

Neutral citation: [2018] ECC Win 1



**IN THE CONSISTORY COURT OF THE
DIOCESE OF WINCHESTER**

3 January 2018

Before:

**THE WORSHIPFUL MATTHEW CAIN ORMONDROYD,
CHANCELLOR**

**In the matter of:
The Introduction of the Gollon Diptych of St Ethelflaeda
On the petition of:**

- 1) The Reverend Canon Tim Sledge**
- 2) Mrs Janet Wallace**
- 3) Mr Nigel Herriott**

Petition determined on consideration of written representations

JUDGMENT

1. Romsey Abbey is a Grade I listed church. It is one of the 'great churches' of the diocese and needs little introduction. It was built originally as a convent, founded in 907 by a son of Alfred the Great, and re-founded around 960 under the rule of St Benedict. Around the year 1000 the abbess was one Ethelflaeda, who is now (together with the Blessed Virgin Mary) a patron saint of the Abbey.
2. The proposal before the court is to retain permanently in the church a diptych depicting a legend from the life of St Ethelflaeda. In the Statement of Significance submitted by the Petitioners, the painting is said to be designed "to be challenging and controversial", and to encourage "members of the congregation and visitors alike to contemplate the serenity of the abbess's face and reflect on our own faith and spirituality". It has certainly achieved the former objective; the extent to which it has achieved the latter is subject to some dispute, as will appear.
3. Before considering the merits of the petition and the objections to it, I will first set out in more detail the nature of the painting and the background to its creation.

The painting

4. The diptych at the centre of the present dispute comprises two rectangular panels of canvas stretched over wooden frames, each being around 0.5m (width) by 1.5m (height) in size. It refers to a legend from the life of St Ethelflaeda. The lights had gone out, but light miraculously emanated from the saint's hands so that the nuns could continue to read scripture. The left panel shows the saint, the right panel a candlestick.
5. The painting hangs presently in the south aisle of the Abbey. Each panel of the diptych occupies a blind arch on that wall. It was specifically created to fit in that space. The location is said to be particularly apt because it is adjacent to the door, presently disused, by which the nuns would have entered the Abbey.
6. The artist, Christopher Gollon, created the work specifically for the Abbey, in connection with a travelling exhibition entitled 'Incarnation, Mary and Women in the Bible'. The paintings comprising this exhibition had hung in various different churches, and for each venue the artist created a bespoke addition. The concept for the painting was decided on after a visit by Mr Gollon to the Abbey prior to the exhibition. The result of this design process is that the size, colours and composition of the painting are said to be specifically suited to the position which they occupy in the Abbey.
7. The exhibition was held in October 2016. Following the exhibition the painting was offered for sale to the Abbey at what is said to be a discounted price of £6,000. The artist allowed the Abbey to retain the painting temporarily pending a decision on its purchase. The decision to apply for the necessary faculty, and if this were granted to purchase the painting, was taken by the PCC on 15 February 2017 by a majority of 14 to 2. The decision was reaffirmed by the PCC on 25 October 2017, by which point the objections set out below had been made, by a majority of 15 to 1.

The objections

8. The DAC recommended grant of a faculty, subject only to conditions about fixings, on 8 August 2017. Public notice of the application for a faculty was first posted on 12 August 2017. There was a defect in the notice, so a further notice was posted on 23 August 2017. It seems that it was only in response to these notices that the level of objection to the proposal from within the Abbey's congregation became known. There had been no previous consultation with the congregation nor substantive consideration by the fabric committee.
9. There are fifteen objections before the court, although none of those writing to object has chosen to become a Party Opponent. I have considered each objection very carefully. It would add unnecessarily to the length of this judgment if I were to set out the contents of each letter of objection in detail, and I hope that the objectors will find it to be no discourtesy to them if I instead summarise the main heads of objection, as follows:
 - a. The painting lacks artistic merit.¹ It does not "enhance or beautify the Abbey in any way"² and is "ugly"³. "The 'Saint' is sinister and anatomically impossible and the candlestick, as often commented... looks like a giraffe neck".⁴
 - b. The painting is not edifying/spiritually beneficial. Instead it is "dark and disturbing"⁵, "grotesque"⁶, "does not put my mind at ease"⁷, and "raises nothing but horror".⁸
 - c. The painting detracts from the architecture of the Abbey. In particular, the Norman arches which are "beautiful in their simplicity"⁹. A broader and distinct point is that the modern style of the painting detracts from the historic character of the Abbey.¹⁰
 - d. The money required to buy the painting could be better spent.¹¹
 - e. There has been insufficient consideration of/consultation with the congregation on this proposal.¹²

10. I can deal with the final two points directly. The PCC is the elected governing body and has decided (subject to the grant of a faculty) to acquire the painting. In normal circumstances it is not for me to go behind that decision; to do so would be in effect to tell the church how to spend its own money. The points about consultation are more

¹ Mr and Mrs Moorman, Mrs Leech.

² Diane Hargreaves.

