

IN THE CONSISTORY COURT OF THE DIOCESE OF DERBY

Re: St Mary, Chinley

1. This is a petition for a faculty for the church of St Mary in Chinley, in the Diocese of Derby to:
  - 1.1. remove and dispose of three pews from the back of the church and to replace them with moveable tables and chairs, primarily for children to sit at;
  - 1.2. remove and dispose of the wooden pulpit which stands in the north east corner of the nave; and
  - 1.3. move the stone font now at the back of the church, to the front, where the pulpit now stands.
2. The petition was presented by its deputy churchwarden Mr Dolley, its vicar Rev. John Hudghton, and its churchwarden Mr Lowe. It is supported by a unanimous resolution of the PCC on 28 March 2020, and by the recommendation of the DAC dated 13 February 2020 (subject only to the condition that the DAC approve the choice of chair).
3. The church building dates from 1907, when it was a church hall. It is of modest proportions. It was not dedicated until 1972, and its appearance is accordingly bright and relatively modern. Its fittings mostly came from other churches. In particular, the font and pulpit both came from a small Victorian chapel of rest of St Mark, in the parish of St Mary Cromford, which was demolished in 1970 (not from St Mary's itself). The pulpit is oak, in good condition and attractive, but I am told it is not used during worship. In its present position, it obstructs the view of the altar from some of the front pews, so that they are not so useful. The font is used infrequently, because most families prefer to baptise their children in the sister church at Buxworth. It is small enough that it would not obstruct the view of the altar if placed where the pulpit now is. In its current position at the back of the church, it evidently restricts the already limited space near the door for people to congregate at the back of church before or after services. The pews are oak, and seem robust and in good condition, but not so far as I can see of particular historical or aesthetic interest. Removing three would leave 15 pews, and balance the number of pews on each side of the nave. I am told that the pews came from the Derbyshire Royal Infirmary.
4. A faculty is required for this work; it is not within Lists A or B in Schedule 1 to the Faculty Jurisdiction Rules 2015 (as amended). The church is not listed. It is in a conservation area, but the works do not affect the exterior of the building.
5. Rule 4.6(2) of the Faculty Jurisdiction Rules 2015 provides (so far as relevant) that "Consultation with the Church Buildings Council must also be undertaken where works or proposals involve— (a) the conservation, alteration or disposal of an article of special historic, architectural, archaeological or artistic interest; ... (c) the alteration, extension or re-ordering of a church in a way that is likely significantly to affect the setting of an article of special historic, architectural, archaeological or artistic interest; or (d) the movement or removal of an article of special historic, architectural, archaeological or artistic interest such that the article might be adversely affected unless special precautions are taken".
6. As to the stone font, this may conceivably be an article of special historic, architectural or artistic interest, but I am satisfied that it is not proposed to alter it, or to affect its setting significantly (bearing in mind that it did not belong to this church originally), or to move it in such a way as to adversely affect it in the absence of special precautions.
7. As to the pulpit, however, the proposal is to *dispose* of it, such that, if this were such an article, consultation with the CBC is required. The Diocesan Advisory Committee considered the work will

not affect the church's character as a building of special architectural or historic interest, its archaeological importance or any archaeological remains within it or its curtilage, but said initially nothing expressly in their advice about any articles within the church. I noted that in the DAC's report of a site visit, it suggested that more information be obtained about the provenance and interest of the pulpit. After further enquiries by me, the DAC has confirmed that it is satisfied that the pulpit is not an article of special historic or artistic interest. From viewing photographs, and learning of the pulpit's history, I am satisfied that this is a fair assessment.

8. Accordingly, the DAC has not recommended consultation with Historic England, the local authority, the CBC or any national amenity societies, and in my view none is required by the rules.
9. Notice of the petition was given between 16 February 2020 and 17 March 2020, as certified by Mr Dolley, by being displayed on noticeboards inside and outside the church.
10. I am therefore satisfied that the correct procedures have been followed.
11. The petition estimates the cost at £1,000, although it is not clear how that estimate has been reached. The PCC has some £25,000 available, so cost will not be an issue.
12. This work is expected to take one week, and should not interfere substantially with worship, or I imagine, any other activities in the church.
13. The work carries some risks, in particular the risk of people hurting themselves while moving a heavy stone font, and of damage to the items themselves. I am satisfied that the church's insurer has been notified of the works, and approves them, but has expressly asked to be advised if any volunteers are assisting with the work. I understand that it is proposed that the work be done almost exclusively by volunteers. Therefore the insurer must be informed, and I make this faculty conditional upon the petitioners providing evidence to the Diocesan Registrar before commencing the works, that the insurer has confirmed that any loss or injury caused to or by work being done by volunteers will be covered by insurers, or alternatively the work being carried out by or under the supervision of someone responsible or otherwise in a manner which the insurer has expressly approved.
14. Although no objections to the works have been received and the petition is unopposed, and even though the DAC has recommended that the faculty be granted, I must nonetheless consider the proposed works carefully and be satisfied that a faculty should be granted. In that regard:
  - 14.1. I agree that such harm as is caused by the removal of the three pews is justified, so as to make a space for children to sit and engage in activities.
  - 14.2. I agree that stackable chairs and a table should be provided for this purpose. This is subject to the condition that the DAC approve the design of chair to be used, though I would observe that this may not be the sort of case where an inflexible insistence on the usual design features is necessary.
  - 14.3. As to the pulpit, Canon F 6 provides that every church should have a "decent pulpit for the sermon", "unless it be not required". I have also considered the judgments of Chancellor Bullimore in Mapperly, Holy Trinity [2020] ECC Der 1 and Chancellor Clarke in Ockbrook, All Saints [2021] ECC Der 1; a faculty to remove and dispose of a pulpit was granted in the former, and in the latter refused. I have also considered the very recent judgment in Donisthorpe, St John the Evangelist [2021] ECC Lei 1, at paragraph 50 of the detailed judgment of Chancellor De Mestre QC; although a pulpit is not mandated if not required, a compelling reason for a pulpit's removal is needed. Given the proportions of this particular church, and the fact that the present incumbent chooses not to use the pulpit from which to preach, I am satisfied that the pulpit is not "required" in this instance, and that it is justified to remove it so that the view of the front pews to the altar is unobstructed. The fact that these front pews will be made usable goes some way towards counterbalancing the loss of 3 pews from the back of the church.
  - 14.4. I agree to the moving of the font from the back of the church. In its present location, the font uses up much of the limited space at the back of the church for people to stand and socialise before and after services. When baptisms do occur, it will be more convenient to

carry them out at the front of the church, so that those seated in the east-facing pews can see more easily.

- 14.5. However, the church is largely carpeted, including around the pulpit and font. Their removal may therefore result in holes in the carpeting, which may be unsightly and possibly hazardous. I therefore impose a condition on the grant of the faculty that the carpeting is made good, and if any replacement carpet is required that is done on a like-for-like basis, or as may be approved by the DAC.
  - 14.6. As for the disposal of the three unwanted pews, it is important that these are sold as profitably as possible but I impose no condition in relation to that.
  - 14.7. As for the disposal of the pulpit, if it has any possible future use in the wider church, it ought to be preserved, and if not it must be disposed of responsibly. I therefore impose a condition that the mode of the pulpit's disposal must be approved by the Archdeacon.
15. In the result, I grant the faculty subject to the above conditions, namely as to: insurance; design of chair; carpeting; and disposal of the pulpit.

ALEXANDER LEARMONTH Q.C.

Deputy Chancellor

29 June 2021