

## In the matter of St John the Baptist, Clayton

### Judgment

1. This is a petition for the reordering of the interior of the church of St John the Baptist, Clayton, a grade II listed church on the outskirts of Bradford. Whilst there is no party opponent, opposition to the proposals has been expressed in writing by various consultee bodies, which I take fully into account in making this determination. After inviting the views of the petitioners, I directed that the matter be determined on written representations and I afforded them the opportunity of lodging evidence and submissions to address the *Duffield* framework. Since the statement of significance contained a portfolio of high quality photographs of the church's interior, I did not consider it necessary to visit the church.

#### **The proposals**

2. In short, the proposals comprise:
  - i. East end reordering:
  - ii. Relocation of existing chancel screen to the west end to create a memorial area, with modifications to fit it to the west end arch.
  - iii. Removal of the front rows of choir pews, retaining the back rank to either side, and make good the floor, infilling with herringbone oak flooring.
  - iv. Replacing portable stage blocks with a custom timber and carpeted dais.
  - v. Introduction of timber ramping to the south aisle, providing level access to the Lady Chapel and new dais, with timber handrails with steel fixings
  - vi. Provision of timber, wire-frame stackable chairs for occasional use.
  - vii. Improvements to audio visual facilities and lighting scheme.

It is the removal of the choir pews and the relocation of the screen that are controversial.

#### **Victorian Society**

3. The Victorian Society state in an email of 8 March 2021:

St John's church is a nationally significant building by the respected 19th century architects *Mallinson and Healey*. Not only is it important in terms of its architectural qualities, but it is also highly significant due to the fineness of its interior decoration. The presence of many and varied marbles, mosaics by *Gaetano Meo* and *Antonio Salviati* (both noted for their work in nationally important buildings such as Westminster Cathedral and St Paul's Cathedral), and the numerous fine stained-glass windows, often with connections to historically prominent local families, make the church a building of high artistic and historical interest. [...]

Our major concern is the proposal to remove the choir seating in the chancel. From the photographs provided the choir benches are clearly well designed and high-quality pieces of church furniture, positively contributing to the chancel, providing order and adding to the richness of decoration in this area. [...] Despite the lack of a named designer the benches still have a significance (as admitted in the Statement of Significance), both in themselves as quality pieces of furniture, and on a wider scale as part of the interior of the church. The justifications provided for removal are neither robust or convincing. The space between the existing frontals at nearly 2 metres wide is ample to enable worshippers to comfortably approach communion. Also, the justification that the space is needed for alpha courses, community groups and meetings is weak when the parish already benefit from a parish room, office and hall. A far more sensitive option would be to preserve the chancel with its historic seating, and with the proposed ramp granting access for all, use it for smaller, more intimate worship services.

4. The Society's letter to the Court following special citation includes the following:

We do not believe access to communion is so hindered by the current chancel arrangement to justify such harm to significance, and we have recommended other ways in which the petitioners' needs could be addressed by less harmful means. For example, improving access to the rooms at the west end of the church, or even increasing the size of the proposed new dais. However, neither of these recommendations have been addressed.

Therefore, the Society maintains its objections to the proposed alteration of the choir seating. If the Chancellor nonetheless determines to approve the proposal, we would ask them to consider the compromise of retaining and relocating the choir stall frontals, to pair them with the retained rear set of stalls. This would to a degree minimise the harm, guaranteeing the preservation of more historic fabric than is currently proposed and the legibility of the surviving items as a set of choir furnishings. It would also not unduly affect the petitioners' desire for a clear Chancel space.

#### **Ancient Monuments Society**

5. In an email dated 4 March 2021, the Ancient Monuments Society comment on three aspects of the proposals.

*1. The removal of the screen.*

The revised Statement, building on the researches of The Clayton History Group, confirm that the chancel screen proposed for ejection does indeed date from 1934. It is an elaborate echo of late medieval work with seven shields, either gold-painted or gilded, and is full of symbolism, representing the arms of the diocese, those of St John the Baptist, representing the present church and that of St Edward, standing for the former Mission Church. This dedicated symbolism ties it in to St John the Baptist, Clayton. It would lose a lot of its historical resonance if were to be resited where that particular heraldry and symbolism meant little or nothing. It is also a fine piece of design and carving.

