

Diocese of Exeter

Chancellor

Date: 9th January 2013

Parish: St Andrew, Buckland Monachorum: 48/12

JUDGMENT

1. By a Petition lodged on 5th April 2012 a Faculty is sought to permit extensive reordering to the interior of St Andrew's Church in Buckland Monachorum. St Andrew's is a 16th century Grade 1 listed building. The Petition follows an earlier Petition (16/11 - lodged on 24th February 2011) which sought permission for more modest, but still significant, reordering the primary purpose of which was to establish a disabled toilet and kitchen facilities. It was made clear that Petition 16/11 was the precursor of a more radical proposal for reordering: indeed the plans for the main changes were included with the Faculty papers and the parish had intended that the two applications would either come forward together or be dovetailed with each other in a way that has not, in the end, transpired. Finally, a Petition (61/12) seeks a confirmatory Faculty to authorise the installation of audio-visual facilities that has already taken place; Petition 61/12 will proceed separately and is not the subject of this judgment.
2. Both this Petition and its precursor (16/11) have attracted a body of opposition from some within the local community. None of those who are objecting wish for this Petition to be determined in open court, but each invites the Consistory Court to take his or her written objections into account in reaching a decision. The DAC and relevant heritage bodies have been consulted and some respondents have raised objections to elements of the scheme. Finally, by directions issued on 6th August 2012, I have raised a number of matters of concern. In relation to these various

objections or queries, the Petitioners have given a written response. The paperwork is now complete and the matter comes before the court for a final determination of this Petition.

3. Before turning to the detail of the present application, it is appropriate to record the reasons given by this court when granting the Petition 16/11:
 1. 'This application is the result of careful thought and development by the Petitioners in consultation with the DAC and relevant heritage bodies.
 2. The resulting scheme, which is a modest reordering to provide disabled facilities, a kitchen, crèche and other ancillary changes, commands the support of the DAC and heritage bodies.
 3. The principal objection of two of the objectors is to the Notice provisions and timing. I am satisfied that in the time that has passed these objections no longer apply.
 4. The main objector, Mr Greenwood, makes a wide range of observations. It is right to record that many of these observations are not relevant to the current proposals. In his later submissions Mr Greenwood makes a number of personal allegations against the incumbent which I have expressly ignored.
 5. Whilst Mr Greenwood's is a lone voice, I have considered his relevant objections and the alternative suggestions that he makes.
 6. Having looked at this scheme in detail and noting the support of the professional experts whose role is to balance the importance of the architecture of the church with the needs of the modern worshipping community, I am entirely satisfied that these proposals are necessary and proportionate. I consider that Mr West's letter of 29th March 2011 more than answers the specific points that Mr Greenwood has made.
 7. The Petition is therefore granted on condition that the provisos in the DAC certificate are satisfied.'
4. The schedule of works now proposed is set out on page 2 of the Petition and numbered (a) to (n). The main elements in the list are:
 - construction of a Narthex and Gallery with the introduction of a glazed screen to the West Tower arch;
 - removal or relocation of eight pews;
 - relocation of choir stalls and frontals;
 - carpeting of chancel and Drake Chapel;

- replacement of existing boiler with gas fired boiler, new radiators and under floor heating;
 - removal of pulpit into storage;
 - relocation of Saxon font to east end of North Aisle; remove base of Medieval font and relocate 1.2m to the south east;
 - relocate Drake Pew to Drake Chapel.
5. The Statement of Significance records that the core of the present building was erected about 1490 with substantial additions and alterations carried out in the following century. The key architectural features are in the 'Perpendicular' style. The only other significant reordering took place in 1868/69 which saw the removal of a Georgian gallery and seating, which was replaced by pews on raised platforms. Around this time the pulpit and choir stalls were introduced.
6. The Statement of Need describes a congregation made up of a growing number of families with a large ministry for children and young people. The church has no church hall. At the time that the Statement was made it is recorded that 'the nearby Baptist Hostel has facilities which we can have access to, but not on a regular basis'. The local school is used for groups on Sundays but it lacks some facilities. The numbers attending Sunday services are relatively strong for a parish of this size.
7. The project has been in gestation since the mid 1980's and originally grew from a need to provide the type of facilities normally found in a church hall. Due to the practical limitations of the site, the construction of a church hall is not thought viable and more recently the plan to provide for the needed facilities within the church building itself has developed. The aim of the project is to provide:
- a. a venue for a wider range of meetings (principally in the new Narthex/Gallery);
 - b. a more flexible pattern of worship (by opening up the junction between the transepts, Nave and Chancel to provide a flexible space which is the focus of much of the teaching and worship); and
 - c. the ability to host activities for the school.

