

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

PARISH OF ST. PAUL STOCKINGFORD

In the matter of a Petition lodged by the Vicar and Churchwardens on the 21ST February 2007 seeking a Faculty:

To Re-order the Church of St. Paul Stockingford as follows:

1. To insert a new damp proof course and re-plaster as necessary
2. To install new lighting and sound systems together with provision for computer presentation as needed
3. To redecorate throughout
4. To remove pews and replace with chairs, and remove wall boarding to which pews are fixed
5. To create a flexible space within the nave to allow the building to be used as a place of worship and church hall
6. To remove the organ and replace with a smaller modern equivalent
7. Provide storage and hospitality bar to the west beneath gallery
8. Improve access to and revamp gallery to make more useable space
9. To board roof space for storage
10. To repair window frames as necessary

And heard before Lord Justice Gage on Saturday 5th April 2008 in the parish church of St Paul's Stockingford

JUDGMENT

It is not my practice to keep people in suspense therefore I propose now to announce that I shall grant the Faculty subject to certain conditions. The reasons that I shall do so I will now endeavour to explain to you.

This is a Petition for re-ordering this Church. I will start by giving a description of the Church which I take from the Statement of Significance which must be filed in each case such as this. The original building now the Nave was built in 1824 and the Chancel and two vestries added in 1895. So far as the building is concerned the walls are of brick with Welsh slate roof to the main building and flat roofs to the vestries. The internal walls, as can be seen, are plastered as is the ceiling. There are coloured glass windows to the main Nave area comprising of multi coloured diamond shapes set in lead. There is a more ornate stained glass window in the Chancel which was installed in 1921 as a memorial to those lost in the First World War. There is a tower which houses a bell, it is no longer rung except within the clock mechanism. The interior of the Church consists of a single bay Nave with a single bay Chancel. There is a small open gallery with bench seats at the west end with access via a dog-leg staircase from the nave. The pews which form the focus of much of this hearing are of pine fitted after the turn of the century to replace open back bench pews. The architect told me that they were of no great value and can be described as mass

produced Victorian pews. So far as the organ is concerned which also features in this case, it was put in place in 1909. The current use – it is possible to use it at present but it is in some stage of disrepair and I was told that it requires £42,000 to repair it fully. The aisles are of concrete with obsolete heating channels on each side and the pews are raised on a platform of wooden floorboards with fixed wooden kneelers to each pew. The pews have shelves at the back to accommodate books. There is a crèche at the back of the building which was put in some years ago (with a wooden frame) sited underneath the balcony and a triple glazed door and windows. A Parish Centre was added in 1995 to the south of the main building and the main access to the Church was then altered so that access is gained through the new building.

The proposals in the Petition are, as I explained at the beginning of this hearing, ten in number, six of them are not controversial they concern redecoration and damp-proofing and the like, I simply list them in this way as they appear in the Petition:

1. To insert a new damp-proof course and re-plaster as necessary
2. To install a new lighting and sound systems together with provision for computer presentation as needed
3. To redecorate throughout

We then move to:

8. To improve access and revamp gallery to make a more usable space.
9. To board roof space for storage

10. To repair window frames as necessary

As I have already said these items are not a matter of controversy and I shall grant the Faculty for them to be carried out.

Those that are controversial are as follows:

4. To remove pews and replace with chairs and remove all boarding to which pews are fixed.
5. To create a flexible space within the Nave to allow the building to be used as a place of worship and church hall.
6. To remove the organ and replace with a smaller modern equivalent. As I understand it what is proposed is that it be replaced with an electronic organ.
7. To provide storage and a hospitality bar to the west end beneath the gallery.

The Objectors in this case are Mr and Mrs Ray; others had objected originally.

They have not pursued their objections but their statements in the form of letters are included in the papers before me. I have read them and I take them into account.

