

Neutral Citation Number: [2016] ECC Glo 1

IN THE CONSISTORY COURT OF THE DIOCESE OF GLOUCESTER

BEFORE ALICIA COLLINSON, DEPUTY CHANCELLOR, SITTING ON THE 16th APRIL 2016

IN THE MATTER OF ST. PETER, WELFORD-ON-AVON

AND IN THE MATTER OF A PETITION FOR A FACULTY FOR THE REMOVAL OF PEWS
AND REPLACEMENT WITH CHAIRS

The history of the church in Welford on Avon (with particular consideration to the pews):

1. St. Peter's church is a beautiful church which has Grade 1 listing, granted on the 5th April 1967. It is sited in the conservation area at the historic heart of a village, which is now burgeoning with new development and younger families. During a period of fund-raising in 2009, the church was described as 'Welford's Oldest Resident', and has good claims to that title. Written records suggest a Saxon church was established in about 1059. A Norman church replaced the Saxon structure at some time between 1100 and 1170. Many of the internal features, such as the heavy pillars and large round arches separating the nave and the aisles, date from that period. The south aisle holds the parish chest which is mid-13th century in age. The oldest identifiable artefact may be the bowl of the font (it is known as the 'Saxon Font' although different sources place it as having been excavated from the remains of the Saxon church, while others, including the Grade 1 listing, suggest it is 13th century).
2. The church building has undergone very many periods of rebuilding and restoration since its inception, but it has not expanded greatly in size from the Norman foundations. Records suggest there was work in the chancel in 1336. Windows were replaced in the north and south aisles in 1441. The church at that time was dedicated to the Trinity (or 'Holy St. Trinity) and remained so for many centuries. There is a stone ledger slab, which formerly held a brass panel, in the central aisle of the nave, which commemorates Walter Williams, priest in 1454. Box pews were installed in due course. In other churches these usually date from the early 17th century, which I will take as a reasonable working assumption in this case.
3. In 1866 the church underwent significant alteration and restoration, including the removal of those box pews. The rector since 1820 had been Charles Davenport. He was succeeded by his curate and son, James Davenport, in 1865. The patron of the living at the time of James Davenport's appointment was The Right Hon. Elizabeth Countess de la Warr, who was a member of the Sackville-West family. It seems plausible to assume the 1866 works were catalysed by the appointment of the new Rector. My conclusions on the provenance of the 31 current pews and 2 pew fronts in the nave and the aisles (explained in detail below) are that they probably date from this reordering, which went ahead in a form modifying and reducing the expense of the original plans drawn by Sir George Gilbert Scott, but that the pews themselves 'do not betray the hand' of that architect.
4. The next recorded event was a serious fire in the tower on the 12th to 13th December 1884. The damage seems to have been confined to the tower and the bells, although one record suggests the pews were destroyed by fire and were replaced using insurance monies, which would cut any connection between Sir George Gilbert Scott and the current pews.
5. In 1907, a paper was prepared by C.J. Woodward entitled "*Notes on Welford Church,*

Gloucestershire” for the Birmingham Archaeological Society (published in the Transactions of the Birmingham and Midland Institute). By way of shorthand, I will refer to this historic collection of records as the ‘Woodward Notes’.

6. In 1924, a carved oak memorial screen between the nave and the chancel was installed (apparently a copy an earlier 15th century screen which had been removed in the 16th or 17th century) and new carved oak choir stalls with matching designs replaced earlier stalls. These are not the subject of the faculty application. They are of significantly different design to the pews in the nave and aisles. A new organ was also installed.
7. Moving into the modern era, I note that in 1978 a faculty was granted for the removal of 3 pews from the north aisle to make space for a Children’s Corner. However, by 1985, an unopposed faculty was granted for the reinstatement of those three pews.
8. Also, some 30 years ago, in 1984-1986, faculties were granted to create a nave altar and a dais in front of the memorial screen, together with a removable communion rail, taking communion into the nave. This necessitated the relocation of the pews closest to the new dais, which was permitted by the faculty. At about the same time, it appears there were additional proposals to move the chancel screen, to move the font, and to replace the pews in the nave and aisles with chairs, but no faculty was pursued in respect of those changes. So far as I understand it, this was the first occasion on which the replacement of the pews in the nave and aisles with chairs was considered.
9. In 1997 and in 2000, further consideration was given to the replacement of the pews with chairs. On neither occasion did the matter proceed. In 1997 a faculty application was made and then withdrawn. I am satisfied that nothing material was generated by those earlier considerations. In particular, there was no consistory court hearing at which the evidence could be tested.

Events leading to the consideration of the current petition at a consistory court hearing:

10. Discussions about the possibility of removing the pews in the nave and aisle began again in November 2013. The Statement of Need describes what followed. A proposal to have a temporary trial replacing some pews with chairs was suggested in April 2014, contained in the Fabric Committee Report to the Annual meeting in April by Stuart Formby, Chairperson and was introduced at the Annual Parochial Church Meeting. Feelings began to run high. Documents were circulated in favour and against. A poll at that stage came out at 26 in favour of the trial and 26 against. Comments were received both strongly against and strongly in favour. The Parish News magazine, distributed throughout the village, whether churchgoing or not, first described the proposals in June 2014. A consultation meeting was chaired by the Archdeacon of Cheltenham on the 8th October 2014. Subsequently, it was decided to apply for a faculty rather than to run a temporary trial.
11. In November 2014, members of the DAC visited the church. An update and questionnaire were circulated to the 80 members on the electoral roll and 61 responses to the multiple choice questions were received. (As with all statistical analysis of responses from a very small sample size, it has proved possible to cherry pick responses which narrowly support one case or the other. I take the view that some of the figures bandied after that survey resulted from flawed analysis of the results. The sole statistically significant result which I felt confident in deriving was that only a third of people thought the pews provided comfortable seating.)
12. Open days were held on the 7th and 8th February 2015 to garner wider responses. 54 people visited. There were 12 messages in support of the proposal, as well as 6 against

and 5 not expressing an opinion.

13. The Parochial Church Council on the 9th March 2015 approved unanimously the proposal for the replacement of the pews with chairs (one member being absent). There has been some criticism of an imbalance on the PCC with fewer people who attend the 9.30 am 'traditional' service than those who attend the 11.00 am 'more informal' service. I cannot accept that criticism, given the unanimous vote.
14. At a meeting on the 24th April 2015, the Diocesan Advisory Committee recommended the removal of pews in the nave and aisles and replacement with chairs subject to the following conditions:
 - (a) An accurate photographic record of the interior of the church building shall be made and deposited with the DAC secretary prior to the commencement of works;
 - (b) Full details in respect of making good of the timber floor shall be submitted to and approved in writing by the DAC; and
 - (c) The design of the replacement chairs shall be submitted and approved in writing by the DAC.
15. Following the public notice of the petition, the time for receiving letters of objection was extended. The letters which had been received by the Archdeacon in 2014 concerning the plan for a temporary trial of chairs were added to the letters received in 2015. In my first directions of the 15th December 2015, I invited the Petitioners to respond *en bloc* to the letters of objection from the objectors, and they did so, tackling the various themes running through the letters, in a lengthy document on the 20th January 2016.
16. All of those on the electoral role were advised of the progress of the Petition and they have been specifically invited to take part in the process in February 2016. I gave additional written directions on the 22nd March 2016 and the 7th April 2016. I am satisfied that opinion has been canvassed as widely as possible within the parish.

The Petition:

17. The Petition for the faculty for the removal of the pews and their replacement with chairs in the nave and aisles of the church of St. Peter's, Welford on Avon, is dated the 23rd March 2015. Public notice of the Petition was given between the 7th June 2015 and the 5th July 2015; and further (to resolve some queries about the adequacy of the initial public notice) between the 1st August 2015 and the 31st August 2015. I am satisfied that all necessary formalities for publication have been completed.
18. Given the date of the Petition, the Faculty Jurisdiction Rules 2013 apply. I do not find it necessary to import any reference to the 2015 Rules.

The Petitioners:

19. The petitioners were originally Revd. Alice (Tirsh) Grigor; Mr Robert Wade, Churchwarden and Mrs Susan Hadrill, Churchwarden. Revd. Tirsh Grigor retired in the April 2015. She was succeeded, after an interregnum, by Revd. Ros Greenhalgh, who was collated in February 2016. Revd. Ros Greenhalgh agreed to replace Revd. Tirsh Grigor as a Petitioner. The Lay Reader, Mrs Yvette Grundy, who had been extensively involved in the preparation of the Statements of Significance and Need, also agreed to become a Petitioner in March 2016.

20. At the date of the Hearing, the Petitioners were Revd. Ros Greenhalgh, Mr Wade, Mrs Hadrill and Mrs Grundy. They were represented on the 16th April 2016 by their solicitor, Mr David Cheetham MBE.