8. The Statement of Need records extensive consultation with the wider parish and user groups, which has included church and public open meetings. Opposition is said to be limited to a small minority.
9. The DAC certificate dated 8th February 2012 records that the DAC recommend the proposed works subject to some 14 express provisos which largely require clarification of matters of detail with the DAC before they are executed. There is also provision for archaeological advice and photographic recording.
10. So far as the relevant heritage bodies are concerned, the Society for the Protection of Ancient Buildings (SPAB) in a letter dated 27th June 2011 raise a number of points the most important of which relating to the present application are:
 - a. the need to replace the wooden West Door with glazed doors is questioned;
 - b. they approve the location for the Saxon font that was then proposed (at west end of South aisle) [it does not appear that their views have been sought upon the more recent relocation];
 - c. the Drake Pew should be retained within the body of the church.
11. The Church Buildings Council in a letter dated 1st May 2012 is supportive of the proposal coupled with the DAC provisos. The CBC note that this has been a 'long journey for the parish' and express interest in seeing photographs of the finished project.
12. In a letter dated 15th January 2009 The Victorian Society sets out its principal objections which are:
 - a. the proposal to remove the chancel fittings cannot be supported. They are the best of the 19th century woodwork in the church which, together with the encaustic floor tiles and carved chancel rails, comprise a zone of high quality 19th century craftsmanship in the heart of the medieval church;

- b. the looked for establishment of a space for more intimate small scale worship should be achieved by adapting the current elements, not by their near total removal.
13. In subsequent letters dated 24th June 2011 and 17th April 2012 The Victorian Society holds to the position set out in the original response of January 2009.
14. In its April 2012 letter the Victorian Society regards the amendments that have been made to the scheme as it has developed as being ‘wholly unequal to our concerns’. The Society repeats its earlier view that the chancel furnishings, the Drake Chapel screens, encaustic floor tiles and carved sanctuary rails as comprising a zone of high-quality 19th century craftsmanship and design at the heart of the medieval church.
15. Given what has occurred in the church with the regard to the pulpit (to which I turn in paragraph 42), it is important to note that the parish and its architect have been fully aware since 2009 that their proposal to remove the pulpit was controversial and was firmly opposed by the Victorian Society.
16. English Heritage in a letter dated 4th April 2012 describes how it has been involved during the development of these proposals and confirms its support for them provided that the DAC advice is followed.
17. The lay objectors who have asked for their written objections to be taken into account are:
- Peter Wycliffe-Jones
 - Rupert Greenwood
 - Tamsyn Blaikie
 - Audrey Mills
- The points made by these objectors overlap to a degree, but each expresses his or her individual perspective on the proposed works. Rather than take each in turn, I set out below the main points of objection, some of which are common to a number of objectors, others are individual:
- a. there is now no need for the **Narthex and Gallery** construction. The church has now purchased the nearby Baptist Hostel and this building can now be used to provide any meeting room that is needed (together with a kitchen

and toilet facilities). Money was raised to purchase the **Baptist Hostel** on the basis that the purchase would obviate the need to alter the church. The room created in the West Tower is likely to become underused in time and will simply be a storage area. The division of this area from the Nave will reduce the attractive feature of the current layout which is particularly well adapted for use at weddings and funerals;

- b. this proposal is a **waste of church funds**;
- c. the removal of **furnishings in the Chancel and Drake Chapel** is an unacceptable major alteration to the traditional centre of the church.;
- d. **carpeting** the Chancel and Drake Chapel is a ‘ridiculous’ suggestion; historically interesting tiles will be covered up, the natural acoustic of the building will be compromised, extensive cleaning will be required and the carpet will quickly fall into an unappealing state. The change in acoustic will not be overcome by use of amplification;
- e. the position to which the **Saxon font** has been moved is contrary to the established normal position for a font in an Anglican church;
- f. the present **heating and lighting** arrangements are satisfactory and no change is justified;
- g. there are other matters that require attention and/or maintenance in the church or churchyard and the money could be better spent on these.

