

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

ALL SAINTS: HARBURY

JUDGMENT

- 1) All Saints, Harbury is a Thirteenth Century church the current interior of which is largely the result of an extensive Victorian restoration. It has a Grade II listing.
- 2) In July 2016 Ven John Green, then Archdeacon Pastor, authorised a temporary reordering of the west end of the nave and of the west end of the north aisle. Formerly the west end of the north aisle had been used as a children's area. The temporary reordering involved the movement of that area to the west end of the nave and the reconfiguring of the pews there so as to form an enclosed children's area. Six pews were moved from the west end of the north aisle and the space created was used for an information "Hub" with various freestanding noticeboards.
- 3) The petition is brought by the churchwarden and the Chair of the church's Fabric Committee. They seek to make that temporary reordering permanent together with some further associated elements. The faculty sought would involve some expansion of the children's area and the removal from the west wall at that point of a large painting of Golgotha with three empty crosses. In addition display boards are to be fixed to the walls in both the children's area and the Hub. Six pews are to be disposed of and there are to be other ancillary works.
- 4) The petition is supported by the Parochial Church Council. Fourteen of the Council's nineteen members voted in support of the proposal at the relevant meeting with one member abstaining and four members being absent from that meeting. The resolution approving seeking the faculty had been preceded by a survey of the congregation the value of which I will consider below.

The Procedural History.

- 5) The Diocesan Advisory Committee has recommended approval and has certified its opinion that the proposed works are unlikely to affect the special significance of this church.

- 6) Both Historic England and the Victorian Society have been consulted but neither chose to make any comment. I take it from that silence that neither body has any concern about what is proposed.
- 7) The public notice elicited letters of objection from Mesdames Grimes, Stringer, and Jackson and from Mr. John Stringer. Mr. Stringer has chosen to become a party opponent but the other objectors are content for me to take account of the matters raised in their letters. I should say at the outset that it is apparent that each of one the objectors is motivated by a genuine concern for the work of All Saints. Each one of them is actively involved in the life of the church and Mr. Stringer is the author of the booklet "All Saints Harbury: the story of a village church". I was able to glance at that booklet on my site visit and it is apparent on even the briefest perusal of its pages that the booklet's author has a real commitment to and involvement in the life of this church. It is also apparent that the objectors are not simply opposed to change. Thus the papers before me contain the detailed suggestions which Mr. Stringer made to the Fabric Committee when an information hub was first proposed. Those were helpful and constructive suggestions as to how information should be provided. None of that means that the objections should necessarily prevail but it does mean that they are to be seen as coming from persons with a real knowledge of All Saints and a genuine commitment to the life of the Church in Harbury.
- 8) I concluded that it would be expedient to determine this matter on the basis of written representations and an unaccompanied site visit. The Petitioners and Mr. Stringer consented to this and on each side they provided helpful submissions.

The Applicable Principles in General Terms.

- 9) I have already said that All Saints is a listed church. The proposed works will clearly lead to an alteration in its appearance. In those circumstances I have to apply the approach laid down in *Re Duffield: St Alkmund* [2013] 2 WLR 854 as modified in *Re Peshurst: St John the Baptist* (2015) 17 Ecc L J 393 and accordingly have to address the following questions:
 - a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

- b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
 - c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
 - d) How clear and convincing is the justification for carrying out the proposals?
 - e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?
- 10) The Diocesan Advisory Committee concluded that the proposed works would not affect the special significance of the church. That conclusion accords with the assessment I made on my site visit and is reinforced by the stance taken by Historic England and the Victorian Society. It follows that the test to be applied is whether the Petitioners have shown reasons for the proposed works which are sufficiently strong to justify making the changes sought.

The Impression formed on my Site Visit.

- 11) At the time of my site visit the church was in the state authorised by the Archdeacon's licence. So I was able to assess the children's area and the Hub in the positions they will occupy if the faculty sought is granted albeit without the various modifications as to matters of detail for which the Petitioners seek permission. As will be seen below one of the issues I have to consider is that of the respective merits of the locations of the Hub and the children's area. At the time of my site visit in the late morning of a rather overcast June day both seemed somewhat dark but the children's area did not appear significantly darker than the Hub. The children's area in its current and proposed position is at the west end of the nave. This means that it is in the direct line of sight of a priest presiding at services and that those in the children's area can readily see what is happening in the body of the church. Although a children's area at the west end of the north aisle would be visible from the lectern the visibility is less good because the line of sight would be at an angle and obscured by pillars.

