

Neutral Citation No [2022] ECC Yor 1

In the Diocese of York

In the Consistory Court

The Parish of Leake

Church of St Mary

1. By a Petition dated 18th August 2022 and filed online, the Rev Dianne Gamble, Priest in Charge, and David Smethurst, churchwarden, sought a faculty to:
 1. carry out repairs to the North Aisle roof, refurbish rainwater goods, and repoint stonework to the North Aisle, South Clerestory and South Chancel;
 2. carry out churchyard improvement works;
 3. extend the existing under-pew heating;
 4. introduce a new lighting scheme;
 5. introduce noticeboards, leaflet stands, storage benches and 40 stacking chairs on a trolley, and remove two pews at the west end of the Nave, all to create a Welcome area, and
 6. remove the freestanding pews from the Chancel and introduce 10 oak chairs to create a small meeting/worship area,together with all associated minor works in accordance with the Specification and Schedule of Works for Stonework Repairs by Beaumont Brown Architects LLP dated 22nd July 2022, the Quotation from D France Masonry dated April 2022, the Quotation from Byfield Heating Ltd dated 5th November 2021, the Quotation from L and D Construction dated 8th January 2022, the Quotation from A Turner Electrical dated 2nd February 2022 and the Quotation from Wren cabinet makers
2. The matter was considered by the Diocesan Advisory Committee (DAC) on two occasions. Initially on 17th May 2022 it was considered as an “advice item”. At that time the proposals included replacing the freestanding pews in the chancel with upholstered chairs and laying a carpet in that area. The DAC advised that unupholstered chairs should be used and that there should be no carpet. The parish accepted that advice. The matter as presently proposed was reconsidered on 23rd June 2022. On that occasion the DAC recommended the proposal.
3. The matter was referred to me on the 19th August 2022 on the Online Faculty System. I dealt with it the same day and I directed that I was satisfied that the petitioners had made out their case and I directed that that “subject to the relevant display of Public Notice and no objection being received, a Faculty shall pass the seal until further order”.
4. Following the display of Public Notice two letters of objections were received. They were from Ms Penny Bell and Mr Peter Dennis.

5. The Registrar, in accordance with the Faculty Jurisdiction Rules (FJR) 10.3, wrote to each of the objectors explaining the options facing them, namely whether to formally object by filing a Form 5 document, or to allow me to take their letters of objection into account when coming to my decision, without them becoming parties to contested proceedings.
6. Neither of them replied to the Registrar's letter. Consequently, under FJR 2015 Rule 10.3(2)(d) they are deemed not to have become parties opponent. FJR 10.5(2) then requires me to take account of any letters of objection, and any comments on them received from the petitioners, in reaching a decision on the petition.
7. The Registrar had of course also written to the Petitioners to inform them of the objections received. In due course they responded to the objections in a letter dated 22nd October 2022 setting out their response to the letters of objection.
8. I will summarise the objections that have been made. Before doing so I note that there are no objections to items 1 to 4 on the list in paragraph 1 above which are of course the main items in this project.
9. Ms Bell is a resident in the parish, on the church electoral role and was a PCC member from 2011 to February 2022, and a churchwarden from 2012 to 2018. She refers to an earlier consultation in 2016 when the general consensus was against the removal of the rear pews. She compares that consultation which included writing to every household in the parish, and holding an open day for people to express their views, with the one for this proposal, which was conducted mostly online. She doesn't recount how many people attended the open day or otherwise expressed their views formally in 2016, although she says that the 30 who responded to this consultation is only about 3% of the households in the parish. She regards it as a quick and quiet exercise which felt like a fait accompli from the start.
10. As for her objections they are principally concerned with the removal of the two rear pews on either side of the church and the introduction of new notice boards and leaflet racks.
11. She regards the arrangements of pews as a classic example of how a rural church was in the mid nineteenth century when they were installed, and says that many visitors and parishioners love them, their history and the way they look. She says that their removal will mean that anyone entering the church will gain the impression of an interior that has been sadly altered. She is concerned that at a practical level they do an excellent job of hiding dust that accumulates in an old sandstone church and that more sweeping will be required and also more labour putting out and putting away any chairs that may need to be used for events attended by a lot of people. Her concerns about the removal of the freestanding pews in the chancel are not about their removal which she regards as a sensible idea but with their replacement with oak chairs and a carpet. The chairs she regards as unnecessary and extravagant at an estimated cost of £3,500 and the carpet (in fact no longer being pursued) she believed would spoil the beauty of the chancel, and

soon turn musty given the damp nature of the chancel floor. She questions the number of chairs required, asking how you know what is a right number and saying that no doubt more will be needed and added. She has other concerns such as the proposed colour of the wood staining not being in keeping with the rest of the church.

