

Re Wiggonholt Church

Judgment

1. The introduction of a wooden bench into churchyards is rarely controversial. In several dioceses they are considered to be *de minimis* and no faculty is required. In the diocese of Chichester they are within the jurisdiction of the archdeacon. However the archdeacon has no jurisdiction to entertain a faculty to which objections have been lodged.
2. Here Dr Mervyn Jeffery, Dr AM Ranken, Mr and Mrs MR Betts, Mrs Janet Aidin and Mr Michael Aidin have each written letters. None has exercised the option of becoming a formal objector and thus, in making my adjudication, I take fully into account the written observations as expressed in all of the correspondence, notwithstanding that there may have been, in certain instances, non-compliance with the provisions of the Faculty Jurisdiction Rules. It is important for the court to have all available material before it when it comes to exercise its discretion, and I am very grateful to all those who have written, including those whose letters were received out of time. I have also considered an email dated 25 November 2007 and a letter dated 26 November 2007 written on behalf of the petitioners.
3. Wiggonholt is a Grade I listed church dating from the twelfth century. It lies within the area of the proposed South Downs National Park. The proposed bench will cost in the order of £900, including architects fees and labour, to be funded privately or by way of gift. It is of the 'Malvern' range fabricated by Kingdom Teak and is described in the company's brochure as 'a chunkier classic design'. It will sit on three Horsham stone slabs reclaimed from the path immediately in front of the site and will lie immediately to the left of the porch as one enters.
4. The current proposal was the subject of discussion at the PCC when it met on 16 May 2007. A decision to petition this court for a faculty was taken by a majority of 8 to 3. The Statement of Needs refers to an idyllic bucolic setting in which the church stands and its proximity to a nature reserve which attracts many visitors. Reference is made to a number of these pausing to visit the church for a moment of reflection or merely out of curiosity. Many record their appreciation in the church's visitor book. I have seen photographs of the church taken in the spring, with a carpet of daffodils in the churchyard.
5. The parish has received a donation for the purpose of installing a bench, intended to welcome visitors, and to provide a comfortable place of reflection for those whose relatives lie buried in the churchyard. The church is part of a united benefice and this is the only active church in the benefice not to have a bench in its environs.
6. The Diocesan Advisory Committee considered this matter at its meeting on 14 June 2007 and issued a certificate of recommendation on 15 June 2007.
7. The various objections to the proposal, which I summarise thematically without

ascribing them to any particular correspondent, are as follows:

- i. that the PCC was divided and not unanimous in its decision, and that a differently constituted PCC had come to the opposite view;
 - ii. that there has been no request for the installation of a seat in living memory;
 - iii. that there are plenty of seats in the contiguous RSPB reserve;
 - iv. that the proposal is merely pandering to the wishes of the widow of someone recently buried in the churchyard. Neither she nor her late husband had any involvement with the church;
 - v. that previous requests of a similar nature have not been pursued because they failed to secure the support of the then incumbent and churchwardens;
 - vi. that its presence would spoil the timeless iconic view of the church from the lychgate, and disturb the biodiversity of the natural environment;
 - vii. that the beautiful setting of this mediaeval church should be untouched, it being a notable example of primitive mediaeval architecture in West Sussex;
 - viii. that having people stopping to use the bench would disturb the privacy and tranquility of the churchyard, and be particularly intrusive for those using both the church and its surroundings for prayer and meditation;
 - ix. that the particular bench resembles a garden centre product, more suited to the urban than the rural landscape. Certain correspondents would have found a stone bench unobjectionable;
 - x. that it is unnecessary churchyard clutter, there currently being none in the churchyard;
 - xi. that (if there is to be a bench) it should be placed by the main entrance board by the path or (according to another correspondent) at the entrance to the grass path leading down to the churchyard;
 - xii. the proximity of the bench to the church would create health and safety issues and compromise the use of ladders or scaffolding in effecting inspections or repairs to the roof or guttering;
 - xiii. that the alterations to the path would affect disabled access to the area set aside for the interment of cremated remains;
 - xiv. that the installation of the bench would expose the PCC to continuing charges for maintenance and repair which a small congregation can ill afford;
 - xv. the bench would attract picnickers resulting in additional cleaning and the creation of refuse;
 - xvi. the bench would affect the amenity of occupiers of neighbouring land;
 - xvii. the bench would not afford a view of the South Downs;
 - xviii. it would set a precedent;
 - xix. that the widow of the person commemorated should be persuaded to mark her benefaction in some other way.
8. I do not doubt for a moment the sincerity of the correspondents. I note that they are or have been very involved in the life of this Christian community, and that some have held office in the past. Some of those who have written voted against the proposal when it was debated at the PCC. They are perfectly entitled to do so. The doctrine of 'collective responsibility' has no application in cases of this type. See *Re St Mary the Virgin, Bathwick* (1 June 2005, unreported) Bath & Wells Consistory Court, Briden Ch.
9. The objections raised have varying degrees of merit. Those concerning maintenance and health and safety strike me as somewhat 'make weight'. The costs of maintaining

- a wooden bench are minimal, and the inspecting architect, who supports this project, is mindful of the need to have access to the exterior of the building for inspection and repair and of the current requirements under the disability discrimination legislation. I consider it regrettable that some of the correspondents should personalise their objections by reference to the lack of any nexus between the deceased and his widow and the church. The source of the funding has no bearing on whether or not this court should exercise its discretion in favour of granting a faculty. It is sufficient to recognise that the cost will not fall on the PCC.
10. Of more substance are the objections rooted in aesthetic considerations having regard to the age and beauty of this church and the nature of its setting in an unspoilt rural churchyard. These are all legitimate arguments upon which opinions are very subjective. I have to weigh the balance between the competing views expressed in the documentation before me. However, there is one key factor which must be borne in mind in all applications of this type, namely reversibility. Does this proposal contemplate an alteration to a listed church which will permanently alter its character? Clearly not. The removal of the bench and the restoration of the *status quo ante* will be achievable by volunteer labour in the work of an afternoon. Since the entire project is so readily reversible, the higher threshold applicable in cases of major re-orderings or the construction of extensions is not applicable.
 11. In this matter I take full account of a decision taken, albeit by a majority, by the democratically elected PCC. This court does not lightly interfere with decisions of PCCs which have a statutory duty for the maintenance and upkeep of churchyards. I am not persuaded by the heritage, aesthetic and related arguments contained in the correspondence. This bench will affect the visual amenity of the churchyard to a minor degree but it will soon weather and its newness disappear. That people may sit on a bench to enjoy the peace and tranquility which was previously experienced whilst standing or sitting on the ground is, to my mind, unobjectionable. I have concluded that the setting of this church, which I fully acknowledge, will not be compromised in the manner and to the extent posited in correspondence. The intrusion, if any, will be slight and the works completely reversible.
 12. I therefore order a faculty to issue, until further order, on condition that the installation of the bench is done under the supervision of Mr John Bayley. No plaque or other device is to be fitted to the bench until its location, material and inscription has been approved by this court. The petitioners should first establish from the local planning authority that planning permission is not required for the minor engineering operation represented by the relaying of the paving slabs.

The Worshipful Mark Hill
Chancellor

17 December 2007