

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ALREWAS: ALL SAINTS

JUDGMENT

- 1) The church of All Saints in Alrewas is a medieval church with a Grade I listing. The vicar and churchwardens petition seeking a faculty for the building of an extension adjoining the north-west corner of the church; for the reordering of the west end of the nave (including the erection of a meeting room); and for the movement of the font from its current position at the west end of the north aisle to the middle of the south aisle with ancillary works (including the removal of pews from the south aisle).
- 2) The papers came before me in February 2012. At that time I had the Statement of Significance of October 2008 and the Statement of Need of June 2009. I did not then have the updated Statement of Significance prepared in October 2011.
- 3) At that time I was concerned that I had insufficient information about the proposed movement of the font. On 29th February 2012 I issued directions setting out my understanding of the principles governing the movement of fonts and providing for fuller information to be provided in the light of those principles.
- 4) I have now been provided with the following further information and explanation:
 - a) The Statements of Significance and Need of October 2011. These documents incorporate the June 2009 Statement of Need but there has been a substantial and helpful expansion of the earlier Statement of Significance.
 - b) It has been shown that the font was moved to its present position in the 1890's at the time of the building of north aisle. Before that movement the font had been at the west end of the south aisle.

- c) Photographs showing the current position of the font and its proposed new location. These photographs show that in its current location the font is rather boxed in by pews and general clutter. It does not appear that the font would be readily apparent to those entering the church from the main entrance (at the west end of the south aisle). Moreover for baptisms to be seen by the congregation the latter must turn round in their pews to face the rear of the church.
 - d) The Petitioners propose that the south aisle would be cleared of pews and that the font would be positioned alongside the outer wall at the approximate mid-point of that aisle.
 - e) It has been explained that the proposed location resulted from a suggestion from the Archdeacon of Lichfield. An alternative location of the Lady Chapel (towards the front of the north aisle) having been considered and rejected.
- 5) Following my consideration of that further material together with the material set out below I concluded that a faculty should issue and I so directed. This judgment sets out the reasons for that decision.

The Purpose of the Proposed Works.

- 6) The Statement of Need lists five needs which it is said the proposed works will meet. In essence the Petitioners' contention is that the alterations are needed to enable the space in the church to be used flexibly and to provide adequate facilities for those visiting or worshipping in the church. The particular needs are said to be:
- a) That of providing an increase in "flexible space" (by which is meant space that can be used flexibly) to facilitate the activities of the Youth Fellowship and congregational activities.
 - b) The need for an enclosed multi-use meeting room so as to enable smaller groups to meet in the church both during times when the rest of the church is in use and at other times. It is also envisaged that this room will form part of the church's ministry to children by housing

groups for children. I note that currently the church's "*Rising Stars*" Sunday School meets in a hall provided by the local Methodist congregation for want of other appropriate space in or near to the church.

- c) The need for hospitality facilities which can be used flexibly.
 - d) The need for enhanced storage space.
 - e) The need for improved and fully accessible toilet facilities.
- 7) The Petitioners explain that they have not been able to obtain a separate church hall. They also say that substantial extension of the church is precluded by the churchyard. The church is set in a large churchyard containing mature yew and lime trees. I agree that it is unlikely that this Court or the local planning authority would regard it as appropriate for there to be a large extension to the church. The extension proposed by the Petitioners is a relatively modest one which will not impact greatly on the appearance of the church or the churchyard (though it will clearly have some impact there).

The Extent of the Proposed Works.

- 8) There are two key elements in the proposed works. First, it is proposed to build a single-storey extension of the church at its north-west corner. The extension is to be in the angle between the tower and the north aisle and is in a position formerly occupied by a boiler house. The extension is to house kitchen and toilet facilities which extension is to be linked into the church by openings in the west wall of the north aisle. Second, the west end of the nave is to be reordered with the insertion of a meeting room the nature of which is apparent from its description, by the Church Buildings Council, as a "pod-type structure" and, by the Society for the Protection of Ancient Buildings, as a "glass box". In addition, as explained above, it is proposed that the font should be moved from the west end of the north aisle to the approximate mid-point of the south aisle with the pews in the south aisle being removed.

9) The Diocesan Advisory Committee recommended approval of the works but certified that they would result in a material alteration of the church's appearance and would affect its character as a building of special architectural or historic interest. I agree that there will be such an impact. It is clear that there will be a marked alteration in the appearance of the west end of the nave. That part of this medieval church will contain a twenty-first century structure consisting of glass walls and supports. There will also be an impact on the appearance of the church's exterior through the construction of the extension.

Representations.

10) The proposals have been subject to lengthy consultation. I have already said that the Diocesan Advisory Committee has recommended approval. There has been no response to the public notice nor to a notice placed in a local newspaper and planning permission has been given by Lichfield District Council.

11) English Heritage explains that it "*has been involved in extensive pre-application discussion over several years with the PCC*". The result of those discussions was that English Heritage was generally supportive of the proposals (though focussing on the exterior extension rather than the internal alterations) seeing them as best addressing the needs of the church while causing least harm to the fabric or appearance of the building.

