

IN THE CONSISTORY COURT OF THE DIOCESE OF PORTSMOUTH

IN THE MATTER OF CHRIST CHURCH, GOSPORT

PETITION REF. 2024 – 097550

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JUDGMENT

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*The Petition*

1. By a Petition dated 22 May 2024, Mrs Nic Driscoll, Lead Administrator of Christ Church, Gosport, and acting on behalf of the Priest in Charge and Churchwardens, seeks permission for removal of 7 pews and a monk's/refectory table from Christ Church to the church of St John, Forton Road. Christ Church is part of the parish of Haven Church, Gosport and St John's church is part of this same parish.
2. Christ Church, a Victorian building with twentieth century alterations, is not listed. It is thought that the pews and table which are the subject of this Petition were introduced to the church during the twentieth century.
3. Christ Church hosts a variety of services throughout the week and is home to a popular Tots and Toddlers group and Alpha Course meetings. It is in receipt of Strategic Development Funding from the Church Commissioners. 2 new worshipping communities have been planted at Christ Church to run alongside existing services. The Statement of Need in support of the Petition says, "To make church a place where everyone can feel at home, the church must be comfortable, warm and welcoming and have the necessary infrastructure to host large groups of people for services and events."

4. To that end, the leaders of Christ Church wish to remove the pews and table. They are said to impede flexible and efficient use of the space. Currently, the pews and table, located in the south aisle of the church, have to be moved for the all age service as well as the Tots and Toddlers event and other occasions in church including festival services, community quizzes, fairs and fundays. Their regular movement is said to be a health and safety risk to staff and volunteers and risks damaging the furniture itself.

### *The Objection*

5. The Petition was advertised publicly in the usual way and an objection was received from Mrs Ann Wood of Gosport. Mrs Wood, who lives in the parish and worships at Christ Church, has opted not to become a party opponent but sent a letter dated 19 June 2024 to the Registrar setting out her objections.
6. I summarise Mrs Wood's objections and submissions as follows:
  - a. retention of the pews and table after recent reconfiguration works was important to original congregation members, retaining some of the aesthetic of the original church;
  - b. the heaviness of the pews means they provide sturdier and more stable seating for those with reduced mobility and young children (who also used the pew tops for recreation);
  - c. the pews are favoured by families attending the contemporary services because they make it easier to manage children;
  - d. the retained pews were located in an aisle in front of the Sedgwick altar to create a more traditional chapel, something which was appreciated by original worshippers whilst the rest of the building became, so it is said, more functional and unfamiliar;
  - e. as the rest of the church has been fitted out for more contemporary styles of worship, the continuing presence of the more traditional furniture in the chapel has been of comfort;
  - f. other areas of space in the church are not currently efficiently used, e.g. the area occupied by the stage platform;
  - g. part of the motivation for moving the pews to St John's church is alleged to be a desire to save on furnishing costs for a coffee area in that church;

- h. 7 of the 12 pews which were retained have already been removed to St John's church without permission: 2 of them have been turned into furniture for the coffee shop and 2 were disposed of, again without permission.

7. The Petitioner responded by a letter dated 4 July 2024. I summarise the response as follows:

- a. initial consultations before the reconfiguration works had identified the value of the pews, which are also accepted to be heavy and generally stable;
- b. however, as Christ Church has grown there has been a regular need to move the remaining pews and table and there is a concern that doing so contravenes Health and Safety guidance, even using available trolleys on wheels;
- c. those with mobility issues prefer to sit in the seats, not the pews, and families using the pews do so in order to be out of the way in case their children are distracting;
- d. (though the evidence here on falls is unclear) there was one known instance of a man who fell off a chair but it was because he fainted in the heat, not an unstable seat;
- e. there was no stipulation about how many pews should be retained when the reconfiguration works were approved;
- f. a large proportion of those attending more traditional services seem content to sit in the centre of the church on chairs and away from the pews;
- g. thought is given to effective use of resources, including pews, between churches.

