

In the Chichester Consistory Court

CH 78/02

Re St Swithun's, East Grinstead

Judgment

1. By a petition dated 28 June 2002, a faculty is sought for the erection of a platform to the west of the rood screen projecting some 10 feet into the nave of the church. The project requires the removal of the front two rows of pews and would obscure an existing iron memorial plate erected in memory of Anne Barclay 1570. The petitioners comprise the vicar of St Swithun's, East Grinstead, the Reverend Clive Everett Allen, and the two churchwardens, Mrs Myra Latham and Mr John Ellis.

Background

2. The present church of St Swithun's is a grade II* listed building which dates from 1798, although there had been previous churches on the site from at least the fifteenth century. There is currently a platform in place pursuant to a Permission for Temporary Reordering granted by the Archdeacon of Horsham on 8 March 2001.
3. When first the plans were submitted to the DAC they were somewhat rudimentary in nature and the project was referred back. The parish now has the benefit of appropriate designs, plans and working statements.

Iron memorial plates

4. In the course of preparing its plans, the parish consulted Wealden Iron Research Group. By letter dated 21 April 2000, the chairman of the Group commented that the iron memorial plate in honour of Anne Barclay is distinguished by being the oldest such plate in England. Ordinarily, the Group would wish such a plate to remain undisturbed. However, this one has a chequered past, having been laid in a previous church on the site and, for some time after the collapse of the tower, used as a doorstep in the old vicarage. Since, therefore, the plate no longer lies at its original location, the Group is amenable to its repositioning and the project allows for this by placing it in the floor forward of the proposed platform. I wish to express my thanks to the secretary of the Wealden Iron Research Group for the constructive attitude adopted in relation to this project and the care, time and trouble he has taken in the consultation process.
5. I note, however, that the brief specification attached to a plan refers to two iron graveslabs 'which will be taken up and repositioned ... These date from 1570 and are mentioned in Pevsner and our church guide'. If it be the case that there are in fact two plates which are to be removed, then it is appropriate that the Wealden Iron Research Group be invited to comment upon the second plate and to confirm that it has no objection to its repositioning or, alternatively, it being covered up by the platform proposed.

English Heritage

6. English Heritage was notified of these proposals by letter dated 12 April 2002 and in its reply of 22 April 2002 indicated that it had no objection to them but

made two substantive points. First it advised that the platform would look better if oriented so as to be symmetrical with the main access of the church. Secondly, it endorsed the comments of the Wealden Iron Research Group in relation to the memorial plate (in the singular).

Diocesan Advisory Committee

7. The DAC recommended the proposed works (in their revised form) by certificate dated 14 June 2002. It did so subject to two provisos. First that the platform be positioned symmetrically in the front of the chancel arch, as advocated by English Heritage. Secondly that experienced contractors be employed to lift and rebed the iron plates (in the plural). On the latter point, a letter from Mrs Myra Latham, churchwarden and co-petitioner, asserts that Bishops of Forest Row, or another unnamed monumental mason, are to be engaged.

Objectors

8. Following the statutory notice procedure, a letter of objection was received from Mr MJ Woodhead and Mrs MPA Woodhead. The registrar, as required by law, gave to Mr and Mrs Woodhead the opportunity to chose between entering a formal objection to these proceedings or merely to have their letter taken into account in my determination. No reply was received to this letter and, in default, I must take their letter into consideration in accordance with the provisions of rule 16 of the Faculty Jurisdiction Rules 2000.
9. The letter made three discrete points:
- (a) that the platform would destroy the harmony of the church as it is currently configured. It will be too like a stage and the church is not a theatre;
 - (b) for so long as St Swithun's fails to meet its contributions to the diocese money should not be spent on what it styles 'this inconsequential purpose';
 - (c) money, collected expressly for the restoration of the fabric, should not be diverted to this project since it is, effectively, to break faith with the donors.
10. In a letter dated 10 July 2002, signed by all three petitioners, the arguments advanced at (a) and (c) above were expressly addressed but not that at point (b). Only the catchall term 'incorrect' was used. I therefore requested a fuller response which came by way of a fax submitted to the registry on Friday 13 September. In terms which I regard as a little intemperate, Mrs Latham repeated much that had been in the previous letter but, in addition, gave a response to the 'quota' issue. The faculty jurisdiction seeks to hold a balance between petitioners and those with legitimate interests in the fabric of church buildings. Those resident in the parish have a legal right to articulate objections. These are invariably better met in a spirit of charity, with corrective statements moderately expressed, rather than with indignation.

