

Neutral Citation Number: [2018] ECC Bri 1

In the Consistory Court of Bristol

In re St. Philip and St. Jacob Bristol

JUDGMENT

1. This is a petition for the levelling of the floor of the 'main worship area' in this Grade II* listed church in the centre of Bristol. The proposal is to remove all the remaining pews and install a new floor over the pew bases. I have had some difficulty in dealing with this case for a number of reasons.
2. The first and most important is that the amenities bodies have not submitted any objections to the Registry, all their correspondence has been directly with the petitioners. The petitioners have forwarded some of the correspondence to the Registry, but I have no way of knowing if this is the complete correspondence or not. In those circumstances there is no legal requirement for me to take note of what they have said. The second has been the apparent reluctance of the amenities bodies to liaise with the registry in relation to progressing matters.
3. In an effort to try to resolve matters I decided to hold an informal directions hearing in the church with the attendance of representatives of the amenities bodies, as was done by Chancellor Hill QC in the case of *Re Holy Trinity Poynings* [2017] ECC Chi
3. By this time the period for objections to be made by any interested parties had passed. The idea of a directions hearing on a Saturday morning clearly was not attractive to the amenities bodies and the only representative who attended was Stephen Guy, from Historic England. I am very grateful for his assistance.
4. The directions hearing was extremely useful. It became clear from the site visit that the removal of the pews and pew bases (for which no one has raised an objection, admissible or otherwise) would create a floor surface on different levels. The original stone floor is on a slope and the pew bases are at different heights. The installation of a new floor 'floating' above the original floor would create a smooth, flat surface. The new floor would be easily reversible and will allow this growing church to continue its mission and outreach. Having seen the floor Mr Guy was clear that, in all those circumstances, Historic England would have no objections to the petition.
5. I have to consider the questions set out in *St Alkmund Duffield* [2013] Fam 158
 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.
 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 that are consistent with its role as a place of worship and mission) outweigh the harm?

In answering question (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 I or II*, where serious harm should only exceptionally be allowed.

6. I am satisfied, having visited the Church that the answer to the first question is 'no'. Whilst this is a Grade II* listed church the proposal by the petitioners which appears radical is, in fact, easily reversible. Should there be a further petition in due course to effect a permanent change to the floor then I shall have to deal with that on its merits when it is submitted.
7. This petition passes the seal.
8. I direct that the pews be sold rather than destroyed and any funds used for the creation of the new floor. The choice of chairs to replace them is to be overseen by the acting Archdeacon who was good enough also to attend the directions hearing. If there are difficulties with choosing an acceptable style of chair, I will make the decision.

9th July 2018

Justin Gau
Chancellor