12) The Hub in its position at the end of the north aisle is more readily and quickly visible to those entering the church than it would be if sited at the west end of the nave. In its current position it is visible within a few feet of a person entering the church although to reach the Hub such a visitor would have to cross the width of the church. If the Hub were to be positioned at the west end of the nave then it would only be visible when such a visitor had crossed the south aisle and gone at least a little way into the nave. The same effect does mean that the children's area in its current location is only visible to those who have crossed into the nave.

The Contentions as to the Need for the Reordering.

13) The Petitioners explain that the population of Harbury is increasing. There is new housing and an increase in the number of young families. An assessment of the needs of the church led to the view that improving communication was a priority with the aim of increasing awareness of the church and its activities amongst the members of that growing local community. In particular the Church Council wishes those new to the area to learn of the sundry activities undertaken by the church in addition to the principal acts of worship. The church is open daily but had very little space for the display of information about the life of the church. The creation of the Hub was intended to address that lack by providing an area where that information could be displayed and where leaflets and similar material would be available for those visiting the church.

14) The Petitioners say that the proposed removal of six pews will leave pews in the remainder of the church and would not remove seating which is needed for the congregation. In support of the proposal they have said that it will free up seating which is not currently used. This is because the space which the temporary reordering authorised was created by pushing a number of pews up against each other. This had the effect that the pews which were pushed up against each other could not be used. This argument cannot carry any significant weight. In considering the proposal the starting point for the comparison between what is proposed and the pre-existing position is not the layout following the temporary reordering but the layout before that was effected.

15) Mr. Stringer and the other objectors do not object to the principle of there being a children's area or an information hub. The objectors are all strong supporters of

there being a children's area and contend that the proposal in the petition does not give it sufficient space or prominence. As to the information hub I have already noted that Mr. Stringer had previously put forward constructive suggestions as to how such a hub could be organised. Mrs. Jackson does take issue with the need for an information hub but the other objections relate to the position of the Hub and also as to its size and to the loss of pews. In his submissions (echoing points made by his wife and by Mrs. Grimes) Mr. Stringer says that the Hub is too large and has a secular feel to it. He criticises the loss of pews saying that this will reduce the seating available for "major events". In summary Mr. Stringer says that the proposed works will damage the aesthetics of the church and that "its sense of peace, balance, and spirituality is damaged irrevocably". The pews which are to be removed are said by him to have been a "link to previous generations who worshipped in this building".

16) It is inevitable that different people will have different responses to changes to a much-loved building. I have no doubt that Mr. Stringer and the other objectors are sincere in expressing concern as to the impact of the changes. However, I am compelled to say that their concerns appear overstated. I cannot accept that the conversion of an area at the west end of the north aisle from a children's area with pictures and display boards into an information area again with display boards will have a real impact on the aesthetics of the church or on the sense of peace, balance, and spirituality. Nor will the removal of six pews at the west end of that aisle in circumstances where pews will remain in the remainder of the nave and each aisle. I remind myself that as chancellor I have to be wary of placing any significant weight on my own aesthetic judgement although I am entitled to take account of the impressions formed on my site visit. I am reinforced in my conclusions by the advice of the Diocesan Advisory Committee recommending approval of the proposal and by the decisions on the part of Historic England and the Victorian Society to abstain from comment.

17) I have concluded that the impact of the proposed changes on the appearance of the church will be modest. The objective of providing the growing population of Harbury with information about the life of the church and about the services and activities which can be accessed through the church is an entirely appropriate

one. I am satisfied that the benefits to be obtained and the value of the objective are amply sufficient to provide a good reason for the changes proposed.

Consultation.

