

Re St Leonard, Seaford

Judgment

1. By a petition originally dated 25 September 2005, and re-dated 20 April 2006, the vicar and churchwardens of the parish of St Leonard, Seaford seek a faculty for the re-ordering of the interior of this Grade I listed church.
2. The proposed re-ordering comprises:
 - i. replacing the floors throughout the nave and aisles with hardwood blocks;
 - ii. re-ordering the nave, including erecting an extended dais in front of the chancel step;
 - iii. removal of the font and formation of a welcome area at the south door;
 - iv. erection of new entrance doors to the south porch and new glass inner porch doors;
 - v. moving of front pews to the west end of the nave and replacement of other pews in the nave and aisles with chairs;
 - vi. installation of a re-locatable altar and font for use on the dais.
3. There has been consultation with the Council for the Care of Churches, English Heritage, the Victorian Society, and the Local Planning Authority (namely Lewes District Council) as well as the Diocesan Advisory Committee. Public notice has resulted in four letters of objection. Mrs Rosemary Audus, Mr R Audus and Mrs Sylvia Harper have each invited me to take their letters into account under rule 16(3)(a) of the Faculty Jurisdiction Rules 2000. In the absence of any response from Mrs Margaret Payton, I treat her letter likewise. A detailed written response to these letters has been submitted by the petitioners.
4. The petitioners have produced a detailed Statement of Significance and two separate Statements of Need – one in respect of the re-ordering and one concerning alternative seating. I do not propose to rehearse their content. They are thoughtful, balanced and persuasive. An earlier faculty was granted by the Archdeacon of Lewes and Hastings on 10 March 2005, time for completion of which has been extended, partly to ensure a consistency of approach with the contentious matters which are the subject of the current petition.
5. The DAC issued a certificate of recommendation on 18 April 2006, with provisos concerning the lighting, and details of the new altar, font and chairs. The thrust of other professional opinion in this case militates in favour of the grant of a faculty, either by express approval or through the absence of objection.
 - (a) the Council for the Care of Churches in a letter dated 16 December 2005 was positive about the proposed re-ordering and had no objection to the

removal of the front rows of pews. The CCC voiced concern that certain of the other pews may have particular significance and ought to be retained, and urged that any replacement chairs should be of a high quality. The CCC do not appear to have replied to a subsequent letter dated 21 March 2006;

- (b) English Heritage, which was also consulted at an early stage, supports the proposal in its current form. See, *inter alia*, its letter of 17 May 2006;
- (c) The Victorian Society had not replied to a letter from the parish's inspecting architect dated 24 March 2006 but wrote on 27 July 2006 stating that it had no comments to make on the proposals;
- (d) Lewes District Council had likewise not responded to a similar letter of the same date but by email of 20 July, subsequently forwarded to the registry, has confirmed that it has no objections.

Unfortunately, the inspecting architect's letter of 5 May 2006 sent to the registry was somewhat misleading in that it referred to 'correspondence' with the Local Planning Authority, the Victorian Society and English Heritage, a term which, to my mind at least, denotes an exchange of letters including at least one reply. I raised this issue and it eventually transpired that there were, in fact, no replies and thus no 'correspondence' as such. Thus further enquiries had to be made, and the time taken in dealing with these queries caused a delay in my being in a position properly to determine the petition.

6. I turn then to the four letters of objection, the content of which I take thematically. There seems to be universal acceptance that the present flooring needs replacement for reasons of safety as well as aesthetics. The substitution of wooden doors with glass attracts adverse comment in some but not all of the letters. However, the replacement of pews with free-standing chairs and the construction of the dais with attendant liturgical furniture has provoked powerfully articulated opposition.