12) Once the Victorian Society had established that the pews to be removed from the south aisle were of no particular note it indicated that it did not wish to make any comment.

13) The Church Buildings Council was broadly supportive of the proposals while making some points of detail. However, it did recommend that further thought be given to the removal of the pews in the south aisle saying that this removal would lead to imbalance in the building. It suggested that thought be given to positioning the font at the west end of the south aisle or near the centre of the west end of the church.

14) The most critical comments came from the Society for the Protection of Ancient Buildings. That Society explained that it was not a case where it wished to make a formal objection but it did express its concern as to the meeting room. The Society's initial concerns as to whether the room could be built appear to have been addressed but it remained unconvinced about the appropriateness of the room in this setting.

The Relevant Legal Principles.

15) The proposed works will lead to an alteration in the appearance of a listed church having an impact on its character as a building of special architectural and historic interest. Therefore, in accord with the approach laid down in ***Re St Luke the Evangelist, Maidstone*** [1995] 1 All.E.R 321 my starting point must be consideration of the well-known *Bishopgate* questions namely:

- a) Have the Petitioners proved a necessity for some or all of the proposed works either because they are necessary for the pastoral well-being of [the parish] or for some other compelling reason?
- b) Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest?
- c) If the answer to (b) is yes, then is the necessity proved by the Petitioners such that in the exercise of the Court's discretion a faculty should be granted for some or all of the works?

16) In considering those questions I have to bear in mind that "necessity" in this context is not an absolute. The term has been helpfully glossed by Ch George (as he then was) as meaning "*something less than essential but more than merely desirable or convenient; in other words something that is requisite or reasonably necessary*" (***Re St. John the Evangelist, Blackheath*** (1998) 5 Ecc L J 217). Nonetheless, the requirement of necessity is an indication of the force of the presumption against permitting change to a listed building (see ***Re St Mary the Virgin, Sherborne*** [1996] 3 All.E.R 768 @ 781e).

17) The question of the movement of the font falls to be considered by reference both to the *Bishopgate* questions and to those principles particularly applicable to the movement and positioning of fonts. The latter are to be addressed in addition to the former. In cases where a font is to be moved it will not suffice for there to be a positive outcome applying the *Bishopgate* questions if the proposed movement or the proposed new location would not otherwise be justifiable. I remain of the view that the approach to be taken in relation to the movement and positioning of fonts is that set out in my directions of 29th February 2012.

18) In that regard the starting point is **Canon F1(2)** which provides that:

“The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible.”

19) I believe that the approach to be taken will normally be that laid down by Ch. Mynors in *Re Holy Trinity, Eckington* (2000) 5 Ecc LJ 489. It is apparent from Canon (see also F1(1)) that the font must be substantial (see also *Re St. Margaret, Brightside* (1996) 4 Ecc LJ 765), decent, with a cover and in a fixed position as near as conveniently possible to the principal entrance unless otherwise directed. For there to be a faculty permitting a different location there needs to be a good reason. It will only rarely be appropriate to move a font from a position which it has occupied for centuries.

20) However, in an appropriate case (including a case where this will further the mission of the Church) a font can be moved to elsewhere in a church. It is lawful in an appropriate case for a font to be located in the centre of the church or near the altar (see *Re St. James, Shirley* [1994] Fam 134 and *Re BVM, Hambleton* (2009) 11 Ecc LJ 359). Thus it is permissible for such a move to be made on the basis of a church community adopting the approach that baptisms should take place not near the entrance to the church and behind the congregation but in the midst of the congregation. This symbolises the welcome being given to the newly baptised and the

intention that they should be taken to the heart of the worshipping community. In addition in the case of infant baptism it can be said that this accords with Our Lord's command that the little children should be brought to him.

21) Such a move can take the form of the relocation of an existing font or the installation of a new font (including one suitable for baptism by immersion or combined with a baptismal pool see **Re St. James, Shirley**). In the right case a radical relocation and reconstruction of a font would be permissible. In addition in the right case a moveable font is permissible (see **Re St. Andrew, Cheadle Hume** (1994) 3 Ecc L J 254). However, even if a moveable font is installed it has to be substantial both physically and symbolically. It has to be such as to make a point to those entering the church building about the significance of baptism (see **Re St. Margaret, Brightside** (1997) 4 Ecc L J 765 and (**Re St. Andrew, Cheadle Hume**).

22) Whenever movement of a font or the installation of a moveable font is proposed account has to be taken of the point summarised thus by Bishop David Stancliffe in "**Baptism and Fonts**" (1994) 3 Ecc L J 141 making the point that "*what the font says by its style, size, and position tells the regular worshipper and the casual visitor alike a good deal about the life of the church, the company of the baptised.*"

The Application of the Bishopgate Questions.