I turn now to the evidence that I have heard today in this Church which is being used for these purposes as a Court. In a Statement of Evidence signed by the Incumbent the Reverend Michael Vincent, Mr West and Mrs Male what is said is that some few years ago, in 2004 in fact, the local parish hall was condemned as unfit for use. As a result of that the Church lost a valuable resource which had been used up to that time for parish activities such as a Christmas Bazaar, barn dances and by young people's

groups Brownies and Guides and the like. The present Parish Centre, which as I have already indicated, was put in place and completed in 1995 is not large enough to host all the many activities of the Church and those of the local community. Mr Vincent told me that the original thought was to put an extension to the Church on the north side. That met with objections from local residents. A planning application was made and planning permission would only have been granted on the basis that a car park was provided and that car park would have had to occupy the space which is now the part of the Churchyard. Accordingly it was not proceeded with. The Parish Centre is not big enough for a number of the activities that groups wish to carry out in and around the Church and it is not possible for it to be extended. I have to say having seen the Parish Centre it seems to me unrealistic to think or suggest that it can now be altered in any significant way. In his evidence Mr Vincent told the Court that the essence of what is sought to be done is to remove the pews to provide a space mostly to be open at the west end of the Church and in the space towards the east end to replace the pews with chairs. The essence of this proposal is that the use of the Church should become more flexible than it is. Mr Vincent pointed out that the pews do not aid flexibility; it is difficult, if you have groups of young children and others, to provide with the pews accommodation for them to take part in the many activities which it is desired for them to participate in without having an open space. As I have

indicated the real purpose of these proposals is to provide more flexibility and so better outreach into the community.

For the Objectors, Mr and Mrs Ray have placed before the Court witness statements and have also given evidence. What is said by Mr and Mrs Ray is, if they will allow me to say so, principally focused on the removal of the pews. Mrs Ray perhaps put most persuasively and eloquently the objection in this way. She said that the Church now a church/hall would become a hall/church. She said in her evidence that she and her husband, who also gave evidence before me, objected to that plan. It was, she submitted, inimical for a church to be used in that way, the basis of her submission was really that the Church should principally be a place of worship and designed as such. The atmosphere would be dramatically altered if the pews were removed and chairs used in the way in which was sought to do. In the circumstances she and her husband, and I have read in the letters that have been supplied by those also who disagree with these proposals, object to these changes. She made it clear during the course of her evidence that it is not an objection to the use of the Church by young people and by other groups, the objection was to the removal of the pews thus making it more of a hall rather than as a place of worship. It is perhaps significant to note that this was not an objection which in any way reflected a criticism of the incumbent who Mrs Ray describes as having been, in her words “brilliant for the

Church". It is presently a thriving Church and she said she had no reason to believe that it would not remain so even if the changes do not go through.

There was also an objection to the removal of the organ. It is a significant organ, and it was submitted to me that to remove it would detract from this Church rather than, as the Petitioners say, be an advantage. Other objections were put forward namely the fact that chairs are less easy to use particularly for larger people, kneeling is more difficult even if kneelers are provided; in the circumstances the present calm quiet atmosphere of the Church would be radically altered and, as the Objectors would submit, to the detriment of the Church. Finally Mr Ray said that not all the alternatives had properly been investigated. He submits that it would still be possible to put an extension on the north side of the Church. He personally would have had no objection if a car parking facility had also to be provided in the graveyard. There was also the suggestion that there were alternative sites in and around the area which groups could use rather than use the Church.

Before me there is also evidence from supporting groups; supporting in the sense that they support these alterations. I mention just a few of them. There is a letter from Emma Cooper who runs the 2nd Arbury St Paul's Rainbow Group. They are currently based at the Parish Centre at St Paul's Church and they meet every Thursday night. The new area, it is said, within the Church would make meetings a lot easier and she said that that they support the plans fully. The Guides and Brownies Group similarly

support the alterations. The Masqueraders Theatrical Society state “We would support the removal of the pews at St Paul’s to create an open space for the following reasons – it would provide a large floor space for rehearsals; there would be plenty of room for fundraising and social activities, there would be separate areas for small rehearsals between small groups of performers, we would be able to hold concert performances and workshops at the Church, we would be able to openly expand our group and develop our work with the local community”.

