

**KNYPERSLEY: ST. JOHN**

**JUDGMENT**

- 1) The church of St. John at Knypersley is a Victorian Grade II listed church. Building began in 1848 and was completed by 1851. The church was part of a group of buildings (the others being the parsonage and the school) which were built at the same time. The church, parsonage, and school were built to the designs of C R Hussey at the expense and on the instructions of the Bateman family. They were to provide for the workers on the Bateman estate. The church is a typical Nineteenth Century estate church consisting of a nave, south transept, and chancel. The nave is relatively narrow being 4.5m wide with rows of pews each seating five people on either side of a 1m wide aisle.
- 2) The Petitioners are the Vicar and churchwardens. They petition with the unanimous support of the Parochial Church Council for a faculty to remove the existing pews; to level the floor; to install a carpet; and to install new heating. The Diocesan Advisory Committee has recommended approval but certified that the proposed works are likely to affect the character of the church as a building of special architectural or historic interest.
- 3) There has been no response to the public notice but the Victorian Society has objected to the proposals. I will set out the basis of that objection below. The Society has chosen not to become a Party Opponent but has asked that I take account of its objections and I have done so.
- 4) Although the Victorian Society has concerns about the introduction of carpeting the principal issue of controversy relates to the removal of the pews and I will focus on that issue. The determination of the question of carpeting essentially depends on the conclusion reached in respect of the pews and I will not refer to it separately in this judgment. The conclusion I have reached in respect of the pews and the reasoning leading to it apply similarly to the carpeting proposal. The pews are oak pews of no particular distinction but they are contemporaneous with

the building of the church. As will be seen it is that contemporaneity which is regarded as being of particular note by the Society.

### **The Petitioners' Justification for the Proposed Works.**

- 5) In April 2013 the Parochial Church Council in conjunction with the then Archdeacon and the Diocesan Advisory Committee considered issues affecting the life and work of St. John's. In particular they addressed matters believed to be hindering the mission and growth of the church. They concluded that the layout of the church building was a significant factor hindering the growth of the church and contributing to the risk of decline. The Vicar and the Parochial Church Council thereafter undertook a phased programme of works to address that perceived problem. In December 2013 I approved proposals for the first phase of this programme. The works approved then involved the relocation of the front row of choir stalls; the alteration of the entrance to the church; and the removal of a single pew.
- 6) The Petitioners regard the removal of the pews as the continuation of that phased programme. They say that the pews are uncomfortable. In addition the pews are inflexible preventing the use of differing forms of worship and preventing use of the church for activities other than worship whether those be community use or use by church groups. There are difficulties in finding suitable places to seat those who are disabled and activities with children and young people are markedly constrained. The Petitioners point out that the relative narrowness of the nave increases the constraining effect which the pews have on flexible use of the church. In short the Petitioners believe that the pews are hindering church growth and are also reducing the scope for community use of the church.
- 7) There is a church centre next to the church. However, the configuration of the site and the need to ensure that the centre's appearance was compatible with that of the church building meant that the centre was small. There is some scope for expanding the church centre but the Petitioners say that such scope is limited. The church centre is not currently suitable for substantial community use. Even if it were to be expanded the modest expansion which could be achieved would still not enable substantial community use nor would it be possible to use the church centre for many of the activities with children and young people which, the

Petitioners envisage taking place in the church. Accordingly, the Petitioners say that it is necessary for there to be flexible use of the church building if there is to be significant community engagement and appropriate work with children and young people.

### **The Submissions made in 2013 and their adoption..**

- 8) At the time of the earlier proposals the Victorian Society said that it would be opposed to a wider re-ordering and that it did not support the removal of the front row of the choir stalls but it was supportive of the other elements of the works then proposed. In an e-mail of 31<sup>st</sup> July 2013 the Society had explained why it would oppose any substantial reordering. In that e-mail Mr. Ashley explained that the photographs seen by the Victorian Society indicated that the church was “*a small aesthetically coherent and well-preserved space.*” The Society’s view was that a wholesale re-ordering would cause “*serious harm*” to the church’s architectural and historical significance.
- 9) The July 2013 e-mail set out in detail the Society’s position in respect of a general removal of the pews. It said that the church centre could be used to provide the flexible space which was said to be necessary and that any move to remove all the pews could only be justified if the Petitioners established why extending the church centre would not be a feasible alternative. The Society would not have been averse to some limited pew removal and the levelling of the pew platforms but said that the main body of the pews should remain to “*structure the space and provide historical continuity*”.
- 10) In June 2015 the Victorian Society commented on the current proposals. It adopted the detailed comments made in the July 2013 e-mail and said that the current proposal for general pew removal would “*largely strip the nave of the coherent historic character which it currently has*”.

### **The Procedural History of this Matter.**

- 11) I have already said that the Victorian Society stated that it did not wish to become a Party Opponent. There has been no separate consultation with Historic England because that body’s representative on the Diocesan Advisory Committee indicated to the Committee’s secretary that he was content with the

proposals and did not seek separate formal consultation. In those circumstances I am satisfied that there has been adequate consultation with Historic England.

12) I directed that the Petitioners' provide their response to the concerns raised by the Victorian Society and they have done so.

