

In the matter of Holy Trinity, Hurstpierpoint

Judgment

1. By a petition dated 7 August 2011, the incumbent and churchwardens of Holy Trinity, Hurstpierpoint seek a faculty for the reordering of the church, briefly summarised as follows:
 - i. Removal of pews from the west end of the nave and the north and south aisles to provide meeting rooms, 'fellowship space', cloakrooms, kitchen and staircase to an elevated gallery;
 - ii. Forming a vestry and church office with consultation room in the St Lawrence Chapel;
 - iii. New heating and lighting installations;
 - iv. Foul water drainage connection;
 - v. Internal restoration and refurbishment.
2. The church is listed Grade II* and dates from 1845, although certain elements of an earlier medieval church on the site were incorporated. The 13th century font for example was restored by Sir Gilbert Scott in 1863. The design of the current building was by Charles Barry, best known as architect to the palace of Westminster, and the builder Thomas Wisden. The St Lawrence chapel was built in 1845, the south chapel added in 1874 and the north porch in 1908. Some alterations to the tower entrance were made in the 1950s. The church is in an exposed position and experienced some damage in the hurricane of 1987. It has stained glass by, amongst others, Hardman, Kempe and Durer.

Mid Sussex District Council

3. Although planning permission is not required for the vast preponderance of the works (and the ecclesiastical exemption disapplies listed building consent), the construction of a brick ramp and related operations were the subject of a permission which was granted on 31 January 2012. By letter dated 11 August 2010, a planning officer of the council considered the other proposals which were noted as being 'radical' but not likely to cause damage to the fabric of the building and in large part wholly reversible. The council 'realised that there is a need to modernise the use of this Victorian Church in the future so as to benefit its use by future members of the parish'.

Diocesan Advisory Committee

4. The DAC issued a certificate on 12 December 2011 recommending the proposals.

Church Buildings Council

5. The CBC was involved in the development of these proposals and in an email of 15 September 2011 noted that the development of the scheme accorded with CBC advice and therefore it had no comments to make.

English Heritage

6. The letter from David Brock dated 14 October 2011 expresses appreciation for the manner in which the scheme has developed and the revisions made following consultation with various interested parties and concludes that English Heritage is content with the proposals as illustrated.

Victorian Society

7. By letter dated 29 September 2011, Mr Edmund Harris of the Victorian Society expressed the views of the Society, and noted that most of the contentious alterations proposed for the eastern arm of the church were not persisted with. The Society nonetheless expressed continuing concern for the proposed consultation room in the St Lawrence Chapel. It did not consider that a case had been made out for a cellular space here particularly having regard to the high degree of subdivision proposed for the west end of the nave. Strong opposition was expressed in relation to the proposed carpeting in the vicinity. The Society also considered that the case for the gallery at the west end had not been made out.
8. Mr Peter Pritchett, the parish's inspecting architect with considerable experience of ecclesiastical buildings, responded to the concerns of the Society in a letter dated 18 November 2011. I am satisfied that the views of the Society have been given careful consideration and accommodated wherever possible.

Letters of objection

9. In accordance with the Faculty Jurisdiction Rules, the proposals were the subject of public notice and advertisement in a local newspaper. This produced correspondence from Mrs Jean Nelson, Miss Lesley Manning, and Mrs Janet Dewar (or similar, the surname not being easy to read). None exercised the statutory right to become a formal objector so I take the contents of the correspondence into consideration, as I do the response of the petitioners. A further letter from Margaret Tribe arrived long after the closing date had passed but I have had regard to its content, albeit that the petitioners have not been afforded the opportunity of responding due to the time constraints.
10. The matters can be taken generically without identifying the individual writers and may fairly be summarised as follows:
 - i. The proposals amount to a 'desecration' of a lovely Victorian building and the handiwork of Charles Barry;
 - ii. An alternative plan (proposed some years ago though not pursued) would have been preferable and cheaper. Apparently it consisted of a separate parish room and office linked to the historic fabric and not affecting the interior;
 - iii. More of the pews should be retained;
 - iv. The modern idiom of the gallery is inappropriate;
 - v. The use of the St Lawrence chapel as an office was not contemplated by the benefactor, and its loss will be keenly felt by those accustomed to attending the 8.00 am communion service on Sunday mornings;
 - vi. The cost of just under £1 million is a wasteful extravagance, and cannot be justified during a period of austerity;

- vii. The project should be reconsidered after the imminent retirement of the current incumbent.