18. Once again Mr Greenwood has descended to making derogatory comments about the incumbent and, on this occasion, he makes a very serious allegation of fraud. I have totally ignored these matters in coming to my conclusions on these proposals.

19. Mr Terry West, one of the Petitioners who is also the church buildings officer for St Andrews, has set out detailed responses to each objector’s written objection. Again I do not propose to summarise each one, but set out his replies to the points listed (a) to (g) in paragraph 17 above:

- a. The **Baptist Hostel** (‘Buckland Chapel’) has been purchased by a consortium of various partnerships in the village. The building is neither owned nor run by the PCC who have to rent it for any use by St Andrews.

The position therefore remains as it was described in the Statement of Need. The use of Buckland Chapel was never intended to replace the eventual need for the additional flexible space that will be utilised in the Narthex. The **Narthex** replaces space for uses which are now prevented by the construction of the disabled toilet and kitchen. The space will also provide an enlarged social area, access to the Bell ringing chamber which can then serve as a meeting room, a better space for resources including the bookstall and an area where members of the congregation may sit in well attended services. It will not be used for storage;

- b. Use of **church funds**: see my comments below;
- c. the choir stalls will remain. The additional choir desks which are to be removed will be retained in the church for future use. The space liberated by the changes in the **Chancel** will have a variety of uses including performance, serving as a chapel for smaller services, additional seating when the communion point is brought to the transept crossing as well as providing flexibility for use in a number of service styles;
- d. there are no plans to **carpet** the tiles in the Sanctuary or to remove the communion rails at this point. The new dais will be covered with carpet and the carpet will project up to the Sanctuary step. This will not be domestic carpeting but carpet with a design that mirrors the motif on the tiles and provides a unifying transition between the Nave and the Sanctuary. It is accepted that carpeting will reduce resonance, but worship using a choir in this area is not a predominant service format;
- e. Mr West states that the removal of the **Saxon font** to the proposed temporary location 'proved to be impractical and so we alighted on the decision to place in its final position'. He observes that if the present application is not granted then the parish will either issue a further faculty application or obtain an Archdeacon's licence confirming permission for the removal of the pulpit and the location of the font.
- f. those who have objected to the **lighting and heating** are not regular attenders at the church. A positive case is made for change in both areas;

- g. no separate comment is made on alternative items that might require expenditure.

20. On the 6th August I raised a number of points that required clarification which, in summary, were as follows:

i. **Saxon Font:**

- a. how does this proposal fit with Canon F1?
- b. has the Bishop approved the new location?
- c. is the font in its proposed location going to be visible to members of the congregation seated in the Nave?
- d. the disabled access ramps are not shown in relief on any drawing. How will the ramps and handrails affect lines of vision from the North Transept?
- e. what other locations have been considered for this font?

- ii. **The pulpit** has apparently been removed; what prior authority was sought for this move and where is the pulpit currently stored?

I concluded my communication with these words:

‘The questions around the position of the font are important and need to be resolved before the hiving off of the traditional location for a font, by the main entrance, is achieved by the construction of the narthex. Because the narthex effectively rules out the use of a font by the entrance, an alternative location within the body of the church has to be found which meets with the approval of the Bishop and of the Consistory Court. In the circumstances, it is not possible for me to separate off the font issue and proceed to consider approving the remainder of the scheme; resolving the location of the font is an intrinsic feature of the whole scheme.’