The Petitioners' case:

21. The Petitioners initially relied on their Statements of Significance and of Need, which set out the history of the church and its modern day needs to continue to minister to the growing and increasingly youthful population of the village. (It is noteworthy that the local primary school is now at capacity and that the numbers of under 5s have risen considerably).
22. A dichotomy of outlook already exists in this church between those who attend the service at 9.30 am on a Sunday and those who attend the 11.00 am service. The earlier service is regarded as 'traditional' with a more formal Eucharistic service or Morning Prayer, usually accompanied by choir and organ. The later service has been 'more informal' with a Family Service or Worship Together involving the Sunday Club (which meets in the Church Rooms and then joins the service part way through) or a Family Communion Service; accompanied by the piano (at the front of the north aisle) and sometimes a small music group.
23. The Petitioners seek to equip the church so as to allow both the traditional and the more informal worship to develop and flourish. It is suggested by them that the majority of the objections come from those who attend the earlier service. I noted that the earlier attempt to equip the church with a children's corner faltered in the 1970s-1980s.
24. The new Rector has made it clear that she intends to proclaim the church's faith afresh in each generation, and to reach out to the burgeoning community in Welford. She supports the replacement of pews with chairs in the nave and aisle. She has made it clear, though, that she will continue to offer both traditional and modern worship. She sees the chancel with its traditional choir stalls as remaining a "*sacred space of peace and tranquillity*". I gather she is anxious that all members of her congregation should be involved and feel their various spiritual needs are being met. Although only in post for a few weeks, she talks in her statement about the many new initiatives she is discussing to encourage families and younger people, particularly the school, to become more engaged. From September 2016 she is going to be supported by a Missioner, to help invigorate such outreach. She ended her statement: "*I strongly believe that our church building needs to be a relevant, vibrant living place both 'for' and 'of' worship. I have a great concern that if we do not move forward with these developments our church will become increasingly stagnant and continue to decline.*"
25. The decline of numbers she spoke of is truly worrying. Attendance figures for 'average' services were compared between 2005, 2010 and 2015. There has been significant decline at both services over that period: a drop of about 40% overall. An average weekly attendance of 38 and 43 at the two services in 2005 has fallen to 23 and 26 in 2015. The Archdeacon in his evidence said: "*the church has faced a gentle decline that risks becoming a long emergency*".
26. True, the maximum attendance at large weddings and funerals is put at about 120, perhaps up to 130, but those essentially occasional events do not sustain the church: though they do provide a dilemma for expanding the seating to cater for larger numbers, without leaving that seating taking up space, unhelpfully, for the rest of the time.
27. The Statement of Need proceeded on the basis of needing about 80 main chairs, with perhaps 48 folding or 50 stacking chairs which could be deployed when there was a

large attendance, but could otherwise be stored. If 8 of the 2 seater pews were to be retained, as is now suggested, then 16 fewer chairs would be needed: 64. I am satisfied that those are reasonable estimates to cater for the hoped for growth of numbers.

28. It was hoped that the two congregations could be encouraged to meet if it were easier for them to take refreshments after the early service and before the later. The Church Rooms are a considerable walk down an unlit lane, and do not provide an alternative venue for spontaneous mixing. I do not read any of the proposals as suggesting there should be full scale food preparation in the choir vestry (which would be inappropriate with the current proximity of the toilet cubicle) but there is no difficulty in producing hot drinks. The problem lies in the lay out towards the back of the church, which is currently taken up with tightly packed pews awaiting the next large congregation.
29. The Rector's statement echoed the many pages of detailed proposals in the Statement of Needs and in the witness statements, as to the possibilities which having chairs rather than pews would open up (particularly well set out in the statement of the enthusiastic Lay Reader, Mrs Grundy.) The Rector talked about: *"fresh ways of 'doing' church and reaching out to the community...how we might encourage more families to engage with the church through 'Messy Church' or similar family centred approaches... working closely with the school through assemblies ... concerts ... Christian theatre company ... 'open mic' nights ... youth bands ... café style worship, interactive prayer, pop up craft fayres, art spaces, drop in coffee mornings, community cinema, mums and toddlers, health and well-being groups, a Passover meal or similar and Christian Enquirer courses."*
30. The Archdeacon described the Statement of Need during his evidence as being one of the best he had seen around the Diocese. He said it was: *"thorough and clear"*.
31. One particular point about making the church fully accessible to all is worth noting. I was struck by the comments from a wheelchair user who had eventually had to leave to worship at another church, particularly about the difficulties she experienced with narrow aisles between the pews, being self-conscious in the central aisle where people had to walk around her, and being unable to move to sit on the pews because of their narrow seats and protruding back rail. There were some worryingly grudging comments amongst the letters of objection about how wheelchair users might appropriately be accommodated. The Petitioners were led to worry that the very small number of current wheelchair users in the church might be due to such parishioners feeling effectively excluded. (I suspect that access to the church is also hampered by the 3 stone steps at the Lich Gate (the local spelling) and the only other access being up a narrow, awkward and uneven path: something to be considered in the future.)

The Objectors:

32. 25 individuals have written letters of objection to the proposal (some of those writing as couples). They comprise a varied group: some are deeply involved in the life of the church, whilst others only attend occasionally. I have made it clear to them all that I will take into account each of their written contributions, irrespective of their involvement. I also do not make assumptions based on which of the two services, if either, they attend.
33. Throughout the process, each writer was advised and reminded of their opportunity to take a formal part in the consistory court hearing by becoming a 'party opponent'. A query was raised by one writer with anxiety about the possible incidence of costs orders. Appropriate reassurance was provided, together with reference to the *Guidance on the award of costs in faculty proceedings in the consistory court* from the Ecclesiastical Judges Association as revised and reissued in January 2011 (the most recent guidance I

could identify).

34. I gave directions on the 22nd March 2016, concerning timings for any of the 25 writers to become a party opponent, even at that late stage in the proceedings. None of them chose to seek formal party status. Nor did they seek otherwise to be represented at the hearing. I will therefore refer to them as Informal Objectors.

The Letters of Objection:

35. Below, I set out the main comments of each of the substantive letters of objection received in 2014 and 2015 (by alphabetic order of surname of the writer). Whilst I have greatly condensed the contents, I hope the writers will agree I have properly conveyed the gist of their anxieties and concerns. I recognise they express their views sincerely and with the best interests of St. Peter's Church, as they perceive them, in mind.
36. Mr D Carter wrote on 21st August 2015. He suggested the church should not be turned into a 'village hall'. He asserted the pews were as important as the font and altar. He asked "*please keep the amazing pews for my grandchildren and their children to still sit on in the years to come*".
37. Mrs G Carter, at the same address, wrote on the 22nd June 2015 saying that as a family they visited the church several times a year. She said the pews were traditional and not uncomfortable for any age group. She said that the church would not be the same without the pews and "*pews last for hundreds of years. Modern chairs do not*". She said "*the church is a place of quiet reflection at any time of the day and to slide quietly into a pew is not something that should be changed in any church especially our most wonderful one*".
38. Mr Peter Deakin wrote on the 7th May 2014, and he and Mrs Carole Deakin wrote on the 29th May 2014. Mr Deakin had long been involved with the Church's Fabric Committee and is a Civil & Structural Engineer of more than 50 years' experience. He provided a list of works which he said were of pressing importance in the church, to the heating, redecoration, degraded plaster, roof tiling, failed lead on the roofs, and the worrying condition of the supports under the timber floor beneath the pews, which he had viewed at first hand on a previous occasion. The second letter concluded: "*If this proposal goes ahead we both feel it could potentially split the sadly ever dwindling congregation.*"
39. Mrs Mary Edson, organist, wrote on the 30th May 2014 and the 24th June 2015. She spoke of Mr Wright, whose generous bequest the PCC wished to employ on the works, as having been a traditionalist who would have wished his bequest to be used to maintain the church, not to pay for the pews to be replaced by chairs. She was also concerned that the views of the opposing parishioners had been discounted by the PCC, perhaps on the basis that they were given 'under duress'. She refuted this, saying she well recalled the earlier divisions within the congregation when the issue had been raised (presumably in 1985, 1997 or 2000). She had been Branch head of the Mother's Union for 16 years, and was concerned that although they had bought cushions for the choir stalls: this had not been continued onto the nave and aisle pews. She suggested that the Church Rooms, the Village Hall and Bowling Club were sufficient for church events where food was being served. I noted she said: "*Welford's oldest resident requires some urgent TLC so that the whole village can use it, not just the people on the Electoral Roll.*"
40. Mrs Rosamund Goode, a chorister, who has been worshipping at St Peter's for 56 years, wrote letters in 2014, on the 23rd June 2015 and in November 2015. She contended that St Peter's was a 'traditionalist' church and should not provide forms of worship that

would see people sitting on chairs in a circle, with some with their backs to the altar, which should actually be the focal part of worship. She also urged spending on the heating system, loudspeaker system and crumbling plaster, before spending on chairs. She said the church already had good Church Rooms. She added that Mr Wright would not have approved of his bequest being spent on chairs. She suggested: *"Perhaps take two pews away for disabled people."*