12. In relation to the notice boards and the leaflet racks, the former she says seem excessive being “all the way along the back of the church in a regimented fashion, and also in the tower base.” She says that church will be in danger of looking more like a conference centre than a beautiful rural church. She would prefer the stone wall space to the left and right of the tower arch to be left bare. She regards the leaflet racks as most unsightly when viewed from the chancel. She cannot imagine that what is proposed will look any tidier than that which they are proposed to replace. The sharp outline of the ancient arch that frames the font at the tower base will be lost in her view. And finally the repositioned graveyard plan would look dreadful on the north aisle wall.
13. Mr Dennis, who with his family have been involved in the church for more than a hundred years, objects to the removal of the pews at the west end of the nave and the freestanding pews in the chancel. He says that they do not need 10 oak chairs. He says that they have had many chairs stolen over the years and that the other stacking chairs would be quite adequate. He gives no further reasoning as to why he objects.
14. In their response the petitioners begin by saying that the letters of objection are from people who “are both long standing members of the Church, with a clear deep affinity to the Church and concern for its history. Their concerns, and strength of feeling is not doubted, and their views are treated with respect by the petitioners and the PCC. However, it is equally clear that there are many different perspectives on what is needed and what changes are appropriate, and the focus of the petitioners and the PCC must be on what is necessary and appropriate to respond to the future pressures and opportunities facing us. We need to look forward, and not backwards, as we strive to promote the mission of the Church as a place of worship and engagement for the wider community.”
15. They note that they were aware of these objections when deciding to submit their petition. They say that the objections “were raised by the objectors, and in some cases by other respondents, during the consultation undertaken by the PCC, prior to submission of the petition ... But many other comments were also received, in many cases quite detailed, which supported these proposals. In respect of all the contentious matters, the positive supporting responses substantially exceeded the comments of objection.” They say that “Having addressed the matters fully, and the views expressed on each side, the petitioners and PCC concluded that the proposals should still be advanced.”
16. They say that the removal of the freestanding pews in the chancel, which Ms Bell regards as a sensible idea, is to improve the physical appearance of the area by

replacing furniture that has no practical purpose with a symmetrical arrangement of purpose made freestanding chairs which will improve the appearance of the area and be useful for different small acts of worship and for meetings such as PCC meetings.

17. The statement of need submitted with the petition refers to the proposed “internal changes to improve welcome and functionality for worship and visitors”. There are then six bullet points setting out the changes and the reason for each of them:
 - *noticeboards and leaflet racks* on the west wall, either side of the tower base (north and south walls), to greatly expand the capacity to display (and encourage) the life and mission of the church, and improve the availability of information;
 - *benches and storage in tower base* to replace the current freestanding benches in the tower base (north and south sides) with purpose made and fitted oak bench seats, improving the visual appearance, seating and storage;
 - *social and welcome spaces* created by removing the back two pews in both the north and south aisles (but not in the central aisle), and involving provision of a suspended wooden floor, level with the rest of the church – in order in the north aisle to provide a space for socialising, serving of drinks etc from the adjacent kitchen, and in the south aisle to provide for a better welcome, and less congested departure, for those attending services;
 - *purpose made fitted bookcase to store hymn books etc (and incorporating secure alms box)* to be located in the south aisle welcome area, and allowing books and service sheets to be available to the congregation immediately on entry;
 - *new meeting/small worship area in chancel* created by removing the various free standing pews in the area immediately in front of the altar rail, and adding freestanding oak chairs;
 - *new stacking chairs* to be stored in the kitchen vestry to replace the existing old plastic chairs, and offer more efficient seating flexibility.
18. In their response to the objections they refer back to that statement of need. Additionally they add that the rear pews make no relevant historic or aesthetic contribution to the church. They rebut the suggestion that the pews are regularly occupied, saying that they are hardly ever used in normal services or even at the major festivals. They repeat their statement that the removal will provide necessary space to improve the functionality of the church.
19. In relation to the notice boards and leaflet racks, they accept that there is a need to balance the existing character of the church with the aspiration of the church community to present and encourage the life of the church and its mission through displays and leaflets. They believe they have struck that balance correctly and point out that the cohesive design of the scale of the noticeboards was developed by the architect. They say that every effort will be made to achieve an appropriate match to the colour and staining of the wood and to the predominant colours in the church.
20. Finally, in relation to the manner of the consultation they contend that it was proportionate and that the use of the church’s website, electronic newsletter and the direct emailing of electoral roll members was more extensive than on previous occasions. They say that since the previous consultation the use of the Internet and its capability for communicating has grown greatly.