- 18) The resolution of the Parochial Church Council supporting the proposals had been preceded by consultation with the congregation by way of a questionnaire which was handed out to all persons attending the church on 9th July 2017 and which was made available in the church and publicised in the weekly pew sheet for four weeks. The results were analysed and set out in a seventeen page report. There were a total of forty-nine completed questionnaires returned and this was in the context of the Usual Sunday Attendance at All Saints being eighty-five.
- 19) Mr. Stringer and the other objectors take issue with the validity of the consultation exercise. They question the wording of the questionnaire; the interpretation of the results; and the extent to which it was publicised. The Petitioners accept that with hindsight the wording of any questionnaire could be improved but say that there was a well-publicised consultation exercise to which there was a substantial response largely supportive of what was proposed.
- 20) In my judgement there is considerable force in the points made by the Petitioners. It is almost always possible to suggest ways in which a consultation exercise could have been improved but account must be taken of the realities of parish life. Mr. Stringer seems to suggest that there should have been an open meeting to introduce the survey and another to explain the results. I find that an unrealistic suggestion in the context of a comparatively modest reordering proposal. I am satisfied that there was a genuine consultation exercise to which a significant number of the church community responded. It is also significant that the proposals were approved by fourteen members of the Parochial Church Council in the face of only one abstention and four non-attendances at the relevant meeting. In those circumstances I am satisfied that the proposals have the support of a substantial majority of those currently involved in the life of All Saints.

The Location of the Children's Area and of the Hub.

- 21) The objectors contend that the west end of the north aisle was a better location for the children's area than the west end of the nave. They say that the former position had the advantages of being lighter, larger, nearer to the toilets, and more readily visible to those entering the church. In response the Petitioners say that there is a benefit in those in the children's area being readily visible to those conducting services and vice versa. They say that the new location has been acceptable to those using the area. They point out that the proposals include measures to improve the lighting in the children's area.
- 22) I have already said that the impression I formed on my site visit was that the extent to which the children's area was less well-lit in the proposed location than it would have been in the previous location was marginal. Those objecting to the proposals are right to say that there were benefits in the children's area being close to the toilets and in it being readily visible to those entering the church and that the proposed new location would not have those benefits. However, the distances involved are minimal with the children's area and the Hub being practically adjacent to each other. Although the change in location will have some adverse effects the Petitioners are, in my judgement, correct to say that there will be benefits. The greater visibility of the children's area from the lectern and chancel and vice versa is a real benefit. Similarly the Petitioners point to the benefits flowing from the positioning of the Hub in the location where it is most readily apparent to those entering the church.
- 23) There is scope for legitimate differences of opinion as to where the balance lies as between the advantages and disadvantages of the proposed change of location. The conclusion reached by the Parochial Church Council in terms of that balance is not an unreasonable or illegitimate one. I have already said that I am satisfied that the proposals have the support of the majority of those involved in the life of this church. Very considerable weight is to be given to that fact and to the formally expressed views of the Parochial Church Council. In those circumstances the facts that there are some drawbacks to the move and that the objectors would assess the balance of advantage and disadvantage differently are not grounds for refusing to authorise an otherwise appropriate proposal.

The Size and Layout of the Hub.

24) Mr. Stringer and the other objectors take issue with the size of the Hub and the way in which the materials placed in it are to be displayed. This is really a variant on the matters set out at [15] above. As explained at [16] I have concluded that those concerns cannot stand as a reason for refusing the petition.

Expense.

25) Although it is by no means his main contention Mr. Stringer does take issue with the expense of the proposed works saying that the money involved could have been better spent in other ways. I can deal with this line of argument shortly. The churchwardens and the Parochial Church Council are the elected representatives of the local church community and save in the most exceptional of cases the Consistory Court will regard them as the best judges of how the church's resources should be spent. The decision to spend church funds on the proposed works is a reasonable and legitimate one. Others might reasonably and legitimately have come to a different conclusion as to the best use of the funds but the fact that a different view could have been taken cannot operate as a reason for refusing the petition.

26) It follows that a good reason has been established for the proposed works and the arguments put forward in opposition are not such as to warrant a refusal of the petition. Accordingly, a faculty authorising the proposed works will issue.

STEPHEN EYRE
HIS HONOUR JUDGE EYRE QC
CHANCELLOR
11th June 2018