41. Mrs Mavis Gray, a chorister, wrote on the 11th August 2015. She provided the worrying information that some plaster had fallen on one of the choristers during choir practice the previous week, and that she thought funds should be spent on repairs. She suggested that upholstered pew runners should be considered *"if comfort is a consideration"*. She was worried that *"the character of our lovely village church will be altered drastically and irreversibly by replacing the pews with chairs"*.
42. Mr Richard and Mrs Lucia Ham, said they were not on the electoral roll, though resident in the parish, and wrote on the 21st June 2015; Mrs Ham wrote again on the 29th June 2015. Their letters disputed that the pews were uncomfortable; insisted Mr Wright would not have approved of his bequest being used to buy chairs; and urged spending on central heating, dealing with damp and other areas of repair. They felt the removal of the pews *"would create something akin to a coffee bar and not a place of worship"*. They queried the adequacy of the notice given of the Petition (pointing out that the notice in the pew sheet was only received by those actually attending church services) and they asked whether or not Revd. Tirsh Grigor should have been included as a Petitioner, given her retirement in April 2015. Mrs Ham said: *"Taking out the pews removes the link with history that one gets, remembering all the people in Welford who would have worshipped and sat on those very same pews. The pews are more conducive to prayer and it is very traditional for an old village Church such as St. Peter's to have pews. They are not uncomfortable..."*
43. Mr William Ham, a solicitor, wrote a long letter on the 30th June 2015, which he also sent to the Bishop, the Archdeacon and to the Chancellor (who he said he knew professionally). He had a considerable number of objections to the process by which the Petition had come into being and by which it had been advertised (which I have concluded have now been properly rectified procedurally). He urged the expenditure of money on necessary repairs before chairs. He suggested that no case was made out for the removal of the pews. Subsequent to the hearing, for reasons which were unclear, he thought it appropriate to send a personal email to me at 8.20 am on the 17th April 2016 apologising for only having attended the morning session of the hearing and asking that his email address be included in the circulation list for my judgment.
44. Mr Bernard Harris wrote on the 30th May 2014, making the most powerful case of all against the use of Mr Wright's bequest for the purchase of chairs, having known him since childhood and having been a very long standing friend. (His was the letter which primarily caused me to ask the PCC to reconsider the use of those funds in that way: see below). He also wrote on the 29th June 2015 like many, querying whether the previous incumbent's name should appear on the Petition. He pressed, very cogently, as well, the need to spend money on urgent repairs and on a proper heating system.
45. Mrs Judith Holst, who primarily now lives in Hamburg, but also has an address in Welford, wrote on the 26th August 2015, setting out her concerns that people in Welford, even those only occasionally attending church, *"consider it to be 'their' church and... value the stability and traditions exemplified in the actual church building. This is especially important at this time when Welford, including the conservation areas, is very much under threat from 'infilling' building projects all over the village."* She made a number of trenchantly expressed points in support of her objections. She contrasted the immediate visual impact on entering the church of orderly pews, as

compared to “*disorderly and muddled*” chairs. She expressed concern about the fate of the kneelers made in the 1970s, if chairs replaced pews. She disputed that more informal seating arrangements would attract more churchgoers, asserting that “*the vital recipe ... is a charismatic, friendly, outgoing priest, who preaches well and is supported by a welcoming congregation*”. She suggested decisions should not be made during the interregnum before the arrival of the new priest. She was also able to offer comparisons from her experience in the Anglican Church of St. Thomas Beckett in Hamburg, where the church had “*very solid, immovable oak pews*” which they habitually worked around.

46. Colonel Derek Johnson wrote in 2014, to the Archdeacon, expressing the view that 25 opponents to the initial consultation should have been sufficient to have stopped the original proposal for a trial of chairs. He spoke of the need for repairs and maintenance to be carried out before chairs were tried. He said: “*My wife and I both feel that the removal of the pews would change this well-loved church into a village hall. Although this may be appropriate in towns or other larger villages, in Welford the church is appreciated as it is ...*”
47. Mr Adrian Kenyon wrote letters dated the 18th May 2014, 30th May 2014, the 20th August 2015, the 6th April 2016 and the 13th April 2016. (The letter of the 6th April 2016 resulted in my requesting the Registry to enquire if he could acquire any other documentary evidence from the Historical Society, which led to Mr Plimmer’s contribution to the hearing.) Mr Kenyon has been greatly involved with the church for 33 years both as a former PCC member and as a successful fund raiser for work on the tower, the organ and the new ceiling. He made it clear he had contested the attempts to replace pews with chairs in 1985, 1997, 2000 as well as at the present time. The history he provided of those events is one that I have not been able to reconcile fully with the faculties which are recorded as having been granted at those times, but it seems clear no consistory court hearings took place. He was one of the 4 signatories of a letter sent on the 5th May 201, the others being Mrs Seeley, Colonel Johnson and Mr Robinson to some of those on the electoral roll, prior to the reply slips being completed in an early consultation exercise, which led to a row about bullying or duress. I recognise that sections of Mr Kenyon’s letter of the 20th August 2015 especially clearly set out the objections to the replacement of pews with chairs. It is a long letter, but the following are the salient points (I should add that I cannot agree with many of them and I am not recording the sentiments expressed with approval): “*St Peter’s is a Norman Church some 900 years old and has never had chairs. Pews have always been a part of the Church since seating was installed and the current robust pine and sound practical Victorian pews are 149 years old. They may not be of great artistic merit in themselves but nevertheless contribute greatly to the overall character and ambience of the Church and tone well with other aspects of the interior. They possess many admirable qualities. They are naturally orderly unlike piles of stacking chairs, they are easy to clean and clean around unlike chairs which are fiddly. They comply with Health and Safety requirements which chairs would not unless locked together which would make them difficult to move. Pews are more aesthetically pleasing than chairs. They have stood the test of time and do not need replacing every few years as would chairs that had become grubby through food and drink spillages let alone the wear and tear caused through the attention of young children.... Considerable damage would be caused to the wooden floor in the Nave where the bulk of the pews sit if the pews were removed. The floor of the Church consists of both wood and stone where there is quite a divergence of levels. There is a strong presumption against change that would adversely affect the character of a Church building of special architectural and historic interest ... Chairs would be totally out of keeping when placed alongside the Saxon Font which is the oldest part of the Church.... The Statement of Need is woefully short of evidence of sufficient weight to show a need for change. This is the*

'sales pitch' and like all 'sales pitches' is selective in content and presentation. We have 2 services on a Sunday morning ... the average attendance at the first service is higher than the second service. Attendees at the first service are predominantly in favour of retaining the pews whereas the attendees of the second service are predominantly in favour of replacing the pews with chairs. The PCC predominantly consists of attendees of the second service with very strong views about chairs some of whom have been on the PCC for 30 years and knew all about the history yet did not divulge the history for the benefit of the newer members whom we subsequently have learnt would not have voted in favour of replacing the pews with chairs had they known the division and upset it had caused on 3 previous occasions. The underlying argument is that chairs will offer flexibility of expressions of less formal worship and this will attract families with children and younger people. The point is made that Welford's population is increasing with more young families. This is so, but it is also true that there have been plenty of young families with children living in Welford for many years and they have not been attracted to the second informal service. It is neither pews or chairs in themselves that will attract a growing congregation for either service. Rather it is the leadership of the Incumbent and activities of the PCC that will motivate people to come to Church and sadly that has been lacking for several years." Mr Kenyon's letter went on to list *"other spurious arguments ... but none of them carry any weight."* He said that if people found the pews uncomfortable, they could have cushions. He disputed that more than 3 musicians were ever needing to be accommodated at the second service. He made comments about the kitchen area. As to wheelchair users, he said: *"In my experience we have only ever had 2 people who needed a wheelchair in Church one of whom is said to have had an issue and the other who was perfectly happy. We have not had anyone using a wheelchair for a very long time."* He said evening concerts and flower festivals had been held. He was dismissive of the need for the two pillar bases to be more readily seen. In relation to the choice of chairs, he said there was no sufficient room behind the piano for storage, and it would not be practical to move the piano. He commented on Mr Wright's views, and said that: *"in 1997 his brother-in-law acting on Bob's behalf was one of the 19 Objectors named to appear in a Consistory Court before the Churchwardens withdrew the request for the Faculty."* He concluded his letter by saying: *"On every occasion this emotive subject has been raised it has caused a deep division within the Church and the wider village. The pains of the past divisions are only just below the surface and have never been forgotten, only suppressed. None of the reasons the PCC has put forward show a sufficient need for change. Under all the circumstances it is surprising and very disappointing they should once again want to open old wounds which is not in the interests of St. Peter's, the congregation or the village."*

48. Mrs Judith Kenyon wrote letters on the 18th May 2014 and the 2nd July 2015. Like her husband, she had been involved with the church for more than 30 years. She repeated the comments made by Mr Kenyon as to the 1985, 1997 and 2000 proposals to remove the pews. She said: *"I hear what people say about modern society not attending church and that changes have to be made, I agree entirely, but chairs are not going to achieve that. The basics have to be addressed first and at the moment the caring Church Family of St. Peter's is struggling with its diversity."*
49. Mrs Margery Kincla, a member of the church for many years and a 'traditionalist', wrote on the 28th May 2014 and again on the 26th October 2015. She thought the church had several problems which needed to be addressed as a matter of priority before chairs were considered. She said she was: *"really upset to think that this beautiful old church is to be spoilt by modern seating."* She said she had never heard complaints about the pews. She had seen only 3 wheelchairs in the church in 50 years. She knew Mr Wright would not have wanted his bequest used in such a way. The church needed money to be spent on heating, repairs, decoration and dealing with damp.

