

In the matter of The Holy Innocents, Southwater

Judgment

1. By a petition dated 25 August 2008, the incumbent and churchwardens of The Holy Innocents, Southwater seek a faculty for certain works to the interior. The petition declares the church to be unlisted although correspondence from Horsham District Council appears to suggest otherwise. Whilst it would be prudent to confirm the position for any future petition, I do not consider that anything turns on this for the purposes of the matters raised for determination in this judgment.
2. A certificate of recommendation was issued by the Diocesan Advisory Committee on 12 December 2008. Consultation with English Heritage and with the Victorian Society elicited responses that neither wished to offer any comments on the proposal. Horsham District Council, entirely properly defers to the jurisdiction of the Consistory Court on this matter, and it is unclear from the papers why the DAC recommended that the local planning authority be consulted in this instance.
3. Public Notice elicited four letters of objection from four individuals, none of whom chose to lodge formal objection in Form 4, leaving me to take into account the content of their respective letters in reaching my decision. The petitioners were afforded the opportunity of commenting on these letters although out of respect for the privacy of their authors I think it appropriate not to name them individually in this judgment. The response of the petitioners came in the form of a letter from the Reverend Dominic Newstead, then incumbent, dated 27 March 2009, and one from Mr Stephen Chapman, a churchwarden, dated 25 March 2009.

The proposed works

4. The Schedule of Works in the petition lists the proposals numerically and I set them out as such since different considerations apply to each:
 1. the removal of the raised floor in the chancel and choir stalls;
 2. the removal of pews at the north aisle to create a larger children's area;¹
 3. the removal of the existing altar rails and their replacement with removable altar rails.

The petitioners have provided a detailed and thoughtful Statement of Significance and of Needs which appears in two slightly different forms in the papers. I need not rehearse its contents but it articulates the perceived necessity to make each of the changes in order to meet the needs of the worshipping community.

The nature of the objections

5. Each of the four letters expresses the writer's objections differently but I consider that collectively the nature of the objections may fairly be summarised as follows:

¹ I take this to be a reference to the size of the space not the children.

1. that the introduction of new portable communion rails is unnecessary and wasteful of the church's resources;
2. that the choir stalls in the chancel are in keeping with the style of the church, and possibly (along with iron work on the altar rail) fabricated by a local resident. The stalls are likely to be needed if and when a choir is re-established;
3. that for smaller, more intimate, services in the chancel it is unnecessary to introduce freestanding upholstered chairs when the choir stalls can be utilised;
4. that removing the pews in the north aisle would expose the heating pipes and create a trip hazard;
5. that the number of children attending worship do not justify increasing the extent of the area available in the north aisle;
6. that works of this nature should not be commissioned during an interregnum;
7. that unnecessary changes such as those proposed are disruptive and upsetting to the collective life of the community.

The removal or modification of the raised platform does not appear to be controversial.

Assessment

6. There is no reason in principle why a change in incumbency should affect the presentation and determination of a petition. An incumbent is a corporation sole of perpetual succession whose functions are exercised by statutory sequestrators while the office is vacant. With twenty-first century constraints on clergy deployment and the linked (though not necessarily causative) empowerment of the laity, one cannot expect the life, witness and ministry of a parish to go into abeyance merely because there is a vacancy. I understand from Mr Newstead's letter that the proposals emerged from the PCC (which he is obliged by ecclesiastical law to chair) and were worked out through a working group of which he was not part. His departure is wholly irrelevant to an evaluation of the merits of the petition.
7. Whilst recognising the sincere sentimental attachment to church furnishings such as the choir stall and altar rails, it is clear from the papers and the non-involvement of the heritage bodies, that they are of little intrinsic worth nor do they appear to be original to the building.
8. As to the need for additional space for children's activities this Court must give greater weight to the opinions of those who regularly attend family and child-centred services (both on Sundays and midweek) and have a first hand perception of the presenting issues, than to those who do not. The use of the space for convivial fellowship and outreach after services strikes me as a laudable objective and I am satisfied that the safety issues arising from the pipework have been adequately addressed in the detail of the proposal.
9. The Consistory Court recognises that there is a presumption against change and that the burden of proof rests on the proponents of change. It is for the petitioners to

satisfy me on cogent and convincing material that they have made out a case for each of the proposals they bring before the court. In my opinion they have done so and by a considerable margin. The documentation bears out careful and measured plans formulated with the mission and witness of the church as the prime consideration, to create the flexibility for worship and many other activities incidental to worship in the Lord's house. For some, these proposals (which in relative terms are comparatively modest) will be upsetting and hard to live with, but they are thankfully few in number and I hope will come to appreciate in time the beneficial consequences of what is proposed.

10. I should add, for the sake of completeness, that even if it were the case that Holy Innocents is a listed building to which the more stringent *Bishopsgate* questions would be applicable, I am satisfied that the criteria have been met by the petitioners to the standard of proof required. I therefore order that a faculty pass the seal.

The Worshipful Mark Hill QC
Chancellor

24 June 2009