8. Following receipt of the correspondence above, I requested further information from the Petitioner about the destruction of the 2 pews, which had occurred without a faculty. I directed that I would treat the present petition as if it included an application for a confirmatory faculty in respect of the destruction of the 2 pews.

9. In a letter of 22 August 2024 the Petitioner clarified:

- a. nobody had ever dictated the number of pews to be retained after the configuration works: 7 had been retained and 2 were then destroyed to make bar furniture;
- b. advice was sought from the Archdeacon of the Meon when the error came to light which led to the return of the 5 remaining pews and the table and the giving of an apology by the incumbent to the congregation and the PCC, including for not giving advance notice of the decision;

- c. the issue of the removal was then put to the PCC and the present petition was issued: it had not been appreciated that a confirmatory faculty needed to be sought for the 2 pews which had been destroyed;
- d. the pews require a minimum of 2 people to lift them with a third required to position the trolley: Christ Church aims to avoid manual handling for employees and volunteers where there is a risk of short or long term injury and to reduce the risks to a minimum where that is not possible, including providing mandatory manual handling training;
- e. more people have to be involved in lifting the pews when they are (occasionally) lifted up 2 steps into the sanctuary.

### *Analysis*

10. Cases such as the present involve delicate questions of pastoral sensitivity. It is clear to me that the pews are of significant value to Mrs Wood who wrote politely, cogently and persuasively about the role that they play in the life of the church. On the other hand, I have to balance the need to enable those who are charged with leading the pastoral life of the church to do so in a way which maximises the impact of their mission whilst being sensitive to the needs and preferences of parishioners, the community and the architectural and design value of the church. This is not an easy exercise.
11. On balance, I have decided to permit the removal of the pews and table to St John's church. The reasons are as follows.
12. First, I have only had one letter of objection to the proposal. Whilst it was powerfully put, it is but one voice among many in the congregation. Others might oppose the proposal, but if they do they have not set out their objections and so I cannot take them into account. The purpose of the public notice procedure is to tease out objections so that they can be considered. The value that Mrs Wood places on the pews and the aesthetic they contribute to demands respect but cannot in itself be determinative, especially when hers is the only objection before me.
13. Second, while I feel that the health and safety concerns of the parish are not unanswerable, I can see that there are attendant risks in having to move heavy furniture regularly around the church building. I am told that many people attending the more traditional services are happy to sit in modern chairs, away from the pews, so there does not seem, on the evidence before

me, to be a clamour for the retention of the pews which might justify the extra physical work of moving them around. At the same time, I am told that there is a need for greater space for growing church activities.

14. Third, Mrs Wood's sense that the pews provide more stable and attractive seating for the infirm and young families is apparently not shared by those charged with running the church. The absence of seating accidents in the accident book suggests that concerns about chair stability might be overstated.
15. Finally, I take into account that major reordering of this unlisted church has already taken place and that the pews and table are of low design significance. While I can see from the judgment of my predecessor as Chancellor, His Honour Judge Philip Walker, in which permission was given for the reordering of Christ Church, that the parish proposed to retain some of the pews to enable a variety of worship, that decision did not and cannot require the provision of pews for ever.<sup>1</sup> The Petitioner has explained how the removal of the pews to St John's church is important in developing the ministry of Christ Church.
16. I wish to register though, that I regret how the proposal to remove the pews was handled. As has already been acknowledged by the incumbent of the parish, the plan to take the pews to St John's should have been discussed in advance with members of the congregation before it occurred without warning. Indeed, that removal was itself unlawful in the absence of a faculty. Although the Petitioner may be correct to say that no fixed number for retained pews was ever determined, it is clear from the Statement of Need produced ahead of the major reordering works several years ago, and from the judgment of the then Chancellor, that some pews were to be retained and it should have been obvious that the 7 pews and the associated table were, as the retained items, subject to faculty jurisdiction.
17. There is still time, notwithstanding the permission I shall give in the faculty, for the leaders of the parish to consult charitably with all members of the congregation at Christ Church to see whether there is a way in which the pews (or at least some of them) might reasonably be retained to accommodate not only the needs and wishes of those who are attached to them but

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<sup>1</sup> [Re Christ Church, Gosport \[2021\] ECC Por 1.](#)

also other users of the church. But I stress that the default position is that the Petitioner has (time limited) permission to remove them to St John's church.