50. Mr H.K Maddams wrote on the 30th June 2015. He and his wife had moved to the village in 1970 and had worshiped at the church since. He was Church Treasurer for 14 years, Churchwarden for 8 years, PCC secretary for 3 years, on the PCC for 35 years and was Chairman of the Fabric Committee for most of that time. He had also served as Chairman of the Diocesan Synod and on 9 Diocesan Committees. His wife was Treasurer of the Mother's Union for 32 years and a member of the choir. His stated objections included that the Church Rooms provided sufficient meeting rooms and catering facilities. He said that for large funerals or weddings the church would be packed and that chairs reduced the seating capacity by 20%. He also objected to the process by which the Petition had been forced through by their last incumbent.
51. Mrs Diana Reed wrote on the 2nd June 2014 and the 2nd July 2015. She is a member of the choir. In her initial response in May 2014, she wrote: *"I feel the character of the church should not be changed, it should stay as was originally built and fitted."* She thought that Mr Wright's bequest should be spent on more important things, such as a proper heating system, a proper audio system and repairs to plasterwork and redecoration. In her second letter she revealed it was she who had had plaster fall on her head (see Mrs Gray's letter). Mrs Reed contended: *"the pews will outlast forever"*. She contrasted that with the need for regular future replacement of chairs.
52. Mr Robbie Robinson wrote on the 11th May 2014 in which he said: *"I have no doubt that the pews have witnessed over the years 'fresh expressions of worship' from time to time (screen above Screen) and certainly in my time many very successful and lucrative Flower Festivals and concerts have been held despite the pews! Agreed Victorian pews are not especially comfortable. However, if this is an issue of some merit for a few, it is certainly not new! Surely cushioned squabs would be a more economical method of utilising money thus allowing the residue to tackle more obvious and demanding maintenance issues? Finally, St Peter's is an historic building offering regular and traditional Church of England services in communion with God. We, today's congregation represent a very small part of the 800 years lifetime of our Church and, as such, should not, without good cause or any researched proof of accruing benefit, intentionally leave a Legacy that our successors will regret."*
53. Mrs Annette Seeley, Sacristan of the church, wrote on the 3rd June 2014 and 13th July 2015. She raised objections about the way in which the trial of chairs had been dealt with in April and May 2014, and disputed that Mr Wright would have wished his bequest to be used for chairs. In her second letter she urged that the matter should be delayed until the new incumbent was installed, and suggested the 'Parishioners' should be given the opportunity to have *"a straight 'yes' or 'no' vote. The two questionnaires we have had contained too many 'loaded' questions which muddled the answers"*.
54. Miss Joyce Skinner wrote on the 2nd August 2015 and spoke about having taken photographs, films and videos of the church and numerous events over many years, which are now in the Media Archive for Central England. In relation to the proposal she said: *"To remove the pews in our church would be an act of gross desecration. ... Sadly, the proposed removal of pews in favour of chairs has caused some distress, in particular for some of the older generation – the true Welfordians. This is not a question of 'moving with the times'. There is such a thing as tradition. A small group of residents have turned St. Peter's into a divided church..."* She feared that some parishioners might leave the church. She was also worried about how the kneelers would continue to be used if chairs were introduced, and also where a hymn or prayer book could be placed. She relied upon a number of entries in the church visitors' book in favour of keeping the pews (which cannot, of course, be taken as independent of the discussion going on at the time in the parish). She encouraged the decision to be delayed until the appointment of the new Rector. She ended, with reference to her age

(95) asking that the application be refused *“and so unite and bring harmony back into St. Peter’s. I hope in what time I have left I will not see the Church ripped apart”*. She also enclosed an article criticising the proposal from the Parish News (by an unnamed writer who, she said, had since moved from the village).

55. Mr Brian Stanford, an occasional visitor to the church, but keenly interested in all things which take place in the village, wrote on the 31st August 2015: *“These pews are Victorian and are part of the very fabric of the church and their removal would seriously alter and, in my opinion, damage the very essence of the church”*. He said that when his daughter had been married in the church on the 25th July 2015, they had had in excess of 130 guests with the majority seated on the pews and only a few on additional chairs at the back.
56. Mrs Linda Sugden, wrote on the 25th July 2015 and the 5th November 2015 and asserted that the PCC questionnaire in January 2015 had been a flawed document and that the decision should await *“a new Rector ... so we can have the benefit of their experience, feelings and spiritual guidance”*. In her second letter she added that the pews were sound and showing no signs of rot or woodworm. She felt that the church should not become more *“multi-functional and be used as social centres”* as it did not have sufficient facilities and they were available in the Church Rooms, the Memorial Hall, School Hall and the Bowling Rinks Club.
57. Mrs Constance Tredwell, who has lived in Welford all her 77 years, wrote in June 2015 and said: *“I am still a regular Church goer. I love our Church as it is. If we have the new chair seating, you are taking away our History, and in the future it will be the new and the old. I think it should be left as it is. Also a lot of people in the village think so.”*
58. Mrs Tucker, who lives nearby in Stratford upon Avon wrote on the 15th July 2015 wrote: *“I was born and raised in the village and absolutely love the historical significance of the Church. As a family, we have visited the Church several times each year and I feel it would not have the same historical significance if the pews were indeed removed as, for me, they have always been an important aspect of the overall experience. I fear that the removal of the pews and the introduction of new modern chairs will mean that generations to come will not be able to experience the tradition and significance of the entire Church experience.”*

The proposal to fund the works proposed by the Petition from Mr Wright’s bequest:

59. The Petition originally anticipated that part or all of the funding of the works would come from the bequest of £50,000 from a former parishioner, Mr Bob Wright. As set out above, very many of the letters of objection made reference to the writers’ personal recollections of Mr Wright’s churchmanship and their assumptions about the opposition he would probably have expressed about the proposals, including those who recalled his reactions to the earlier proposals for replacing the pews. Although his Will did not make stipulations about the use to which the funds should be put (simply directing that they were bequeathed to St Peter’s Church *“with the wish that these monies are used for the benefit of the said Church”*) and a PCC should not be fettered in its decisions about such funds, I invited the Petitioners in December 2015 to reconsider the hypothecation of those funds to this project, given that other funds appeared to have become available by that time.
60. This was done and I received firm assurances that other funds were available and would be used for the chairs if the faculty were to be granted. This was confirmed by the statement of Nicola Hale, PCC Treasurer, which was not challenged at the hearing.

61. The parish has unrestricted funds available to it of £43,750, together with a further unrestricted £20,000 which has not been received as yet from the executors of a will, but which is due. There are also two legacies totalling £1,000. It has £28,167 available in the restricted fund, to be used for maintenance and upkeep. It also has the £50,000 from Mr Wright's legacy. I am satisfied that the total funds available are in the region of £143,000.
62. From these funds, the parish would be able to pay for the estimated costs of replacing the pews with chairs without touching Mr Wright's bequest. The figures quoted in the Petition were between £17,600 and £35,000 depending on the different options for chairs pursued. Even with increases: to treat for woodworm and refurbish 8 short pews and to put on castors; to deal with likely additional work on the timber floor and to build 3 wooden cabinets for the storage of folding chairs, I am satisfied that the parish has ample funds for the proposal.

The funding of the other essential works to the Church fabric:

63. As set out above, many of the letters of objection suggested that other repair and maintenance works within the church should be put in train prior to spending money on chairs. The written financial information placed before me was more extensive at the hearing on the 16th April 2016, because additional details were available. This included estimates for the internal redecoration, the restoration of defective plasterwork, the repointing of the external elevations and the automatic clock winder, in a total sum of £31,513. The parish had also received a budget estimate from the Technical Heating and Lighting Advisor to the Diocese, Mr Matt Fulford, for the work to the heating system, in the sum of £18,150. Together those come to a little under £50,000.
64. I have been provided with clear evidence from the Petitioners that those other necessary repair and maintenance works can be carried out with the available funds as well as the proposal to replace the pews with chairs.
65. I accept that the Petitioners have not wanted to proceed to carry out some of the other works which might be affected by the removal of pews and their replacement by chairs, without first knowing whether that was to happen. As Mr Kenyon wrote in May 2014: *"I doubt any member of the PCC would arrange for a new carpet to be fitted to their lounge followed by new furniture, only then to turn their attention to repairs and redecoration"*. Following the same analogy: it would be unwise to make plans for carrying out extensive heating works and redecoration without first knowing whether the fitted furniture could actually be moved. I am satisfied that the PCC is not neglecting other important works of repair and maintenance, and that there are both the intention and the available funds to carry out all necessary and essential other works, when the appropriate faculties have been sought and obtained, beyond those funds which might be required for the pews.

The Plan and the numbering of the Pews:

66. To avoid confusion, a plan was produced numbering each of the 31 existing pews and 2 pew fronts. North aisle: front to back: A1-A8. North side of the nave: B1-B9. South side of the nave: C1-C9. South aisle: D1-D7. The two nave pew fronts were respectively B1 and C1.

The Visit to the Church by the Deputy Chancellor:

67. I made a private visit to the church on the 16th February 2016, which enabled me to view

all the features and to consider the issues raised in all the documents I had received at that time. I attended on my own, and was able to examine the pews in detail and to explore the floor area closely, on hands and knees.