The Statements refer to the advantage in opening up the chancel by removing the screen and I quite appreciate that the churchmanship of 1913-14 when the present chancel was begun is very different from that of the present congregation which describes itself as "charismatic and inclusive" But it must be said that the purpose of a chancel screen like this, whether it be medieval or later, is not to block views of the altar but to filter them – to demarcate the division between the nave from the raised chancel from where the priest officiated and the Eucharist is celebrated. Although money for it was only found twenty years after the elaboration of the chancel began I would assume that those who conceived the chancel really hoped that one would have been provided over time, as indeed it was. A lavish chancel like this is really only complete with a screen.

The screen is proposed for removal for its own sake – because opening up of the view of the East End is regarded as desirable. We would contest that as the screen is an essential part of the exceptionally fine chancel (which we note that the parish appreciate and value) and I repeat the observation that the very openness of the screen means that it filters rather than blocks views. The screen is also affected by the wish to update AV provision in the church. At present the projector screen sits over the liturgical screen. The petition envisages the removal of what we take to be a large symmetrically-placed screen which sits over the present liturgical screen to be replaced by a smaller 85 inch screen which will be supported on a bracket on the south side of the chancel arch. This will swing through 90 degrees when not in use and rest on the east-west axis and thus effectively be out of sight in the main views from west to east. The proposed mock-up shows the projector screen with the liturgical screen in place. It is not a matter of "either/or". Both can be accommodated in the new arrangements.

The screen would also be replaced by a new dais but again I don't read this as being "either/or". Just as the screen is to accommodate the very fine pulpit, there seems no reason why it cannot also accommodate the screen. So it seems that the principal driver behind the wish to eject the 1934 screen is spatial – the wish to "open up" the chancel. But for reasons outlined above we believe that this would be damaging to the visual splendour of the chancel. We must therefore oppose the removal of the screen, as damaging visually and unnecessary either for the new AV arrangements or for the new dais. As the projector screen can be folded back, we raise no concerns in that respect. Might the parish be asked to experiment with both screens, the liturgical and projector, in place? If they really are irreconcilable the principle can be revisited.

## *2. The removal of the choirstalls*

These are clearly intrinsic to the chancel and date from the year before the bedecking in the marble from Italy and Devon. The Statement of Significance refers on page 8 to the removal of the front row only but as far as I can from the photos in the Statement there is only one set of stalls and a frontal, each repeated on the other side of the sanctuary. So as Drawing 3399(0)02 appears to confirm we are going on the working assumption that all the stalls are to be taken out. Whilst we welcome the care shown in reworking the floor thus exposed with herringbone slatting, which would be in character, I am afraid that we do return to First Principles and ask why the choirstalls have to go at all.

Like the screen they are part of the memorable work of 1913-18 in the chancel and the loss of each, let alone both, would seriously diminish the quality and interest of the composition as a whole. The Statement of Significance ends with two photos that show just how serious the visual impact would be. To visualise the appearance "after" you would have to imagine the absence not just of the screens and the stalls but the presence of a substantial dais. And the asymmetrical projector screen – and without the liturgical screen and the stalls to enrich the eye the latter would be very prominent. It is stated that removing the stalls would make taking communion easier but that gain would seem rather modest when set against the visual damage.

## *3. Ramp*

The new internal ramp approaching the dais from the south, cutting across the entrance to the Lady Chapel looks very complicated visually. It is some comfort to note that one of the ejected "pew frontals" or "stall frontals" is resited to shield part of it in the view from the west but that is indicated on the mock-up (3399(0)04) only and doesn't appear either on Drawing 02 or 03. It does seem a very involved way to obtain wheelchair access with three changes of direction and some burying of the base of the Lady Chapel screen.

