration as the best means of securing their future”

27. There are no conditions required, save that the pews, already removed, are disposed of sensitively by sale or otherwise.

His Honour Judge Graham Wood QC

Chancellor of the Diocese of Liverpool

17th July 2019