68. In my personal opinion, the pews in the nave and aisles were currently showing considerable wear and tear, particularly to the sides flanking the nave, where there was excessive chipping, and some appeared to have suffered linear gouging close to floor level, especially at B1 and B2. There were rough and worn edges in many places, and I noted signs of wood cracking, and possible insect attack, particularly on C5. The struts underneath the long pews were, in places, rather rough and damaged.
69. The pews in the nave and aisles are very shallow in depth of seat (all measured at 11 ½ inches) and each had an uncomfortable protruding bar along the top of the pew back, which dug into the back. The pew backs were almost vertical in inclination: something that would not be adjustable, given the limited width of the top of the existing pew ends. On the back of each pew was a ledge for the kneeler or book of the person sitting behind which would also have to be realigned if the pew back were to be tilted.
70. There are no pew platforms beneath the pews. They stand on the timber floor, which I thought looked somewhat rough in character, with a number of superficial cracks. I did not observe any great inconsistency of level between the timber floor and the stone floor.
71. It was very apparent that the character of the chancel, with its attractive carved oak choir stall, was quite distinct from that of the nave and the aisles. By contrast, I thought that the nave and aisle pews looked rather cramped together, especially at A6 to A8 and B6 to B8. (When I canvassed this view at the end of the hearing, it received agreement and a suggestion that those particular pews could be removed.)
72. My impression was that the pews in the nave unattractively truncated the view of the two main Norman pillars, on either side of the nave, and substantially obscured the lower shafts and the bases of those columns. Space was so limited around the south entrance for notices that two 'welcome tables' had been installed over the tops of pew C5 and against the south pillar and of pew D6, to provide more display space.
73. I noted there did not appear to be any dedicated facilities for children in the church, nor signs that children played an integral part in the church, other than a few notices about groups on the notice board.
74. There was a stack of 10 functional brown plastic chairs at the back of the church near to the screen leading to the choir vestry (which included the toilet cubicle, kitchen facilities and ladder to the bell tower). This was not an especially discreet place for them.
75. I noted the board above the Parish Chest, in the South Aisle, which set out the names of those who had made contributions to the costs of the 2009 refurbishment of the ceiling of the church: an indication of the care and affection bestowed on the church by many parishioners.

The Consistory Court hearing on the 16th April 2016:

76. I delayed holding the consistory court in deference to the many suggestions that the new incumbent should be in office before a decision was taken. In particular, I wanted her to have the opportunity to express her plans for her work in the parish.
77. I held a consistory court at St. Peter's Church on the 16th April 2016. Publicity for the hearing was enhanced by Mr Kenyon, who put up notices around the village. During the

morning session there were between 40 and 50 people present (people came and went during the session). Lunch was served in the Church Rooms. (I and my two clerks ate separately in the Rector's Vestry). In the afternoon there were perhaps 25 to 30 present.

78. Oral evidence was heard as follows:

(a) Mrs Yvette Grundy, lay reader, spoke in support of her various statements in support of the replacement of the pews with chairs, setting out her reasons by reference to the church's mission and its current and foreseeable needs. She spoke of the changing population of the village and gave examples of occasions when the pews had hampered attempts to engage with people, particularly at some baptisms and when Christingles could not be made by the primary school children. She explained that people who are not used to traditional worship spoke of feeling uncomfortable in pews and she said that they needed to be put at ease. She spoke of the church also needing to be more inclusive to those with disabilities. When asked whether cushions on the existing pews would solve the problem, she said they would not: "*the depth of seat is not sufficient to adequately support the legs. Doesn't fit 90-degree angle with a bar along the top. With today's parishioners in mind, posturally, the pews are bad. A cushion would soften the seat, but would not address those other issues.*" (Plainly a cushion would also cause the bar to dig into a slightly lower part of the back.) She explained that the possibility of retaining 8 short pews was an option put forward for consideration. She spoke about other events, such as the commemoration of World War I which she thought would have been better with more open space. She said the Church Rooms provided smaller spaces than the church, and were used for other events, but that the space in the church would be far greater.

(b) Mr Robert Wade, church warden, gave evidence next, and spoke in support of his statement, in particular detailing the historical research undertaken into the pew's provenance, including commenting upon the significant changes the congregation must have experienced, with the removal of box pews, in 1866. He confirmed he had been unable to identify any documents concerning the provenance of the pews, other than those set out in his statements (which are recorded below).

(c) Mr Brad Plimmer, chairman of the Welford & Weston Historical Society, was called at that point to provide further historical information. He provided an original copy of the Woodward Notes and confirmed that all known records had been identified.

(d) Mr Christopher Kubale, Tyack Architects, church architect, subsequently gave evidence and spoke to his statement, explaining the work which would need to be carried out to the floor, both timber and stone, in the event of the pews being removed and on various other technical issues. He said that the timber floor boards under the pews were old pine, the same material as the pews in the nave and aisles. The boards were largely flush with the stone parts of the floor particularly in the central aisle. He was confident that repairs and refurbishment could be carried out which would make the timber floor, which was suspended on joists over a void, sound for chairs to be moved and put into different patterns according to requirements, especially if felt pads were applied. He was also sure that there would be no need to excavate below the void. He would not be surprised to learn that some of the joists were damp or subject to insect boring in such a building, but assured he that all could be made safe. (The Architect was aware of the comments of Mr Deakin which recorded that the underlying support system of the boarded area has been subject to rot and insect attack.) He entirely agreed that it will be necessary to ensure that the beams are secure and said this would be the case whether the pews remained or were replaced by chairs.

79. Statements, without oral evidence, were presented by:

- (a) Revd. Ros Greenhalgh, Rector, who was in favour of the proposal
 - (b) Ms Nicola Hale, PCC treasurer, explaining the financial resources of the parish and provided the updated written information about the expenditure plans; and
 - (c) Mr Jonathan MacKechnie-Jarvis, former Secretary to the Gloucester Diocesan Advisory Committee, expressing his views on the limited quality of the pews.
80. I called the Archdeacon of Cheltenham, the Venerable Robert Springett, as a Judge's witness, following receipt of his written statement, concerning his experience of other churches in the diocese who had undertaken replacement of pews with chairs, and issues of church mission. He is a member of the DAC, which had recommended that the works should go ahead. He had had experience as a parish priest of re-ordering a church built by Sir George Gilbert Scott, and in his present role of assisting many churches moving from pews to chairs, both those with a traditional as well as a more evangelical approach. He emphasised that he was not making a recommendation one way or the other but urged: *"These buildings are also living buildings. This church is not a museum. We must meet the needs of the current community."*
81. In the absence of any formal representative for the Informal Objectors, I made special dispensation for informal contributions at the hearing. (In so doing, I consciously went beyond the extent of Rule 9.3(2)(b) of the Faculty Jurisdiction Rules 2013.) During the course of the good-tempered hearing, I invited any of the persons present who wished to raise questions of the witnesses, or to make observations, to do so in an orderly fashion, as we proceeded through the evidence. Many accepted that offer and intervened in a really polite and helpful fashion. I had been concerned that the bullying tone of some of the letters might be repeated at the hearing, but this concern was wholly misplaced. A note of each name and contribution was made: some, but not all, were already Informal Objectors. Those informal interventions were not sworn evidence but enabled a wide range of issues to be aired which might have been raised by a formal representative for the opponents. In the event, almost all the points raised were already included in the letters of objection. I was satisfied that I had given all who were present ample opportunity to express their views.
82. However, on the day immediately following the hearing, an additional issue was raised which had not been presented during the evidence. The Registry received an email from Shelagh Reid, who had attended the hearing but had failed to raise aloud some issues which were troubling her: the discussion about the underfloor 'void' caused her to query whether this would affect the acoustics of the church. Although she said she was neither a member of the congregation, nor a writer of a letter of objection, I decided that if that had been raised at the hearing, it, and some other points she raised, could have been put to the Church Architect. Mr Kubale (to whom I am very grateful for his swift reply) answered those additional points saying that removal of the pews would not affect the church acoustics and that the issues she raised did not change his evidence. I treat Ms Reid's email of the 17th April 2016 and the Mr Kubale's reply email of the 19th April 2016 as if they had been provided as part of the evidence at the hearing. This dispensation is not to be taken as an encouragement to other persons to delay other proceedings by raising issues after the end of the hearing. In the particular circumstances of this matter, I regarded this course of action as appropriate.

The issue about the historical significance of the pews in the nave and aisles, and the possible involvement of Sir George Gilbert Scott:

83. When I first considered the papers, I was struck that the Statement of Significance made reference to the reordering of 1866, but made no mention of the involvement of Sir

George Gilbert Scott. By contrast, some of the letters of objection made detailed reference to Sir George Gilbert Scott, and urged that the pews were of historical significance because they were his design.