*The Destroyed Pews*

18. I have said above that it should have been obvious to the incumbent and PCC that the retained pews and table were subject to faculty jurisdiction. Because they were within that jurisdiction, the removal and destruction of the 2 pews which have been turned into bar furniture was unlawful.
19. While the pews may not have been of great design quality, and while it may be true that those in charge of Christ Church are (as they say) to some extent feeling their way around the rules of church law, ignorance of the law is not a defence. The Diocese of Portsmouth is blessed with a multitude of people who are happy to give advice to churches about proposals to carry out works in and around church buildings. They must be used, the more so in case of doubt.
20. I shall grant a confirmatory faculty for the removal and repurposing of the 2 pews which I understand are now bar furniture at St John's. That does not make their removal and destruction retrospectively lawful but regularises the position for the future.
21. In the circumstances, to reflect the unlawful destruction of the pews and the extra work that considering them and the relevant background to the case has occasioned in disposing of this petition, I will make a provisional order under Faculty Jurisdiction Rules, r. 19.1(2) and (3) that the Petitioner shall pay half of the costs of the preparation of this judgment.
22. I accept that this is a rough and ready way of calculating the extra cost which has been occasioned by having to deal with the confirmatory faculty aspect of this case, but it is a just and proportionate way of proceeding. The other half of the costs of the judgment can reasonably be attributed to dealing with the objections of Mrs Wood, for which the Petitioner is not liable in costs.
23. For the avoidance of doubt, as the Petitioner brings this matter before the court on behalf of the Priest in Charge and Churchwardens of Christ Church, I expect the costs order to be met by the church and not the Petitioner personally.

24. Finally, Mrs Wood alleged in her letter of 19 June 2024 that 12 pews were initially retained in Christ Church. The Petitioner has spoken of 7 pews being retained. It would not be proportionate to investigate what happened to the 5 extra pews above the 7 still in place, if they were ever retained in Christ Church. To the extent that they were, I would no doubt have extended the confirmatory faculty to cover their removal. Furthermore, it is highly likely that the costs order I make now would still remain the most appropriate way of sanctioning any unlawful disposal of extra pews.

25. I hope that this judgment will enable all parties to renew their focus on the development of the important work of Christ Church.

John Summers

Chancellor of the Diocese of Portsmouth

16 September 2024

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ORDER

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BEFORE The Worshipful John Summers, Chancellor of the Diocese of Portsmouth

UPON considering the Petition and representations made by the Petitioner and Mrs Ann Wood on paper

IT IS ORDERED THAT:

1. A faculty shall issue that the Petitioner may remove the pews and monk's/refectory table (or any of them) at Christ Church, Gosport, to St John's church, both in the parish of Haven Church, Gosport, such removal to happen within 12 months of the faculty otherwise the pews and table remaining at that point shall stay in Christ Church.
2. A confirmatory faculty shall issue for the removal and destruction of 2 pews previously removed from Christ Church, Gosport and which have been turned into bar furniture at St John's church.
3. The Petitioner is provisionally ordered to pay half of the costs of preparing this judgment, to be assessed in default of agreement by the Registrar under Faculty Jurisdiction Rules 2015, r. 19.2. This costs order shall come into force one month after the issue of the confirmatory faculty, unless, during that time and in accordance with r. 19.1(2) and (3), the Petitioner makes submissions to the Court on why she considers the order should not have been made.