In my judgement of greater significance as well is the letter from Mr C M Plant the head teacher of the St Paul’s Church of England Primary School. He says in a letter dated the 20th March 2006, “Our School has very close links with St Paul’s Church we hold assemblies in the Church throughout the year and at the end of each term we have a celebration assembly. As our school has over 470 children as well as over 45 staff it is difficult for us all physically to fit in the existing seating plan; we are certainly not able to invite parents to participate in collective worship with us as the existing spaces are unable to accommodate them as well. The new proposals would enable us to use the available space far more creatively. We would look forward to using the Church for a Christmas Carol Concert, Nativity plays as well as other gatherings”. He goes on to state “Our own school hall is too small to accommodate all friends and family of the pupils there”.

The DAC support these proposals. I heard evidence from the Secretary Mr Ray Anderton. He gave the reasons in a written statement why the DAC now support these proposals. They had initially objected to part of it; that part to which they objected has now been withdrawn. Further, there are letters from the Council for the Care of Churches, English Heritage and the Georgian Society which also support these proposals.

Two other matters I shall deal with which were mentioned by Mrs Ray in her submissions. First of all she submitted that it would be possible to divide the Nave half and half; that is have an open space and have pews in the forward space. Secondly she said that it was going to be difficult in the interim period between the process being put into effect, to arrange weddings and like scenarios. As to that, the Registrar informs me that local churches can always make arrangements for weddings and such like activities in the period when the works are being carried out. So far as the suggestion that the hall can be divided half and half it is my view that aesthetically that would be unpleasing. It seems to me that the DAC might have a legitimate objection to it being used in that way. It would in my judgement be neither one thing nor the other.

I go on to deal with my findings of fact. So far as the open space that is sought I make the following findings:

I find that the Church is in need of redecoration and the installation of a damp-proofing course. That, as I say, is not a matter of controversy. This will necessitate the removal of the pews but does not mean that they could not be replaced. There is now no dispute about the removal of the dais on which they stand. I have to say I would regard that in any event as an advantage but there is also no dispute that the iron pipe-work now obsolete, should also be removed. I find that the closure of the Parish Hall caused a loss of a resource which enabled the parish to host many activities such as those to which I have already referred namely the Christmas bazaar, barn dances and the activities of the young people's group. I further found this is at present a thriving Church for which a great deal of credit must go to the Reverend Michael Vincent. I find that it is now not practical to build on the north side of the Church. There have been planning objections as well as objections from local residents. In my judgement there is no method of providing space outside the Church. The Parish Centre in my opinion cannot sensibly be altered. I further find that it is essentially impractical for church activities to be carried out in other facilities within the locality. The result is that a substantial tool for outreach in the community has been lost. In my judgement the plan to remove the pews and provide moveable chairs would remedy this loss and enable the Church to be used more effectively for activities previously carried out in the parish hall. In my judgement the pews themselves are of a rigid framework which do not lend themselves to these

activities. The Church's use would therefore be more flexible and be an advantage to the parish's mission within the community. In addition I further find that it would be more practical for use by disabled people. I do not regard the suggestion that it might provide a fire hazard as realistic particularly since if the disabled chairs were used, as they presumably presently are, on the end of the pews the same fire hazard exists. I further find that a consultation exercise carried out within the congregation demonstrated that 76% of those who answered the consultation paper were in favour of this re-ordering; as opposed to that, 17% of those who answered the consultation paper were against it of whom some were not regular members of the congregation. I further find that the overwhelming majority of the PCC support the proposed re-ordering.