84. In my directions of the 15th December 2015, I said: *“I would like some investigation to take place amongst the parish records for 1866-1867 to find out as much information as possible about the restoration works; whether these pews do come from that era; who designed and made them; and the extent to which they were part of Scott’s scheme. A sum of £1,200 would not have been spent in those days without clear accounts being prepared. If details are not retained in the parish, the records may be held in the Warwickshire record office, rather than the Gloucestershire Record office, given the location of the parish: both should be investigated.”*
85. The Petitioners, particularly Mr Robert Wade and Mrs Yvette Grundy, undertook a truly colossal piece of historical research to answer those questions: consulting many local and online resources. I commend them on their diligence. To a large extent they revealed an absence of information. The conclusions I draw from their research are:
- 1) The grant of the faculty, dated the 19th April 1866, made no reference to a specific architect. It provided: *“... the Parish Church ... being in a dilapidated condition it was proposed to take down and rebuild the South West Wall of the Nave and North and South aisles of the said church also to reroof the said church to build a Vestry room on the North side of the Chancel of the said church and to take down and remove the present pews or seats pulpit and reading desk and to erect new sittings pulpit and reading desk in lieu thereof according to the Plan annexed to the said Petition.”* The Petition was granted, having received no notice of opposition, so as: *“to afford increased and better accommodation for the parishioners for the performance of divine service in the said Church”*. The grant of the faculty recorded that a copy of the Plan, and also the Vestry meeting minutes of the 24th February 1866 which had approved the petition, were being deposited at the Gloucester Registry. Unfortunately, no plans, accounts, invoices or other records have been identified relating to the 1866 works, either in the Gloucester Registry, or elsewhere. No other contemporaneous material from the 1866-1867 reordering has been identified.
 - 2) When the church was damaged by fire in 1884, just 18 years after the re-ordering, an article in the Stratford upon Avon Herald dated the 19th December 1884 recorded some valuable information about the original works in 1866-67: *“...The church, which was dedicated to St. Peter, is, on the authority of Sir Gilbert Scott, one of the finest specimens of early Norman work in England, the columns of the nave being especially mentionable. The nave and tower are about seven hundred years old, and the beautiful Norman arches and pillars are most interesting to archaeologists. The church was repaired some years ago at a cost of about £1,200 by the late Countess de la Warr. Sir Gilbert Scott was the architect engaged, but his plans in extenso were too elaborate to meet with the views of the Countess, who was then patroness of the living, so they were modified by the builder, the late Mr John Whateley, of Redditch, by whom the work was carried out under the supervision of Mr T.T. Allen of Stratford-upon-Avon. The work of restoration extended from the spring of 1866 till early in the following year, the church being formally re-opened on the 23rd January 1867.”* That information would suggest that Sir George Gilbert Scott drew up the plans, but that they were modified by the builders who carried out a less expensive scheme. No trace of the original plans has been identified and it is unknown whether or not they specified any particular design of pew. Nor, indeed, is it known whether the pews which we have in the church were made to

any such design. A search for Mr Whateley's papers only revealed the business name to have been 'Whateley and Davis' or 'Whately and Davis'.

- 3) The 'Notes on St. Peter's Church', which are available to purchase for 20p in the church, gave additional information about the works in 1866: "... *Galleries at the western end of the nave and north aisle were removed, together with the stair which had given access to them from close to a door in the north wall. The north door was then blocked up, although its position can still be seen on the outside. The chancel arch was also remodelled and high box-pews removed from the nave and chancel, to be replaced in the nave by the present pews...*" The Woodward Notes observe, about those galleries: "*There were two galleries in the church. One at the west end of the nave against the tower, the other at the west end of the north side. The staircase leading the galleries began near the door in the north aisle and ascended towards the corner. On reaching the top of the stairs the school-children turned to the left into the north gallery, and the musicians and singers to the right, into the west gallery.... The instruments played by the villagers in the gallery were the bassoon, the fiddle, the clarinet and two flutes.*" I mention the description of these galleries because it seems clear that the 1866 works involved very substantial changes to the interior as well as the remodelling of the chancel arch and the removal of the two galleries as well as the box pews.
- 4) The article from 1884 also provided a useful indication that pews were present in the church at the time of the fire: "... *before the fire brigade arrived at the church the villagers had been hard at work, and, with the Rev. J. Davenport, Mr Robert Gibbs, churchwarden, and Mr Hawkins - to the latter person being attributed the main credit of having prevented the fire from spreading to the main body of the church - at their head, removing everything of a portable nature from the interior of the building. The pews were carried out into the churchyard, as were the clergy and choristers' seats and the communion table. As it was impossible to get the pulpit through the doorway, it was carried to the farthest end of the church to a place of safety in the chancel....*"
- 5) There is a suggestion that the pews dating from the 1866 reordering may have been destroyed in the fire and may have been replaced by others using insurance monies. This suggestion is contained in the notes produced from the Historical Society archive of a presentation given by Mr Paul Young - date and circumstances unspecified, but which looks to have been a lecture on the information provided by the 1901 Census - which recorded: "*When he succeeded his father as rector in 1865, James set about raising funds for the repair of the church which by then was in a poor state. He persuaded the Countess de la Warr to donate £1,300, an enormous sum at that time to fund a design by the famous architect Sir Giles [sic] Gilbert Scott. Until the work was completed James held services in the school. In 1884 disaster struck. A fire broke out in the church belfry. The crash as the bells fell to the ground was heard throughout the village. Organised by James Davenport and Thomas Hawkins senior, the villagers managed to save the main body of the Church, but the Belfry, much of the roof, the pews and most importantly the clock dating back to 1665 were destroyed. Once again Reverend Davenport oversaw the repairs, this time largely funded by the insurers.*" This presents me with a dilemma: I do not think the newspaper article would have talked about the pews being carried into the churchyard if they were in fact destroyed; however, without knowing the sources for that presentation, I have to retain an open mind about the possibility that the current pews date from 1884 and have no connection at all with Sir George Gilbert Scott.

- 6) The Woodward Notes include a description of the church by Mr J.A. Cossins, (President of the Birmingham & Midland Institute who seems to have been called in as an expert) who observed: *“The roofs, pulpit, pews, and other fittings are modern and uninteresting”*. At that time, the pews, if they did date from 1866, would have been only 40 years old. If from 1884, they would have been 23 years old. By comparison with the Norman parts of the church, I suppose that either would, indeed, have been ‘modern’ in 1907.
- 7) A plan was included in the Woodward Notes, which appeared to show the layout of the nave and aisles of the church in 1907 as being somewhat different to its current layout, without any pews shown. I do not take that to suggest there were no pews at all in the church in 1907: but assume the lack of detail derived from the plan’s purpose being to record the layout of the various graves in the churchyard. Mr Cossins would not otherwise have spoken about the ‘pews’.
86. In addition to the historical record, I noted that there was a considerable divergence of opinion amongst modern experts, on whether or not the pews were reasonably ascribable to Sir George Gilbert Scott. (Some had clearly visited the church and had examined the pews: others had only been able to consider the detailed photographs in the Statement of Significance.) The following summarises the various views:
- 1) Matthew Saunders, the Secretary of the Ancient Monuments Society, in an email of the 1st May 2015 stated: *“It seems fair to suppose that the pews coincide with GG Scott’s reworking of the church between 1866 and 1868 but we doubt that the present designs betray his hand. More than likely a standard design was employed – even so there is something of a functionalist ethic, before its time, behind the gentle asymmetrical sweep of the arms, front and back, protecting the seat and bookrest respectively. We defer on their provenance to the Victorian Society.”*
 - 2) The Society for the Protection of Ancient Buildings (itself established in 1877 by William Morris and other members of the Pre-Raphaelite Brotherhood, in anxiety at the extent of the alterations to some churches being carried out by Sir George Gilbert Scott and others with similar intentions) in their email from Sara Crofts, Deputy Director and Head of Casework, dated the 17th April 2015, also said that they deferred to the views of the Victorian Society.
 - 3) The Church Buildings Council made a visit to the church on the 12th April 2015, and Christina Emerson, Church Buildings Officer, reported, in relation to the pews: *“... The machine made pine pews, which date from the time of the 1866 reordering, are unremarkable and a little scruffy, and the narrow seats and back rail make them uncomfortable. The pew platforms have previously been removed and the pews reinstalled in an arrangement that is a little haphazard ... the pews ... are not of significance in themselves...”*
 - 4) Mr Tom Ashley, senior conservation adviser (churches) of the Victorian Society (date unclear, but he apologised for his response being late, and no mention of the date of any visit to the church) said: *“The Victorian Society broadly concurs in the advice of the Church Buildings Council in this case. We would dispute the CBC’s assessment of pews as being ‘not of any significance in themselves’: the pews date from a major reordering by a Victorian Architect of the first rank, George Gilbert Scott, and though relatively simple contribute a great deal to the character of what seems to be a small and coherently furnished building....”*
 - 5) Nicholas Molyneux, Principal Inspector of Historic Buildings and Areas, at the

West Midlands office of Historic England, wrote on the 1st May 2015: *“The pews in the nave apparently all date from the 1860s restoration of this Grade 1 listed church by Scott.”*

- 6) The PCC received advice from David Hawkins, Lay Vice President of Worcester Diocese, both orally at meetings in 2014-2015 and in his written report dated the 6th May 2015, in which he said: *“The benches would seem to be of local manufacture. The joinery is that of a carpenter. The fret work of the bench ends comprises a series of curved arcs which flow easily together. There is a gentleness of the composition of the adaptable layout of the benches, although 20th century in manufacture, and is pleasant on first sight.”* [I add, at this point, that I am satisfied the pews are not of 20th century manufacture.]
 - 7) The Archdeacon commented in his statement: *“The argument that the pews are ‘in themselves’ of special significance is, I think, hard to make: they would appear to be of a standard Victorian design of which there are numerous other examples in many other churches. I understand that it has also been argued that their association with a reordering by George Gilbert Scott gives further significance. While this might have more merit, Gilbert Scott was one of the most prolific of church architects of the Victorian era and this does not appear to me to be a particularly notable example.”*
 - 8) Mr Jonathan MacKechnie-Jarvis, the former DAC Secretary in Gloucester, and a contributor of a chapter to the book: “Pews, Benches and Chairs” prepared by the Ecclesiological Society in 2011, had seen the pews in 1997. A copy of his note of the 5th March 1997 recorded: *“We have done a visit to this church and have examined the pews which are of poor quality and very uncomfortable. Luckily there is a flush floor throughout, so a change to chairs would not involve structural work”.* More recently he has looked at the photographs of the pews and observed: *“... they are of very limited quality... they are of pine and of very plain design. The ends are slightly unusual, with the rounded top part of the end shaped to follow the rake of the seat back...”*
87. I am aware from reading amongst those modern experts that seating schemes for churches in the Victorian era, in general terms, were very varied in extent. Some architects would set out detailed instructions, with bespoke schemes which were integral to the overall plan. For those, significant pew designs might have been manufactured by craftsmen to specific designs and might have serious historical merit. On the other hand, the architect might not specify a design and ‘catalogue’ pews might be used. In that case they were unlikely to be of any special historical significance.
88. I record that the fact the pews are not specifically mentioned in the List entry recording St Peter’s Grade 1 listing does not exclude them from being recognised fully as being part of a Grade 1 listed building.
89. I was greatly assisted at the hearing on the 16th April 2016 by the sworn evidence of Mr Brad Plimmer, who has been chairman of the Welford & Weston Local History Society for about 8 years. He had not been expecting to give evidence; he had provided some notes to Mr Adrian Kenyon, who had forwarded them with a letter of the 13th April 2016. I am grateful he accepted my invitation to assist the court. He told me he was completely open minded about whether or not the pews should be retained, and I valued his independence from the fray. He produced an original copy of the Woodward Note. He confirmed that he knew of no evidence save that set out above as to the provenance of the pews. Under close questioning he maintained his firm belief that the pews were part of Sir George Gilbert-Scott’s original plans for reordering and could therefore be ascribed to him. His argument is, however, based on the absence of