21. Following that communication in August, the Petitioners have complied with a number of my requests (in particular providing photographs of the pulpit) and have clarified their proposal with regard to the Saxon font, which is that the font is not now proposed for use in baptism services, but is to remain in its present location simply as an important historical artefact. My questions as to sight lines and the need for approval from the Bishop are therefore thought to fall away. In a letter dated 25th

September, Mr West states that it is conceivable that at some future date the parish may make an application to the Bishop to use the Saxon font. Mr West confirms that if the present application is not granted, then the church may be required to move the font, but, on any view, it cannot return to its original position which is now occupied by the new toilet facility.

22. The papers were returned to me on 26th September, which date effectively coincided with the start of the new legal term. My expressed hope of dealing with these papers swiftly on their return related to my expectation that they would return during my annual summer leave. I owe an apology to all involved for the fact that I have been unable to turn to consider this application until now, some ten weeks later, when I am once again on leave. This highly unsatisfactory delay is entirely due to the pressure of my principal judicial role and the need to devote some hours of undisturbed time to consider this Petition.

The Issues

23. Having reviewed the material that has been submitted from all sides, it is possible to distil the principal issues as follows:
- a. the removal of the Victorian furnishings and woodwork from the Chancel;
 - b. the development of the Narthex and Gallery;
 - c. carpeting the Chancel;
 - d. the unauthorised removal of the pulpit and relocation of the Saxon font
 - e. the position of the two fonts.

As only one objector has raised the question of heating and lighting, and as the parish make a strong case for renovation of these core provisions, I do not regard those matters as principal issues in this application.

The burden of persuading the court to grant the application as a whole or in part is upon the Petitioners.

(a) Removal of Victorian furnishings and woodwork from the Chancel

24. The Victorian Society make a robust case for the retention of the zone of 19th century craftsmanship in the chancel. That position should be respect and a change

- should only be sanctioned if the petitioners establish that it is both necessary and proportionate.
25. The case for the petitioners has already been summarised. In short they seek more than a space for more intimate worship. What is sought is a flexible space which reaches out into towards the congregation and is not restricted by structures that are currently in place. That need is widely supported by very many in the worshipping community. It is of particular note that the proposed changes are recommended by the DAC, who were fully aware of the Victorian Society objection. They are also supported by the CBC.
26. The changes that are proposed do not amount to an eradication of the 19th century furnishings; the rear choir stalls will remain and part of the tiling will remain on view. The tiling under the carpeting is not to be removed and will remain available for inspection and, it may be, return to display in future times.
27. I consider that the Petitioners have indeed made out a sufficient case of need to justify the changes that are proposed. These changes have been developed after a great deal of thought and consultation. They are widely supported. The space that is needed, and more importantly the manner in which this space is to reach out to and connect with the congregation, cannot be achieved by minor rearrangement of the furnishings as suggested in general terms by the Victorian Society. I consider that the need justifies the partial removal of the 19th century furnishings and the carpeting of the chancel (but not the Sanctuary) as is proposed. The changes are necessary and the degree of change is proportionate to the need.
28. I therefore propose to grant a Faculty permitting the planned scheme for the removal and/or movement of the furnishings in the Chancel, which will include retrospectively sanctioning the removal of the pulpit. I also approve the plan for the proposed new dais and other related structures. I will return to the question of the carpet in due course.