The law

11. In determining whether or not a faculty should issue, consistory courts apply the 'Bishopsgate Questions', first posed in the unreported decision of *Re St Helen, Bishopsgate*, (26 November 1993, London Consistory Court, and approved by the Court of Arches in *Re St Luke the Evangelist, Maidstone*, [1995] Fam 1. Those questions are:
 - (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?
 - (2) Will some or all of the works adversely affect the character of the church as a building of special architectural and historical interest?
 - (3) If the answer to (2) is yes, then 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?
12. I shall address each in turn.

Necessity

13. I have had the benefit of considering a Statement of Design and Significance dated 17 August 2011. Key to the concept is the sub-division of internal spaces for flexibility and variable use to meet the needs of the worshipping congregations and of the village and community more generally. A guiding principle is that the proposals be minimally invasive and maximally reversible. The architect has carried through his brief to conceptualise the alteration so as to achieve greater use, and thereby greater appreciation of what is recognised as a fine building. Multiple uses will be fostered including secular activities identified in the thorough and persuasive Statement of Need, annexed to the Statement of Design and Significance.
14. I am in no doubt – and in reality there is no attempt by the objectors or consultees to persuade me otherwise – that the case of necessity is met in this instance.

Adverse effect

15. The proposals will undoubtedly have an effect upon the interior of this much loved Victorian church and many would consider it to be adverse. However, I reject the suggestion that what is proposed amounts to an act of desecration. Terms such as these are emotive hyperbole and do not reflect in any way the considered evaluation of these proposals by the various professional bodies who have had cause to comment upon them in accordance with the Faculty Jurisdiction Rules.

Balance of discretion

16. As is often the case, it is the third of the *Bishopsgate* questions which is the most difficult to answer, namely balancing the necessity for the works against the lasting impact on the fabric of the building. In this case, however, the key words are 'lasting impact' and the fact that the proposals are wholly reversible. I have had regard to what is said by the Victorian Society but I have been impressed by the way in which Mr Pritchett has responded to

these observations, steering his clients towards sensible and pragmatic modifications to the proposals which acknowledge the Society's concerns without compromising the vision behind the project. I have particular regard to the duty of the incumbent and the PCC under section 1 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

17. I have also considered the matters raised in the letters of objection and do not doubt the sincerity of the correspondents. However, the case for the proposals which has been made by the petitioners is a strong one. The points made – whether taken individually or cumulatively – do not amount to a proper reason for refusing a faculty. The uses to be made of the financial resources are for the PCC to determine. The largely elected council is charged with a statutory function in this regard and the consistory court would over-reach itself if it sought to interfere with the PCC's discretion. Further, these plans have developed over some years at the instance of the PCC. Although the incumbent is chairman of the PCC, the paradigm in every parish is collaborative ministry. I do not consider that a forthcoming vacancy and the appointment of a new incumbent is a valid – or indeed relevant – consideration. The heavy burden under the *Bishopsgate* test is not dependent upon the continuance in office of a named priest.

Conclusion

18. It therefore follows that a faculty will be issued. The costs of the petition, the determination of which has been expedited at the request of the incumbent, are to be borne by the petitioners. The faculty will be subject to the following conditions:
- i. That the works are to be completed within twelve months or such extended time as the court may permit;
 - ii. Where possible, the use of 'domestic' carpet should be avoided and homogenous, traditional floors retained or introduced. In particular, carpet should be avoided for the floor of the St Lawrence chapel and the matter referred to the Chancellor for resolution if this remains contentious;
 - iii. That the works are to be carried out under the direction of Mr Peter Pritchett, RIBA;
 - iv. That no works are to commence and no contract is to be executed until the Chancellor has certified in writing that the petitioners have satisfied him that the parish has sufficient funds – in hand or pledged – to complete the project.