

Neutral Citation Number : [2020] ECC Win 2

In the Consistory Court of the Diocese of Winchester

In the parish of Christchurch

In the church of Holy Trinity (The Priory)

JUDGMENT

Permanent removal of six remaining nave pews

1. The church of the Holy Trinity, Christchurch, better known as Christchurch Priory, is an impressive grade I listed building dating originally from Norman times. It is further distinguished by being a major monastic church which yet survived the reformation essentially intact. The petition presently before the court seeks permission for the permanent removal of three rows of pews, the last in the nave. They have already been removed on an experimental basis under a temporary re-ordering licence.
2. The Petitioners' heritage consultant (Michael Heaton MCifA IHBC) has provided an 'assessment of significance' of the pews which concludes that in the context of the Priory church "they are of no significance as heritage assets". The Petitioners have supplied ample material to demonstrate that the removal of the pews will facilitate flexible use of the nave for worship and missional events, particularly those requiring the involvement of an orchestra. Concerts form a large part of the outreach of the Priory, for example as part of the Christchurch Priory Music Festival.
3. I have also been assisted by the presentation of a large amount of detailed and extremely helpful material on seating at the Priory from Historic England ("HE"). On the basis of this information HE took the view that there would be "some loss of historic character" from removal of the pews, but do not actively object.
4. I also have the benefit of representations from the Ancient Monument Society ("AMS") (who do not object, seeing the potential for a "visual bonus"), Society for the Protection of Ancient Buildings ("SPAB") (who do not object, seeing the pews as not "of any particular significance being relatively modern and of a very standard design") and the Victorian Society ("VS") (who in June 2019 sought further information on the pews, not apparently having seen the material prepared by HE or the Petitioners). The Local Planning Authority ("LPA"), Bournemouth Christchurch and Poole Council, commented to the Diocesan Advisory Committee ("DAC") that the "permanent removal of the last of the traditional (even if non-original) pews from the front 3 rows is not desirable". They have not objected to the faculty application.
5. The only objection the court has received has come from Mr David Hewitt, a Licensed Lay Minister in the parish of Christchurch and a member of the Parochial Church Council ("PCC"). I understand from the minutes that at least one other PCC

member is also opposed to the permanent removal of the pews. Mr Hewitt objects that the space created by the removal of the pews has not been used for alternative spaces since they were removed and that the promised “widespread consultation with the congregation” has not materialised. The Petitioners refute those contentions in the strongest terms. I am satisfied from the list of events provided by the Petitioners that the flexibility afforded by the removal of the pews is a substantial benefit to the use of the Priory as a local centre of worship and mission.

6. In determining this application, I have had regard to the guidance provided by the Court of Arches in *Re St Alkmund, Duffield* [2013] Fam 158 as summarised and supplemented in *Re St John the Baptist, Penshurst* [2015] PTSR D40. The questions set out there are not a straightjacket and in this case it has not been necessary to work through them in turn, for reasons which will appear.
7. No one disputes the outstanding architectural and historic significance of the Priory. The relevant question is whether the pews proposed to be removed contribute to that significance (or did contribute when they were present)? The nature of the original furnishings in the nave appears to be lost in the mists of time; the most likely scenario is that there was no seating there originally. The Georgian era apparently saw the introduction of box pews, which were superseded in 1840-1 by pews enclosed with doors. This seating was in turn swept away by a 1912 re-seating scheme (which was approved only after a protracted faculty application process) by the architect TG Jackson (a pupil of George Gilbert Scott renowned for his work on the Examination Schools and ‘Bridge of Sighs’ in Oxford). That comprised ornate choir stalls in front of the nave altar, with six rows of pews to the east end of the nave and chairs behind. It is not noted as a particularly outstanding example of his work.
8. On the basis of this history, and examination of a 1922 photograph, HE concludes that it is “reasonable to surmise (although not a total certainty)” that the pews now under consideration were part of Jackson’s seating scheme. The frontals may be of the same date, or may be a later add on. They therefore comprise a part of a relatively undistinguished early 20th century seating scheme, now mostly removed. I therefore find that they make little if any contribution to the historic interest of the building. Likewise, in terms of architectural interest, I agree with the AMS that the removal of the pews offers the potential for a visual bonus; the ancient nave was not apparently designed to contain fixed seating. Although the pews, and particularly the frontals, are attractive they are, as SPAB has observed, of very standard design. Accordingly, it seems to me that overall the pews and frontals make at most a very limited contribution to significance only.
9. Whatever contribution the pews make would be lost if they are permanently removed. I am entirely convinced that the justification provided by the Petitioners clearly and decisively outweighs any limited harm that may be caused to the significance of the church as a building of special architectural or historic interest. Accordingly, it does

not matter, for the purposes of this determination, whether the removal of the pews is “a bonus”, neutral, or (as HE has contended) mildly negative. In any scenario I find that the benefits of removal far outweigh any disadvantages. As such, it is not necessary to pin down exactly what contribution the pews and frontals make to significance.

10. Various consultees, and the DAC, have floated the idea of conditions to secure the retention of the pews and/or frontals in the church in some form. Having invited submissions on this possibility from the Petitioners I see that it would be wholly impractical to retain either the pews or frontals in a movable form. As such, they could only be retained within the church by being permanently moved from their original locations. I do not see any merit in this as an idea; although attractive they are nowhere near special enough to deserve retention within the church as it were as museum exhibits if they are not serving any practical purpose. I therefore will not impose any condition, although clearly if the Petitioners can find an appropriate use for them in whole or in part then there is nothing to prevent that.
11. I will impose a condition that the pews and frontals be disposed of by way of sale or gift (i.e. such that each item should be disposed of whole and not dismantled). However, if the Petitioners have proposals to reuse the timber (e.g. to create some new item of furniture that is required in the church) then I will consider a variation of the terms of the faculty to permit that.

Matthew Cain Ormondroyd
Chancellor

20th January 2020