³ Mr and Mrs Hammond, Dorothy Stokes, G D Johnson, M H Hallet, Mr and Mrs Wood, Elizabeth Hallet.

⁴ Glynne Beasley.

⁵ Diane Hargreaves, and cf Glynne Beasley.

⁶ Mr and Mrs Twig, Mrs Leach.

⁷ Dorothy Stokes.

⁸ Elizabeth Hallett.

⁹ Mr and Mrs Hammond. Cf also Sarah Hargreaves, Brian Lamb, G D Johnson, Glynne Beasley, Mrs Leech.

¹⁰ Dorothy Stokes, C A Lamb.

¹¹ Mr and Mrs Hammond, C A Lamb, Brian Lamb, Mr and Mrs Twig, G D Johnson, Mr and Mrs Watts, Glynne Beasley, Elizabeth Hallett.

¹² Diane Hargreaves, C A Lamb, Mr and Mrs Twig, G D Johnson.

concerning. I note that the CBC, although recommending the grant of a faculty, comments that “the process that lead to the proposal was unusual and not one that the Council condones”. I would tend to agree. It seems to me that much of the objection in this case could have been avoided, or at least softened, had there been an earlier and more thoroughgoing engagement of the congregation (either directly, or for example through the fabric committee). Ultimately, however, the public notice procedure for this faculty application has ensured that different points of view can be heard, curing any defects in the process leading up to the petition. I will therefore proceed to consider the points of substance raised by the objections (being the first three points summarised above).

Consideration

11. As the church is listed, the framework for consideration is provided by *Re St Alkmund, Duffield* [2013] Fam 158 as summarised and supplemented in *Re St John the Baptist, Peshurst* [2015] PTSR D40. It is only necessary to set out the first two 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 proceedings “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 and 5 do not arise.

12. In respect of the first question, neither the DAC nor the CBC has identified any harm to the listed building. I concur. The significance of Romsey Abbey as a building of special architectural and historic interest, it seems to me, is in general terms derived from the grandeur of the Norman architecture and the richness of the decoration which has accumulated over many centuries. I do not think there is anything harmful *per se* about the introduction of modern art into such a setting; as I have said, the decoration is the product of many different hands and ages.

13. The specific element of interest which is said to be harmed is the simplicity of the blind arches where the painting hangs. I do not see any harm here. The size of the panels is such that they fit appropriately within the dimensions of the arch. I observed on my site visit that the colouration of the painting does indeed match and blend in with the wall behind. Whilst views may legitimately differ about the style and artistic merit of the paintings (an aspect I deal with further below), I consider that either way they do not detract from the significance of the listed building.

14. I must therefore apply the presumption in favour of things as they stand, and ask myself whether the Petitioners have displaced this presumption. I can summarise the benefits claimed by the Petitioners, and those who have written in support of the painting, as follows:

- a. It provides an addition to the liturgical life of the Abbey. There are plans to use the painting as a station for prayer and devotion during processions during the patronal festival. It is helpful as an aid to private prayer and devotion;

- b. It offers a link to the Benedictine history of the Abbey and specifically to the person of St Ethelflaeda, of whom there is currently no depiction in the Abbey. This is useful in explaining that story to visitors;
 - c. It is a “significant piece of artwork” by a distinguished artist, which will encourage people to visit the Abbey.
15. All other things being equal, these claimed benefits would be enough to justify the grant of a faculty (albeit that all could be achieved by a less controversial depiction of the saint). However, all other things are not equal. There exists, in the objectors, a significant minority of the congregation who find the painting not just ugly but also, partly as a consequence, a distraction from worship. The Petitioners’ broad response is to characterise these objections as a matter of “personal preference”. I agree, but that is no answer to them. Worship is a deeply personal matter. A church is not an art gallery and I find it hard to see how claimed artistic merit can justify a new introduction which presents an impediment to worship on the part of a significant number of parishioners.
16. It seems to me that the artwork under consideration in this case risks being such an obstacle. This is particularly so given the “unusual” process by which it came to be proposed, which I have discussed above. On reading the papers I was at first minded to refuse the faculty. Having visited the Abbey, however, I am just satisfied on balance that the presumption in favour of things as they stand is outweighed by the benefits of retaining the painting permanently. The Abbey is large enough, and the painting’s size and location are discreet enough, that it need not present an obstacle to worship to anyone who is displeased or offended by it. Indeed it is invisible from various parts of the nave.
17. As such, those who find the painting beautiful, helpful and spiritually uplifting can continue to benefit from its presence, and it can continue to play a part in the Abbey’s outreach and mission. Those who are disturbed or displeased by it need not dwell on its presence. It seems to me that the Abbey is a large enough space, physically and spiritually, to accommodate both camps. If a future PCC finds that this is not the case, the addition is fully reversible.
18. I will therefore grant the faculty sought subject to the following condition on fixings:
- a. Details of the proposed permanent fixings are to be submitted to the DAC for approval. All fixings must be into mortar joints and not the stonework.

Matthew Cain Ormondroyd
Chancellor

3 January 2018