Out of keeping with historic church

7. In various judgments which I have issued in this Court over a number of years, I have drawn attention to the fact that no church building ever stands still in terms of its appearance. By their nature, churches demonstrate the architectural style, aesthetic considerations, and liturgical usages of changing times. The current form is merely the accretion of the tastes of previous generations. This point is well made in the petitioners' response to the letters of objection. The advantages of chairs over pews is well made out in this instance and there is no powerful argument for the retention of the pews for their own intrinsic merit, save for the so-called 'Canadian' pews which it has been conceded are to be retained.
8. The petitioners wish to ensure that the new furnishings are of good quality and sympathetic to the building. Both the CCC and the DAC have offered their professional experience to assist the parish in its selection.

Unnecessary works and misuse of funds

9. The petitioners demonstrate how the proposed works are highly desirable and will enhance the liturgical use of the church as well as making it better able to accommodate ancillary activities. The practice of bringing the Eucharistic celebration closer to the people is commonplace within Anglican practice and, where such practice is to be exercised, adaptations to the furnishings of the church are necessary to facilitate it. The provisions of the Disability Discrimination Act are a secular justification, supplementing the liturgical need.
10. I have said before that it is improper for this Court to dictate to parishes how their funds should be expended. PCCs are democratically elected and are accountable to the Charity Commission and to the bishop for their financial management. This Court would be usurping the statutory functions of the PCC to determine how it utilises its funds. In the absence of bad faith, the conduct of the PCC will not be scrutinised save to ensure that sufficient funds are available to see through to completion the entirety of the works comprised in any petition. Experience demonstrates that piecemeal, cheaper solutions often amount to a false economy.

Modern chairs not conducive to prayer in kneeling position

11. This concern has been noted by the petitioners who have indicated that they will do all in their power to ensure that those who are inclined to kneel for prayer will be able to do so in a level of comfort equal to that which currently pertains with the pews.

Assessment

12. This petition is to be evaluated in the context of the presumption against change which is the governing principle where, as here, changes to a listed church building are proposed. The onus of proof lies with the proponents of change. The burden is not readily discharged. The practice of the consistory court is to follow the so-called *Bishopsgate* questions as expressly approved by the Court of Arches in *Re St Luke the Evangelist, Maidstone* [1995] Fam 1, which I propose to address in turn below. Note also my comments as Deputy Chancellor of the Diocese of Winchester in *Re St Mary, Longstock* [2006] 1 WLR 259.

(1) Have the petitioners proved a necessity for some or all of the proposed works either because they are necessary for the pastoral well-being of the parish or for some other compelling reason?

13. In my opinion they have. Necessity, in the context of pastoral well-being, is something of an amorphous yardstick, but the petitioners have placed before me a highly persuasive body of reasons for what is proposed. It is borne out of a level of consultation which is to be applauded and in the context of a process of listening which has been thoughtful, reflective and sensitive.

(2) Will some or all of the works adversely affect the character of the church as a building of special architectural and historical interest?

14. They will certainly alter the appearance of the church but I am not convinced that

such change would necessarily be *adverse*. However, for the purposes of this judgment, I am prepared to assume that it would be.

Is the necessity proved by the petitioners such that in the exercise of the court's discretion a faculty should be granted for some or all of the works?

15. I am convinced that it is. A very strong case for change has been made out, supported by professional opinion. I have considered with care each and all of the objections raised but have come to the considered conclusion that in this case they are insufficient to prevail.
16. I therefore order that a faculty pass the seal on condition:
- i. that the 'Canadian' pews be retained and re-sited in accordance with the papers submitted with the petition, particularly the Statement of Need;
 - ii. that no order is placed for the font, chairs or altar without prior authorisation from the chancellor, and that there should be consultation with the CCC and the DAC before such authorisation is sought;
 - iii. that a detailed scheme for the lighting be subject to prior approval by a representative nominated by the DAC;
 - iv. that a proper photographic record is taken of the church in its current state and lodged with the parish archives;
 - v. that the font is not to be disposed of without the prior authorisation from the chancellor, and every effort be made to find a suitable recipient.

The Worshipful Mark Hill
Chancellor

31 July 2006