### **The Petitioners' Response to the Victorian Society's Submissions.**

13) In responding on behalf of the Petitioners Revd Darren Fraser accepts that there could be an expansion of the church centre building. However, he points out that it is likely that only a modest expansion would be possible. Such a modest expansion would not meet the need for space to address work with children and enhanced community use. In addition Mr. Fraser explains that the current proposals are the result of detailed consideration in which the Petitioners have worked with the Diocesan Advisory Committee and the church architect. The point is made that the Petitioners regard themselves as having already accepted a number of compromises in order to address the concerns of the Diocesan Advisory Committee.

### **The Applicable Test.**

14) St. John's is a listed church and the proposed works will clearly lead to an alteration in its appearance. Accordingly, the approach laid down in *Duffield: St Alkmund* [2013] 2 WLR 854 as modified in *Re Peshurst: St John the Baptist* (2015) 17 Ecc L J 393 is to be followed and the following questions addressed:

- a) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- b) If not have the Petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that in the absence of a good reason change should not be permitted?
- c) If there would be harm to the significance of the church as a building of special architectural or historic interest how serious would that harm be?
- d) How clear and convincing is the justification for carrying out the proposals?

- e) In the light of the strong presumption against proposals which will adversely affect the special character of a listed building will the benefit outweigh the harm?

### **The Application of that Test.**

- 15) The starting point for the application of the Duffield test is to consider the contribution which the pews make to the special character of this church. I note that I approved the 2013 proposals on the footing that the works proposed then would not affect the special character of St. John's. I note that at that time I said that even after those works were performed "*the appearance and character of the church will remain that of a Victorian estate church with the bulk of the original internal furnishings remaining in place.*" It will be readily apparent that what is proposed now entails the removal of a very considerable element of the original furnishings.
- 16) I have considered the listing description of this church. That description makes no reference to the pews or, indeed, to any of the interior furnishings of St. John's. The description concludes by saying that the church is "*part of a complete early Victorian group including also the school and parsonage.*" In my judgement it is noteworthy that the listing description of the parsonage also refers to its status as part of this group. The tenor of the listing description strongly suggests that the principal significance of the church lies in the fact that it is part of this complete group of three contemporaneous buildings rather than in its own appearance and certainly rather than in the internal appearance of the church.
- 17) I must bear in mind that the interior of the church currently contains the original seating. This historical continuity cannot be overlooked as being an element in the special significance of the church but as I have just said it is my assessment that the special significance derives principally not from the internal furnishings of the church but from its exterior and its position as part of a group of buildings.
- 18) It is in the light of that assessment that I have to consider the impact which the proposed works will have on the special significance of this church. There will be a real impact on the appearance of the church. That change will have an impact on the church's special significance because it will mean that the original pews

will be removed and the historical continuity with the church as designed and built will be broken. However, the degree of harm which there will be to the church's special significance needs to be determined by reference to the contribution which the existing pews make to that special significance. As I have already explained the interior furnishings are not mentioned in the listing description and the principal significance of the church lies in its external appearance and its coordination with other buildings. It follows that the pews are not to be seen as a major element in the special significance of the church.

19) The removal of the original pews will undoubtedly have an impact on the special significance of the church and that impact will not be trivial. However, given the limited contribution which the pews make to that special significance the harm which will be caused to the special significance will be real but far from grave.

20) In my judgement the justification put forward for the proposals is a strong one. The Petitioners have shown a clear need for a worship space which can be used flexibly so as to enable different forms of worship and to facilitate work with children and young people (the latter being a very important consideration). I accept that such flexibility is an important need if this church is to flourish; if it is to meet the needs of the worshipping congregation; and if it is to meet the needs of the local community. In my judgement there is very considerable force in the Petitioners' point that the relatively narrow nave of this church makes it all the more important that there be scope for using the limited space available flexibly.

21) I am satisfied that the Victorian Society's suggested course of an expansion of the church centre would not meet these needs. I accept that such an expansion would only create a modest amount of additional space. That might enable some increased community use of the church centre. However, it would not address the need for there to be scope for flexibility in the arrangements for the worship taking place in the church. Even more important it would not address the need to make the church itself a welcoming and appropriate space for children and their parents. It is important that activities involving children should take place in the church itself and that they should not be relegated to a separate building. The retention of the current seating in the church would mean, putting it at the lowest, that there would remain a risk that the church building was seen as a place in

which children were not welcome and which did not provide scope for activities aimed at children. That is an inappropriate position for a church seeking to serve a community containing young families. A modest expansion of the church centre would not address that problem.

22) The Petitioners say that there is a pressing need for the proposed works. I am satisfied that they have established at the least a strong and clear need. The measures required to meet that need are to be balanced against the harm to the special significance of this church. I have already explained why it is my conclusion that the harm from the proposed works will be moderate at most. It is also relevant to note that the church bears only a Grade II listing. That listing marks the importance of this church and is by no means to be disregarded but I cannot ignore the fact of the lower level of listing.

23) I have concluded that the balance of likely real benefit against potential modest harm here is so strong as to justify the proposed works even in the light of the strong presumption against changes adversely affecting the character of a listed church.

**Conclusion.**

24) In the light of that reasoning I direct that a faculty issue authorising the proposed works. I have directed the inclusion of conditions to provide for a photographic record of the current appearance of the interior to be compiled and to be made available to those with a genuine interest in the church.

STEPHEN EYRE  
HIS HONOUR JUDGE EYRE QC  
CHANCELLOR  
15<sup>th</sup> November 2015