23) Have the Petitioners established the necessity of the proposed works? I have concluded that they have done so. Their objective is to achieve an outcome whereby there are hospitality facilities of a modern standard; where there is an area which can be used flexibly; and where there is a room which can be used by small groups. I explain below the importance which I attach to the use of that room in providing for children involved in the life of this church. The combined effect is intended to be that of enabling the west end of the nave to be used actively and purposefully in a number of different ways. I am satisfied that there is a need for such arrangements to further the work and activities of the church. I am also

satisfied that there is no reasonably practicable alternative means of providing these facilities.

- 24) Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest? The building of an extension at the north-west corner of the church will clearly have an impact on the exterior appearance of the church. However, the most significant impact will come from the installation of a meeting room at the west end of the nave. The description of this by the Society for the Protection of Ancient Buildings as a “*glass box*” is perhaps a little oversimplistic but it is substantially correct. The position is that if the works are permitted those entering this medieval church will see directly ahead of them a twenty-first century room. That insertion will have an adverse effect on this church’s character as a building of special architectural and historic interest.
- 25) It follows that I must turn to the third question: is the necessity proved by the Petitioners such that in the exercise of the Court’s discretion a faculty should be granted for some or all of the works? Consideration of this question involves balancing the degree of need against the extent of the adverse impact.
- 26) The balancing exercise in respect of the proposed exterior extension is relatively straightforward. The need to be met (the provision of lavatory and refreshment facilities) is an important one. Such facilities are of real importance if the church is to be used fully and effectively. Moreover, the impact on the exterior appearance is relatively modest and it is relevant that the proposed location is one where a boiler house formerly stood.
- 27) The question of whether the meeting room should be permitted is a more difficult one. This is because the impact on the appearance and character of the church will be real and significant. However, that impact will be confined to the rear of the nave and the need to be met is a pressing and important one. The provision of space to enable small groups to meet in and to use the church without taking up the whole of the church and to

enable such groups to be separate from other activities taking place in the church is an important need. Even more important is the need for space where children can meet and can be taught the Faith. The provision of a space where children can be present in the church building during services but where they can be separate for their own activities is a matter of real importance. The current arrangements under which the Sunday School of All Saints is held in a hall provided by a Methodist congregation is clearly unsatisfactory. The fact that the meeting room is to be glass sided so that the children can see the services and can feel part of them is a benefit. The importance of meeting those needs is such that the impact here real though it will be can be justified and it is appropriate to grant a faculty for that aspect of the works.

28) I will consider the particular considerations in respect of the movement of the font below. In terms of the *Bishopgate* questions it suffices to say that moving the font from a position it has occupied since the 1890's to a position in the south aisle probably does not have an adverse impact on the church's character. Even if it were thought to have such an impact the benefits resulting from the more flexible use of the space at the rear of the nave justify that modest impact.

29) The Church Buildings Council has questioned the desirability of removing the pews from the south aisle. That removal flows from the movement of the font to the middle of that aisle. I explain below why I have concluded that such a move is desirable and appropriate. If the font is to be in the centre of that aisle then it is clearly desirable that the area around it be free of pews. In the context of this medieval church I do not believe that the removal of pews of little intrinsic merit from the south aisle will unbalance the appearance of the church nor will such removal adversely impact on the church's character.

30) I turn to the factors particularly relevant to the movement of the font. In its current location the font is on the far side of the church from the main entrance. Although it is in the line of sight of those entering the church it is somewhat tucked away and hidden by pews so that its importance and

location is not highlighted. The font has been in that location since the 1890's (a relatively short period in the life of this church) and that location is far from optimal either in terms of visibility to those entering the church or in terms of baptisms taking place in the context of the worship of the congregation.

- 31) The proposed location in the south aisle is nearer to the main entrance. The font will not be in the immediate line of sight of someone entering the church but it will be visible the moment such a person turns right. Moreover, the clearing of the pews from the south aisle will mean that the font will not only be readily visible but also that it will stand alone. That is a considerable improvement on the situation in its current setting. Locating the font in the centre of the south aisle will mean that baptisms at the font will be taking place closer to the centre of the worshipping congregation rather than at the back of the church and that those in the congregation will be able to turn sideways to face the font rather than having to turn through 180° in their pews.
- 32) The Church Buildings Council have suggested that the font could be moved to the west end of the south aisle or to the middle of the west end of the nave. These locations would be better than the proposed location in terms of immediate visibility on entering the church but would suffer from the same disadvantage as the current location in terms of setting baptism in the midst of congregational worship. The latter aspect is particularly significant. Moreover, to move the font from the west end of the north aisle to the central part of the west end of the church would reduce the scope for flexible use of the rear part of the nave. I have concluded that the proposed location is preferable to either of those suggested by the Church Buildings Council.
- 33) The proposal for the movement of the font was brought about by the need to move the font from the site of the other proposed works. I have concluded that even if this proposal stood alone it would have been appropriate and desirable.

34) Accordingly, I have directed the grant of the faculty as sought in the light of the reasons set out above.

STEPHEN EYRE
CHANCELLOR
10th April 2012