Determination

11. Ordinarily, in a case such as this where there is local (albeit limited) objection, I would visit the church myself. In this instance, however, the arguments against the granting of a faculty are points of principle rather than of aesthetics. I have

the benefit of colour photographs of the interior of the church from a guidebook. Further, since I am shortly to travel to lecture in the USA, any visit could not take place for at least two weeks. Mindful of the importance which the parish places upon its application, I am determining it within twenty-four hours of being supplied with the full information required of the parish, although the intervention of the weekend may delay the transmission of this judgment.

12. Turning then to the substantive issues raised in this petition, I do not consider that the platform would destroy the harmony of this church. A temporary platform has been in existence for more than a year and the proposed structure is to be a quality piece of work, whose installation will be supervised by Mr Ian Stewart, an experienced ecclesiastical architect. The adaptation of church buildings to include a platform or dais such as this is commonplace and, as the statement of needs rightly points out, will enhance both the liturgy and the use of the building for drama, concerts etc. What is more, the assistance which it will give to communicants with physical disabilities is in keeping with the legal requirements under the Disability Discrimination Act 1995. The proposal is reversible, in that the platform can be removed at a future date and the fabric of the building will not be compromised by its erection, use and (should the need arise) removal. The issue concerning the iron plate or plates and the retention of the pews which are to be removed can be the subject of conditions.
13. There is a long established practice concerning the use of church buildings for secular purposes such as recitals and concerts. I have regard to *Re St John's Chelsea* [1962] 1 WLR 706; *Re All Saints, Harborough Magna* [1991] 1 WLR 1235; and *Re All Saints Featherstone* (2000) 5 Ecc LJ 391. Secondary uses which are consistent with the mission and pastoral outreach of the church should be permitted – and indeed encouraged – so long as they do not compromise the primary use of the building for worship, pastoralia etc. The increasing use of churches for other purposes has been expressly approved by the Report of the Archbishops' Commission on Rural Areas, *Faith in the Countryside* (1990), chapter 11, and the principles are of equal application in more urban areas.
14. As to the failure to meet diocesan contributions, in an age of mutual support and collaborative ministry, it is clearly inappropriate for money to be spent on church buildings, other than essential repairs, when sums remain due to the diocese. This principle applies as much in Chichester as in any other diocese. However, in this instance, the parish is completely up to date on its diocesan contribution, such contribution being significant and generously made. I regard it as disingenuous on the part of Mr and Mrs Woodhead to raise an objection with absolutely no basis in fact and I fully understand why the petitioners have felt put out at having to deal with so manifestly ill-founded an allegation.
15. Equally, the point raised with regard to the restoration fund seems to be founded upon a misapprehension. The clear evidence of the petitioners is that the costs of this project are to be met entirely from the legacy of the late Mrs Elizabeth Lee, as proposed by her son-in-law, Mr John Lee. No money will be diverted from the restoration fund. The fund will remain in tact for its designated purpose. Again, it is regrettable that Mr and Mrs Woodhead did not take the trouble to check their facts before writing as they did.

Order

16. I therefore order that a faculty pass the seal, subject to the following conditions:
- i. that the works are supervised and signed off by the inspecting architect, Mr Ian Stewart;
 - ii. that the works are not to commence until Wealden Iron Research Group has confirmed in writing that it is agreeable to the moving of the second iron memorial plate which is mentioned in the papers. In the event that such confirmation is not forthcoming, the matter is to be referred back to the chancellor;
 - iii. that the works are to be completed within 6 months of the issue of the faculty or such further time as may be permitted by the chancellor;
 - iv. that the pews which are to be removed be retained in a safe place and not disposed of unless and until authorised upon application to the chancellor;
 - v. that the platform is positioned symmetrically taking its alignment from the midpoint of the opening in the rood screen;
 - vi. that the resiting of the iron memorial plates be carried out by Bishops of Forest Row, or such alternative contractor as may be approved in writing by the chairman or secretary of the DAC.
17. As is the usual course, the costs of this petition fall to be borne by the petitioners and are to be paid prior to the commencement of the works. Since Mr and Mrs Woodhead declined to become formal objectors, I have no power to order them to make any contribution to those costs which have inevitably increased due to the contents of their letter. I wish, however, to make it plain that the pursuit of these meritless and misinformed objections as to finance are matters upon which I would have considered making such an order.

Mark Hill
Chancellor

14 September 2002