(b) Development of the Narthex and Gallery

29. It is important, when considering the objections, to give prominence to the fact that the plans that are now in being for the West End of the church have been developed over a number of years through close discussion in the congregation, the wider community and with the heritage bodies and DAC. They command a large measure of support and, in particular, in a manner which is unusual for projects of this nature, they now have the almost unqualified support of English Heritage, the SPAB and the Church Buildings Council. The constituency that opposes this key aspect of the overall scheme is that of the four lay objectors.
30. A further matter that must be borne in mind is that proposals to create space at the West End of churches by provision of glass screening, whilst not common place, have been for some time a feature of Faculty applications which have been approved in this and other dioceses. The focus when considering such an application is not one of principle, but of identifying the needs of the worshipping community, the particular architectural and other attributes of the building and the impact of the proposed changes, both in detail and as a whole.
31. Two of the objectors question the need for the provision of additional space for meetings and other gatherings given their understanding that the church has now purchased the former Baptist premises. Having read the response from Mr West, which I accept, I am satisfied that the St Andrew's church has not purchased the Buckland Chapel, which is now owned by an independent trust. The result is that, as before, if the church wishes to use space at the Buckland Chapel, it must pay a fee. In addition, although the Chapel is not far from the church, there is a qualitative difference between holding church meetings and other gatherings in the church building itself, rather than elsewhere. Having seen proposals for similar alterations in a good number of Devon churches, I do not regard the need that is here identified as being out of the ordinary or in any way surprising.
32. The question of whether the church can afford this development, or whether any funds would be better spent in other ways, is largely a matter for those responsible for the church finances and is not a matter for this court, the focus of which is upon the proposed scheme itself, rather than funding decisions.

33. It is necessary to consider how the enclosure of this area at the rear of the church behind a glass screen is going to affect the use of the building for worship. Mr Greenwood questions the quality of experience of those attending weddings and funerals who currently progress out of the building through the West Door. There is a need to consider how those who may be seated in this area when a large congregation is assembled may feel disconnected from the main body of the church. There is also a need, given the change of plan for the use of the Saxon font, to consider how the administration of baptism will ‘work’ if conducted during a family service with the font within the Narthex and the congregation in the Nave and Transepts.
34. Having considered the plans in detail, and, once again, taking account of the fact that these very issues will have been at the forefront of the thinking of those who have developed the plans and the heritage bodies and DAC who have approved them, I am satisfied that the potential problems that have been raised are not in reality significant detriments to the scheme. The key to this aspect is the proposal for the screen to be retractable. In its retracted state, the sight lines in the centre of the Narthex/Nave will very largely be as they are now, save for the space taken up when the five leaves of each half of the screen are closed tight against the pillars at each side. The sight lines in the South quarter of the Narthex will, however, be diminished as those behind it will be looking through a glass panel. There will be no similar problem in the North quarter as that it taken up with toilet and kitchen facilities.
35. Whilst I understand Mr Greenwood’s point about use of the West Door for big occasions, given the ability to fold back the screens and open the internal double doors adjacent to the West Door, I do not consider that there is likely to be a significant detriment to the experience of those attending such services. The internal double doors are a feature of the existing layout and the only change will be introduction of the retractable screen and the glass fronted gallery above it.
36. In summary, I remain of the view expressed when considering Petition 16/11 that this is a scheme that has been carefully and well thought out in conjunction with the

relevant expert professionals and church representatives. I am fully satisfied both as to the need for this provision and also that the detailed scheme that is now proposed is one which is proportionate to meeting that need and does so in a manner which complements the medieval fabric rather than compromises it.

37. The only caveat that arises, and to which I will return, relates to the location of the medieval font. Save for that element, I approve the scheme for the West End of the church and a Faculty will accordingly be granted.

(c) Carpeting the Chancel

38. Two of the objectors (Mr Wycliffe-Jones and Mrs Mills) oppose the carpeting of the area running over the new dais and through the Chancel. I have already dealt with the justification for the general reordering of the junction between the Nave and the Chancel when considering the removal of Victorian furnishings. That aspect of reordering therefore now has the court's approval and the provision of carpeting has to be viewed in that context.

39. Mr West accepts Mrs Mills' central point that carpet will adversely affect the acoustic resonance of this key area; this factor therefore counts against the grant of permission. Mr Wycliffe-Jones considers that carpeting inside the church is simply a ridiculous suggestion and opens the door to further domestic dumbing-down of the church interior. Both regard the covering up of the Victorian tiles as being a retrograde step. I approach this issue on the basis that the diminution in acoustic values and the covering of the Victorian tiles will only be justified if the petitioners are able to establish a significant counterbalancing benefit which outweighs these negative features.

