

In the matter of SS Peter & Paul, West Wittering

Judgment

1. By an undated petition, a faculty is sought for the removal of five noticeboards from the porch; the disposal of some nineteenth century pews, relocation of others with medieval ends; and the shortening of two pews. Several pews had previously been moved to a side chapel pursuant to an Archdeacon's Licence for temporary minor re-ordering which expired in February. In common with several of the consultees, I found it far from easy to identify the individual pews, to be moved or shortened or disposed of.

Public notice

2. The conventional public notice took place at the church and, in addition, the proposal was publicised via the Harbour Churches weekly online newsletter and on the parish website, in accordance with the court's *Practice Direction: Public Notice and Covid-19* of 26 March 2020. I am satisfied that all reasonable efforts have been made to bring the matter to the attention of parishioners.

The petitioners' case

3. The papers include a richly illustrated Statement of Significance and Statement of Needs setting out the parish's vision for this modest reordering. The removal of the noticeboards will make the porch more welcoming, with free-standing modern notice boards to be placed at the west end of the church. Removing the pews has created an area at the rear of church where (but for the pandemic) the congregation can meet after the service to socialise. The experimental use of this space during the currency of the Archdeacon's Licence has been favourably received.

Consultation

4. The CBC has indicated that it has no objection to the proposals. And so has Historic England. The Victorian Society stated that it was content to defer to the DAC. There has been no response from SPAB.
5. On 20 April 2020, the DAC issued a Notification of Advice, recommending the proposed works subject to certain conditions.

Discussion

6. The issue for determination is whether a temporary reordering should now be made permanent. By all accounts the experiment has proved successful and has won wide scale approval. A substantial number of pews will remain and the shortening of the two pews relocated to the Lady Chapel will preserve their attractive medieval pews ends, sacrificing a portion of the unremarkable nineteenth century bench.

Duffield framework

7. Applying the guidance of the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158, and noting the burden which lies on the proponents of change, there will be a degree of *harm* to the significance of this church as a building of special architectural or historic interest, but it will not be particularly significant. The *justification* is cogent, as the consultees seem to agree, and the public benefit from the works will undoubtedly *outweigh* the harm.

Disposal

8. It follows that a faculty will pass the seal on condition:
 - (1) That the new free-standing noticeboards are not to be introduced into the church until their design, style and manufacturer have been approved in writing by the Chancellor;
 - (2) That the works to be pews are carried out under the direction of the parish's inspecting architect, and undertaken by a suitably qualified carpenter.
 - (3) That the disposal of the pews which are not to be retained is to be carried out in accordance with the plan identified by the third petitioner in her email to the Registry dated 30 April 2020.
 - (4) That the faculty is not to be implemented until the court fees have been paid in full.

Costs

9. In accordance with the practice of the Consistory Court, the court fees are to be paid by the Petitioners.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

5 March 2021