information and I do not find that the historical evidence supports his contention.

90. My conclusion on the provenance of the pews in the nave and aisles of St. Peter's Welford on Avon, bearing in mind the written historical evidence set out above and the views of the various current experts, is that although I agree that the pews probably date from around the time of the 1866 reordering, and are about 150 years old, I cannot conclude that they were designed by Sir George Gilbert Scott nor that they were made to a design specified by him. There is an alternative possibility that the current pews date from after the fire in 1884 and have no connection with Sir George Gilbert Scott. In either event, I am fully satisfied, on the balance of probability, that the designs 'do not betray his hand'.
91. It is my view that neither Mr Ashley of the Victorian Society nor Mr Molyneux of Historic England was aware of the information in the 1884 newspaper article (that the original plans ascribable to Scott were subsequently modified and carried out by others) and that they would have been less dogmatic on attribution, if they had known about the apparently cheaper modified scheme.

Could the pews be altered or upholstered to remedy their defects as seating?

92. I accept that the pews have inadequate depth for comfortable sitting. They have a depth of about 11 ½ inches and therefore fail to provide sufficient support for the average thigh of a modern congregation. They also have near vertical backs, featuring a protruding bar along the top, jutting out slightly into a person's mid to upper back. (I especially note the comments of a wheelchair user on this subject.)
93. It was suggested that a person only needs to sit on the pew for 10 or 15 minutes at a time during a service, if they are otherwise standing or kneeling, so that the shallow depth was not a problem. That would not help with concerts or other performances. Further, it was apparent during the one and a half hours of the morning session that many were shifting around in an effort to find more comfortable sitting positions (and I note that Mr Hawkins observed the same shuffling during the meeting on the 8th October 2014). Mr Robinson asserted towards the end of the hearing that the pews were comfortable, and there was an audible murmur of many disagreements.
94. It was suggested that a 'nose' could be affixed to the front edge of each of the seats to remedy the lack of depth, but I was unconvinced that such carpentry would be effective or long-lasting and thought such joinery of a piece perhaps 4 to 7 inches in depth would either break off or come loose with potentially painful results, given the weight and stress it would need to bear from those regularly levering themselves to a standing position. If added, it would also restrict leg and kneeling room in the present configuration of the pews.
95. It was suggested that cushions on the pews would make a sufficient difference. I do not agree that they would solve the shallowness of the seat or cure the protruding bar at the back, which would merely dig into the back slightly lower down the body.
96. It was suggested that the pew backs could be given a greater incline. This would require radical alterations with brand new pew ends, which would have to be carved afresh. It would also require the re-fixing of the book/kneeler rest on the back. Such a major exercise in carpentry would change the pews out of all recognition and, in the view of Mr Hawkins, might in any event not turn out to be satisfactory.
97. The conclusion I draw about the pews is that they cannot reasonably be altered to bring them up to the standards to be expected of seating.

If the removal of pews is permitted, should any be retained?

98. At the hearing on the 16th April 2016, it was accepted by the Petitioners that they were not seeking to remove 8 aisle pews, 4 to the north aisle (A2-A5) and 4 in the south aisle (D3-D6), although they left the question of retention of those pews to my decision.
99. Having examined those pews carefully, I can say that they do appear to be more structurally sound and less worn than those in the nave. If they were to be carefully treated for woodworm, refurbished to provide a matching colour to the wood of the choice of chair, and attached to castors (which were capable of being locked in place so that the pew would not move unexpectedly when being sat upon) then I agree they could be kept as part of the reordered scheme. They would provide a direct connection to the historical form of seating and, if it were necessary to corral children, could be used for that purpose.
100. Matthew Saunders of the Ancient Monuments Society, in his email of the 1st May 2015, said that the AMS was not persuaded that complete clearance of the pews was justified. He made a number of suggestions for alternative configurations, perhaps by removing pews from the aisles and putting the nave pews onto castors. I suggested in my directions of 15th December 2015 that his observations should be specifically considered. They have not found favour with the Petitioners, and I have to agree that they would not be feasible in this small church. I suspect Mr Saunders did not have the actual proportions and practicalities in mind.

The Law:

101. In my directions, and during the Hearing on the 16th April 2016, I made it clear that I intended to follow the framework and guidelines commended by the Court of Arches in the case of *Re St. Alkmund, Duffield* [2013] Fam 158, by asking a series of questions:
- 1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - 2) If the answer to Question (1) is 'no', the ordinary presumption in faculty applications 'in favour of things as they stand' is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals. ... Questions (3), (4) & (5) do not arise.
 - 3) If the answer to Question (1) is 'yes', how serious would the harm be?
 - 4) How clear and convincing is the justification for carrying out the proposals?
 - 5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building ... will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses consistent with its role as a place of worship and mission) outweigh the harm? In answering (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade 1 or 2*, where serious harm should only exceptionally be allowed.
102. In the light of my conclusions about the provenance of the pews within this church building, whose interior has been significantly altered on a number of occasions through its 900 years of existence, I answer Question (1) 'no'. The significance of the church as a building of special architectural or historic interest will not be harmed by the change

from pews to chairs, because the historic significance of these particular pews extends only to the fact that they are some 150 years old (or perhaps 132 years old) not that they are the work of a noted architect. The church's visual appearance would inevitably change if chairs replaced pews, but I do not agree that that would be harmful. Indeed, I can see considerable aesthetic and practical advantages might flow from limiting the space taken up by infrequently fully used pews.

103. On that basis, it would be appropriate for me to move on to consider Question (2) alone.
104. However, I am conscious there are those in the parish who would urge me to answer Question (1) in the affirmative, on the basis that I cannot categorically rule out a connection, of some sort, with the pen of Sir George Gilbert Scott. I would wish to ensure that my reasoning in reaching my conclusion covers both my negative answer and the possible affirmative answer to Question (1).
105. I also note that the specific issues of 'public benefit' listed in Question (5) amount to a helpful list when dealing with the rebuttal points which might be considered in Question (2) when evaluating the presumption in favour of the status quo. Consequently, before answering Question (2), I propose to deal with the points in Questions (4) & (5) which will be helpful to me in answering Question (2).
106. Question (4), invites me to consider the extent to which the justification for carrying out the proposals is clear and convincing. I have set out the Statement of Need and the evidence which I read and heard in support of the proposals. I share the view of the Archdeacon that the case put forward is thorough and clear. In the face of the 'sadly dwindling congregation' it is essential that the new Rector is properly equipped to reach out to others in the community and to welcome them to a much wider range of types of worship than exists at present. Otherwise the church will continue to stagnate and may, at the worst, be lost to the parish as a place of worship. Nothing said by the Informal Objectors in their written contributions or in person at the Hearing, persuades me to the contrary. I find that the justification for carrying out the proposals is clear and convincing.
107. Question (5) is predicated on there being some level of harm which creates a 'strong' presumption, as opposed to the 'ordinary' presumption against change. For the sake of argument, if I approach the matter on the basis of a 'strong' presumption, I will be covering both options. Potential benefits of liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses consistent with its role as a place of worship and mission all appear to be strongly presented in the Statement of Need and the evidence of the Petitioners. Against that, it is suggested by the Informal Objectors that all those matters can still proceed and are not adversely affected with the pews in place. I propose to take an evidence based approach in looking at the suggested need for more flexible space. The following are strong, but not exclusive, examples.
 - 1) The location of the font, to the centre back of the nave, is a clear example. It is closely hemmed in by pews B6-B8 and C6-C7. All 4 of the main pews on either side in the nave are sited so that worshipers at baptisms have to turn round in their seats and face the rear. Although Mrs Johnson, at the hearing, assured me that it was not difficult to do this, it was very clear that this requires physical contortions which are likely to detract enjoyment of the key moments of the baptism service. In particular, younger children may not be able to see what is happening and may not feel included. I accept this church would benefit substantially from being able to have a circle of chairs around the focal point of the font.
 - 2) I noted that the current layout prevented the primary school children from

making their own Christingles, and thus lost the opportunity for them to learn and understand the individual meaning of each of the elements of the Christingle. By contrast, I was told that it had proved helpful, when 'marshalling' groups of school children, to be able to put them into the pews. I do not accept that the behaviour of children should be managed by such constraints, rather than by engaging their interest.