We raise no concerns over the rewiring and the new AV system, nor do we oppose the principle of a replacement dais – but we are extremely concerned by the effective break-up of one of the greatest visual assets of the church, the refitting and embellishment of the chancel of 1913-18.

## **Twentieth Century Society**

6. The Twentieth Century Society in an email to the parish dated 8 February 2021 expressed concerns about the proposal to remove the chancel screen. It did not elaborate on these concerns nor did it respond to special citation.

## **Diocesan Advisory Committee**

7. Following its meeting in April 2021, the DAC issued a Notification of Advice recommending the proposed works. In giving their reasons for coming to such a conclusion, notwithstanding the views expressed by statutory consultees, the Notification reads:

The Committee's reasons for recommendation despite objections from the amenity societies are that, although the proposals would result in moderate harm to the significance of the church as a building of special architectural or historic significance, the petitioners have demonstrated that the benefits to the church's mission by allowing more flexible use of the chancel to expand its activities and providing space for its specific and established form of liturgical expression will outweigh the degree of harm caused. The Statement of Significance demonstrates that, while the chancel screen and choir stalls are positive contributors to significance, the features of highest value are the mosaics and marble. For this reason, the harm to the overall significance of the building from the proposals is deemed moderate.

The relocation of the chancel screen and removal of the stalls will enable better views of the most significant features, and public benefit will be provided by creating greater accessibility to the chancel and chapel, enabling these areas be enjoyed by people of all abilities. The relocation of the chancel screen to the west end is a solution which enables its continued use in a meaningful way within the building, creating a coherent new arrangement with the war memorials. The ramp design is a clever response to the limitation of the space, subtly responding to the existing architecture, whilst ensuring level access to all spaces throughout the building. The new arrangement of LED screens will enhance liturgical expression and improve the quality of the worship experience for all.

It is noted that the Twentieth Century Society commented only at an early stage and did not respond to consultation on the final iteration of the proposals. No comments were received from the local authority.

### **Appearances, representations and evidence**

8. Written submissions were lodged by the petitioners on 5 October 2021, accompanied by witness statements from Ms Carol Thirkhill (local councillor), Ms Heidi Rahim (Head of Clayton Church of England Primary School), Ms Elizabeth Lawley (Executive Head of Clayton Church of England Primary School), Mr Michael Silson (regular member of the congregation), Mrs Rowan Russell (Worship Group Leader/Community Choir Leader), Mr David Fox (Church Health and Safety Officer).
9. I do not propose to cite extensively from those statements in what would become an over-lengthy judgment, but I wish to record that I have been considerably assisted by them. I accept the evidence of all the deponents without hesitation

### **The *Duffield* framework**

10. In cases of this type, Consistory Courts are enjoined to adopt the approach of the well-known *Duffield* framework, the salient parts of which read as follows:

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 “yes”, how serious would the harm be?
3. How clear and convincing is the justification for carrying out the proposals?
4. 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?

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 2\*, where serious harm should only exceptionally be allowed.

11. This is derived from *Re St Alkmund, Duffield* [2013] Fam 158, at paragraph 87, and provides a convenient formula for navigating what lies at the core of considering alterations to listed places of worship, namely a heavy presumption against change and a burden of proof which lies on petitioners with its exacting evidential threshold.

### **Analysis**

12. Applying the *Duffield* framework, my assessment is as follows:

#### *Harm*

13. Undoubtedly these proposals, if implemented, would result in harm to the significance of this church as a building of special architectural or historic interest.

#### *Seriousness of harm*

14. Although the Victorian Society seeks to argue otherwise, in my assessment the evidence supports the DAC's opinion (expressed in the Notification of Advice) that the likely harm in this instance is properly described as moderate.