21. The question for me is whether the petitioners have made out a case for their proposals.
22. I am satisfied that the consultation which the petitioners engaged in was appropriate and proportionate. I accept that the use of the Internet has grown significantly as a result of the pandemic. Many people who either had no Internet access or who did not really know how to use it, including in particular people living in rural areas and of an older generation, have become very adept at digital communication in the last 2 ½ years. I note that there were some 30 responses and accept that the vast majority of them were very much in favour of these proposals. In my experience that counts as a significant favourable response.
23. I will deal first with the objection to the introduction of the oak chairs in place of the freestanding pews in the chancel area. Mr Dennis gives no reason for retaining the pews in this area, his objection being focused upon the proposed new chairs. Ms Bell thinks the removal is sensible but objects to the introduction of the chairs. The plans attached to the petition show two rows of five chairs facing- each other across the chancel on the north and south sides, each row arranged in a slight arc. They will clearly be appropriate for small services, discussion groups and meetings in that space. That will be a clear benefit for the church and the community. The petitioners have accepted the advice of the DAC that the chairs should not be upholstered and that there should not be a carpet in that space.
24. In relation to the rear pews. I accept the petitioners' case that they are very rarely used. The DAC's advice is that the pews have no intrinsic significance themselves. They point out that pews had been removed from the front of the nave, under faculty, and the present proposal to remove two pews from each side (i.e. four in total) would see that removal mirrored at the rear. In my experience it is very common for churches to seek to create space at the rear of the church to enable socialising to take place after services and on other occasions. It is generally understood that that has been a significant benefit where it has happened, building an increased sense of community in a congregation.
25. The plans to which I have referred also show elevation sections of the rear of the church indicating where the noticeboards will be positioned and give me a clear understanding of how they will look proportionately within the building. Of course, the view from the chancel will be different from the present view, but it will only replicate what is now seen in many churches. Section BB shows clearly that the font and its setting in the archway to the base of the tower will be unaffected.
26. There is nothing about any of these proposals that does any harm to the building or to any historic architectural or artistic interest. Items 1-4 are without controversy and will be clear benefits to the church. Items 5 and 6 have drawn some limited opposition. I have considered in some detail those objections but am satisfied they do not undermine the case that the petitioners have advanced.

27. The case for the petitioners is very well summed up in the six bullet points set out at paragraph 17 above. Quite a number of those proposals have drawn no objection. But I note that they are all part and parcel of one piece – how to welcome people into church, giving them information about the church, which will no doubt be a mix of both its history and significance but also what it is doing at the present time and how you can become involved if you wish to. There are also a number of very practical additions which will be of one style and will fit together and will be made as good a fit to the historic church as can be. It is all well thought out, well designed and I am satisfied that the case is made out for the changes to be introduced.

28. I therefore propose to allow the petition and grant a faculty.

29. I will allow 24 months for the completion of the proposals.

30. This being an 'opposed' petition the petitioners will have to pay the additional costs created by this being an opposed petition.

Canon Peter Collier QC
Chancellor of the Diocese of York.

11th November 2022