However I accept the evidence of Mr and Mrs Ray that there is a body of opinion which rejects the proposed re-ordering as inimical to the use of the Church as a sacred building used primarily as a place of worship. I further find that there is no reason to replace the pews other than the desire to provide an open space and more flexibility in the use of the Church. So far as the replacement of the organ is concerned I find that it is an instrument of historic and other interest although it presently is in need of some considerable repairs. I find that its size is, as is suggested, inappropriate and disproportionate to the use of this Church. I accept Mr Anderton's evidence when he said that it was a Victorian organ placed in a Georgian

Church. Its removal will create more space. For myself I would have preferred that it be replaced by a pipe organ and not by an electronic organ but I do not propose to make a condition that it is replaced by a pipe organ, I invite the Petitioners at least to consider that again. There will be a condition that the removal of the organ should not take place until best efforts have been made to see that a home can be provided for it intact. I shall deal with that a little later.

It is proposed that the pulpit should be moved to the site where the organ was, in my judgement there can, once the organ has been removed, be no sensible reason for that not to take place. I find that that is an acceptable aesthetically pleasing place for the pulpit to be. So far as the font is concerned that stays where it is.

Next I turn to the tea bar as I shall call it. The proposal is that it should be at the west end of the Church underneath the gallery, the opposite side to where the crèche is at present. So far as that is concerned I find that it is not strictly necessary for this facility to be constructed but I see no reason not to grant the faculty in respect of this; it will have some advantages as Mr Vincent pointed out, when there are more than one group using both the Church and the Parish Centre. In addition, in my judgement it would fit symmetrically with the crèche on the other side.

Finally I find that these proposals are supported by the DAC, English Heritage, The Georgian Society and the Council for the Care of Churches.

I turn now to the law that applies in a situation such as this. The Court of Arches in the case of St Luke the Evangelist Maidstone reported in 1995 Family Reports at page 1 in one part of the judgment made this observation:

“We consider that deciding upon alterations to a church a Chancellor should have in mind that:

- (i) the persons most concerned with worship in a church are those who worship there regularly, although other members of the Church who are not such regular worshippers may also be concerned;”

Further the court approved questions posed by Chancellor Sheila Cameron QC in St Helens, Bishopgate in a judgment given on the 26 November 1993, in which she said the questions that have to be answered are as follows:

- ‘(1) Have the petitioners proved a necessity for some or all of the proposed works either because they are necessary for the pastoral well being of St Helen’s, or for some other compelling reason?
- (2) Will some or all of the works adversely affect the character of the church as a building of special architectural and historical interest?
- (3) If the answer to 2 is yes, then is the necessity proved by the petitioners such that in the exercise of the court’s discretion a faculty should be granted for some or all of the works?’

Applying those principles to the findings which I have just made I conclude that the Petitioners have proved a necessity for the re-ordering. That necessity is for the flexible use of the Church to aid the Church's mission in the local community and replace the facility previously provided by the parish hall. I do not regard any of these changes as sufficiently radical to affect adversely the character of the Church as a building of special architectural and historic interest. In that finding I am comforted by the opinion of the Diocesan Advisory Committee for the Care of Churches as expressed through Mr Anderton in evidence today. Generally this is a Church with a thriving and active congregation. Its desire to play its part in the community is understandable and in my view much to be commended. Whilst I realise that the re-ordering will cause offence and distress to some members of the congregation I am swayed by the weight of opinion in favour of the re-ordering. In my judgement to refuse to grant the Faculty would be an even greater blow to the majority who, as I have found, for good reason, desire to make the change.

Finally in granting the Faculty I am conscious that the re-ordering is not permanent save for the disposal of the organ; everything else can be revisited by later generations if so desired. Therefore I grant the Faculty but it will be on the following conditions:

1. A record and photographs must be made of the interior of the building before the re-ordering takes place. That record and photographs must be kept with the parish records.
2. The final design of the chairs must be subject to the approval of the DAC.
3. Every effort to find a home for the organ without it being dismantled must be made and the final consent to its removal be given by the DAC within 6 months of today. This ought to give time for proposals to be made without interrupting the work that will be required to be carried out for the purposes of carrying out the re-ordering for which I have just given a Faculty.