#### *Justification*

15. The petitioners' justification for these works is cogent, persuasive and soundly based on clear and compelling evidence. I reject the assertion of the Victorian Society that the justification advanced by the parish is 'neither robust or convincing'. The witness statements reveal that accessibility, particularly for those with a disability or limitation of movement, cannot be fully

achieved without the adaptations proposed. An email dated 10 March 2021 from the parish's inspecting architect, Mr Simon Beaumont, reviews the observations from the Victorian Society and the Ancient Monuments and makes a clear justification for the configuring of the ramp. Mr Beaumont is a highly respected ecclesiastical architect, frequently engaged in the diocese of Leeds. He makes clear that a range of other options were considered and gives a clear and credible justification for the final iteration as now proposed.

#### *Balancing exercise*

16. It will be noted that the public benefit examples contained in the *Duffield* framework are non-exhaustive. Section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 provides:

A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to the role of a church as a local centre of worship and mission.

The petitioners have helpfully provided me with evidence of the Resourcing Churches initiative which was a successful bid under the Church of England Strategic Development Fund initiative. The church of St Johns Clayton is to be a Resourcing Church in South West Bradford, assisting others in the area and becoming a beacon. The incumbent now has responsibility for St John's and two other churches in adjacent parishes. This has sparked initiatives such as an area wide youth group and new expressions such as a café style Sunday Worship to be developed for autumn 2021. Enhancing the church platform and audio facilities will not only help with this as congregations meet together during events, area wide training and conferences. The matter is very helpfully summarised by the Venerable Dr Andy Jolley, Archdeacon of Bradford.

17. It seems to me that section 35 should be read expansively and the term 'centre of ... mission' read in the context of radiating outwards and conferring missional benefits upon neighbouring parishes and the deanery and diocese more widely. This must be particularly the case where financial pressures have produced more collaborative ways of working throughout the Church of England. But even if I am wrong, and a more narrow reading of section 35 is called for, the public benefit of a resourcing church may nonetheless constitute a justification for the reasons convincingly articulated by Dr Jolley and the parish's witnesses: the *generous sharing* of resources with other churches (eg in training, events, support, mission teams) and the *gracious sending* of people to revitalise nearby congregations.
18. The case for enhanced and improved access, particularly for those of limited movement, is compelling. And as the screen is to be repositioned within the church building, much of the intervention will be reversible. The preparedness of the parish to revisit its earlier desire for removal, shows maturity, pragmatism and an understanding that the adaptation of listed buildings is essentially a compromise, the imaginative exercising of the art of the possible.

#### **Alternative means**

19. Following the practice commended in *Re St Peter & St Paul, Aston Rowant* [2019] ECC Oxf 3, I ask myself whether the proposal could be achieved in a manner less harmful to the heritage value of the church. I consider there to be merit in the Victorian Society's observations that if the front row of the choir pews on either side of the chancel are to be removed, then the frontals should remain in some adjusted form. This would mitigate the harm. I propose to make this a condition of the faculty, although I give leave to the petitioners to apply to have the condition removed, should they wish to maintain that such a condition would be unworkable or might otherwise compromise the project. In all other respects, the petitioners

have satisfied me that they have given serious consideration to all the alternative means suggested by the amenity societies, but rejected them for sound and sustainable reasons.

**Disposal**

20. It follows that a faculty may pass the seal and I so direct. It will be subject to the following conditions:

- i. That carpet is not used for the dais, and instead an oak or other similar finish is used, to be subject to prior approval by the Court;
- ii. That the frontals are retained and relocated after the front row of the choir pews on either side of the chancel have been removed. The precise detail is to be approved by the chancellor in writing before the work commences;
- iii. That a high resolution photographic record be made of the church in its current form and retained with the church records;
- iv. That the work is carried out under the direction of Mr Stuart Beaumont, the parish's inspecting architect;
- v. Work is not to commence until the order for costs herein has been satisfied in full.

21. The costs of the proceedings are to be paid by the petitioners.

The Worshipful Mark Hill QC  
Chancellor of the Diocese of Leeds

19 October 2021