- 3) A layout which discourages those who need to use wheelchairs is one which requires reconsideration. It is unattractive to say that a pew or two could be moved at the back, when that particular person might have poor eyesight or poor hearing and might benefit from being right at the front – but not feeling that they were in the way.
 - 4) Space for musicians during less formal worship is at present limited by the positions of the pews. That may explain why only 3 musicians are accommodated there. I accept that the flexibility of being able to move chairs so as to create proper space of a group of musicians or singers would be beneficial for the plans for worship in the Church. A greater space at the front of church for concerts or larger groups of musicians could also easily be created if chairs were moved as opposed to the current fixed pews.
 - 5) The ability to use the Church for exhibitions, such as the recent celebrations in relation to the First World War; or for flower shows; or for concerts was also mentioned. Those opposing the removal of pews said that the pews had not detracted from such events, but I accepted the evidence of the Petitioners that the ability to create open spaces would enable greater involvement with such events and would lead to them being even more successful.
 - 6) Refreshments between the services are possible but not easily managed with the current configuration of the pews. The Church Rooms are a walk of 150 metres from the Church, down an uneven and unlit lane, which lacks a proper pavement, so they do not provide a satisfactory venue. There are two rooms there which can respectively accommodate 20 and 36 people, but not a larger number. The church, itself, has facilities for making hot drinks in the choir vestry but has inadequate space to the back of the church for people to sit and talk to one another between the two services. The pews at A6-A8 and B6-B8 are especially tightly packed at the back of the north aisle and their removal would open up that space to better use.
108. Specifically in terms of liturgical freedom, the church already experiences something of a duality. It is not attractive for one strand to seek to exclude the other: something which shines out in so many of the letters of objection. The question is one of public benefit, not of private, exclusive interest.
109. Question (5) is answered, in consequence of that analysis, by saying that there is very substantial public benefit within the proposed changes and that it is my clear judgment that that benefit outweighs the harm, if any, to the significance of this particular Grade 1 listed church as a building of special architectural or historic interest. The special character of this building does not depend on the pews, indeed, I find that if anything they detract from its special character.
110. Having reached that conclusion on Question (5) it follows that the answer to Question (2) is all the more clear: the ordinary presumption of the status quo is rebutted by the needs of the church and I will grant a faculty allowing the removal of all but 8 short pews.

The proposed choice of chair:

111. Prior to and at the hearing, the Petitioners accepted that they wished to make a further search to identify the best type of chair for the Church, in the event that I granted the faculty for the removal of the pews. Reference was made to the Christian Resources conference due to take place shortly in May 2016, at which a wide range of chair designs would be viewed. There are likely to be other sources of information as well.
112. I decided not to adjourn the hearing, since the particular choice of chair was not, in my view, crucial to the decision of whether or not to remove the pews.
113. A number of chair options were brought to the hearing. I was unimpressed by the likely durability of some of the fabric covered seats, which appeared to be upholstered with foam rubber beneath the fabric. This has also caused anxiety from some of the experts from the organisations consulted. I also did not think that the rush seating would wear well. It might be that a moulded wooden seat would be most comfortable and durable, both in the proposed 64 solid chairs and in the selection of 48 matching folding chairs. That would accord with my personal experience elsewhere.
114. The Archdeacon confirmed that the precise choice of solid chair and folding chair, to complement the church interior and to provide the requisite durability, was something on which the DAC would be happy to give guidance. Having considered the matter carefully, I concluded that I would be content to leave any such choice to the DAC in conjunction with the PCC, although I would retain the final decision to approve the eventual choice.

Storage Cases for Folding Chairs:

115. I was shown photographs of rigid wood storage cases into which folding wooden chairs could be placed when there was no special need for larger numbers of chairs in the Church. It seemed to me entirely reasonable that these storage cases could be put close to the south entrance door, where the parish noticeboards are located and could double as welcome tables on which hymn books, periodicals, copies of the 'Notes on St. Peter's Church', etc. could be placed. Alternatively they might stand on either side of the choir vestry door at the back of the nave, so long as they were sufficiently resistant to the marks left by tea and coffee cups. I encourage the PCC to consider this option, rather than having ugly trolleys of stacking chairs. I do not encourage them to use the area behind the piano for such storage, in any event.

The future use of the kneelers:

116. The Church historical notes state that materials for the 100 kneelers were given in memory of Mrs Burke, who died in 1973, and that they were worked on by 35 parishioners and were dedicated in October 1975. Some of the Informal Objectors were anxious about whether the kneelers would continue to be used. I examined them when I visited in February and noted they were largely in good condition, despite some damp being apparent in the building.
117. The Petitioners agree that the final selection of any chair would need to include adequate facilities for the tasteful storage of kneelers and to incorporate a shelf for bibles and hymn books. I note they also plan to place some of the kneelers at the communion rail on the edge of the dais, and I also approve that plan. The continued availability of the kneelers will be a condition to the faculty.

The Faculty:

118. A faculty is issued for:

- 1) The removal and disposal by sale of the pews and pew fronts in the nave and aisles marked on the attached plan as A1, A6, A7 & A8; B1 to B9 inclusive; C1 to C9 inclusive and D1, D2 and D7.
- 2) The replacement of those pews with 64 solid chairs and 48 folding chairs (the folding chairs to be housed in three purpose built wooden cabinets) of a design, durability, material and colour to be agreed with the DAC and to be subject to the final approval of the Court.
- 3) The repair of the timber floor consequent on that removal including the works recommended by the Church Architect to repair joists and stonework and to achieve an appropriately even surface for chairs.
- 4) The works shall be completed within 2 years or such extended time as may be allowed by the Court on application.

Subject to conditions that:

- 5) An accurate colour and black & white photographic record of the interior of the church building shall be made and deposited with the DAC secretary prior to the commencement of any works.
- 6) The parish shall make such faculty application(s) in respect of the proposed changes to the heating system; the proposed interior redecoration and the proposed repairs to interior plaster work as they intend shall take place in conjunction with the removal of the pews and the introduction of the chairs, and shall provide to the DAC a proposed time table to cover all such works. Such a time table shall include the Rector's plans for worship by the church congregation during the occurrence of those works. Upon such timetable being provided the matter may be referred back to the Court for a direction as to an extended time for completion of the works.
- 7) The 8 short retained pews numbered on the attached plan as A2 to A5 inclusive and D3 to D6 inclusive shall be refurbished by being:
 - i. Fully treated for woodworm; and
 - ii. Refurbished and coloured to blend with the colour of the new chairs and the remaining woodwork in the chancel and dais (the colour to be agreed with the DAC and to be subject to the final approval of the Court); and
 - iii. Placed upon castors which are capable of being locked once the pew has been moved to any required location within the church.
- 8) In the event that it is concluded by the craftsmen carrying out the refurbishment work to the 8 short retained pews that another of the pews in the aisles of similar dimensions is in better wear and tear, then the same may be substituted for one of the 8 retained pews, provided the Church Architect agrees.
- 9) The precise numbers of solid and folding chairs may be varied by agreement with the Court upon provision of appropriate explanation.
- 10) The design of solid chair shall incorporate a suitable under seat shelf to cater for one

of the existing kneelers. The design shall also include a suitable shelf towards the top of the chair back for placing hymn or prayer books.

- 11) The capacity of the solid chairs to be linked or fixed to one another shall comply with any applicable fire regulations.
- 12) The design of three wooden storage cases to house the folding chairs when they are not required for use (such wooden storage cases being capable of doubling as welcome tables at the south aisle entrance or to either side of the choir vestry door) shall be submitted to and approved in writing by the DAC, and shall be subject to the final approval of the Court.
- 13) On any occasion when the wooden timber floor of the church is opened so as to expose the void below, whether for investigation or for the subsequent carrying out of repairs, the appropriate local archaeological service shall be advised so that they may visit and examine the areas thus exposed. In the event of material of archaeological significance being discovered, the same shall be notified forthwith to the Registrar.
- 14) The full details for the repairing and making good of the wooden timber floor and the stone floor of the church after the removal of the pews shall be submitted to and approved in writing by the DAC.
- 15) If disagreement arises as to these conditions, the matter is to be referred to the Court.

The Costs:

119. The court fees payable under the Ecclesiastical Judges, Legal Officers and Others (Fees) Order 2014 (SI 2014/2072), applicable by reason of the date of the Petition, are to be paid by the Petitioners in an amount to be set out in a further order.
120. The reasonable correspondence costs incurred by the Registrar, including an enhanced fee, having regard to the costs of dealing with the Informal Objectors, are to be paid by the Petitioners in an amount to be agreed or to be set out in a further order.
121. There is no order as to costs as between the Petitioners and any of the Informal Objectors.
122. These orders as to costs are provisional orders under Rule 18.1(3) of the Faculty Jurisdiction Rules 2013 and will come into effect after the expiry of the period of 21 days beginning on the day this judgment is handed down unless within that period a party makes written representations to the Court as to why an order should not be made.

Further Directions:

123. There is liberty to the Petitioners to apply by letter for further directions, if so advised.

5th May 2016

Alicia Hester Collinson.

Deputy Chancellor, Diocese of Gloucester