40. The benefit, as identified by Mr West, is that the carpet will unify the new wooden dais with the remainder of the Chancel to make a single area which is to be the focus of worship. The carpeted area will also act as a bridge or link between the Nave and the Sanctuary, which is to be uncarpeted and which will be enhanced by the design of the carpet which will echo that of the tiles. The Victorian tiles will be protected but still available for inspection by any interested party. Again the petitioners are

entitled to pray in aid the fact that these proposals largely command the support of the expert professionals who, like the lay voices raised in opposition, will have been considering these very points.

41. Once the decision has been taken, as it now has, to approve the introduction of the dais and the widening of the Chancel space by removing the front choir stalls, then the carpeting issue must be considered in that context and, if it is, then in my view the arguments of the petitioners in favour of a unifying covering which joins this whole area into one are very persuasive. If there were no carpeting, then there would be a stark line between the eastern face of the dais and the tiled Chancel which would have the effect of breaking up the area and maintaining a distinction between the dais and the Chancel which is no longer intended to exist. The dais is an extension, a reaching out, of the Chancel and to be seen, to that extent, as part of the central worshipping area. Whilst I consider the issue of carpeting to be more finely balanced than other aspects of this scheme, I conclude that the petitioners have established their case. They do so with the support of the heritage bodies, and on the basis that the particular design is in keeping with its location. A Faculty will therefore issue giving permission for the carpeting of the dais and chancel as proposed.

(d) The unauthorised removal of the pulpit and relocation of the Saxon font

42. The Petitioners and those involved in the running of St Andrew's Church in Buckland Monachorum are well familiar with the Faculty jurisdiction and, more generally, with the need to consult and gain approval for changes within their church and churchyard. This is the third Petition that they have issued during the past two years. They and their architect have a very commendable record of consultation and communication with the DAC and heritage bodies. The proposals made display intellect, subtlety and much thought, not only in the detail of the scheme but also in the clear manner in which the paperwork is presented. In Petition 16/11 they sought and were granted specific permission to relocate the Saxon font to a temporary resting place at the west end of the south aisle. The petitioners will have known that the proposal to remove the pulpit was controversial and was opposed by the Victorian Society. In any event, given the detail upon which they had hitherto

consulted and then sought a Faculty in connection with the disabled toilet and kitchen, and as a matter of plain common sense, the Petitioners must have realised that they would require authorisation from this court before they could take the very significant steps of removing the pulpit from this church and locating the Saxon font to a completely different position. It is therefore very surprising that the Petitioners apparently took matters into their own hands and ‘alighted on the decision’ (per Mr West) to make these very significant changes without obtaining prior authority.

43. These matters are not important for their own sake, in the sense that ‘rules are rules’. Their importance arises from the privileged position that the Church of England enjoys in its management of Listed Buildings. The Church has a unique exemption from the need to obtain Listed Buildings consent for any material changes to Listed church buildings. The secular authorities, for example English Heritage, are consulted, but they do not determine whether or not a change is to take place; the decision is taken within the church by the judge for each diocese (The Chancellor) on advice from the Diocesan Advisory Committee, which is made up of church men and women and expert professionals who are sympathetic to and aware of the worshipping needs of the church community alongside the importance of architectural heritage. There are those that argue that the Church of England should not enjoy this privileged status. The Church is able, or should be able, to demonstrate that the parallel system of the Faculty jurisdiction which stands in place of secular Listed Building Consent is operated responsibly, effectively and with respect to the rule of law so that no unauthorised changes are made to a Listed church building. Unless the Church can continue to demonstrate that this is so, there is a real prospect of the ‘Ecclesiastical Exemption’ being taken from it with the result that these decisions will simply be determined by the secular authorities who are unlikely to place any premium upon the needs of the living church community in a parish.
44. Against the background that I have described, the total removal of the pulpit and the relocation of a font in a building which is listed in the category of Grade 1 without any authorisation and, in the case of the former, in the teeth of opposition from one

of the national heritage bodies can only be regarded as very serious actions by those responsible.

45. I understand and, for present purposes, accept the explanation offered by Mr West to the effect that, when it came to make the move, it proved impossible to place the font in its temporary location. The decision was then apparently taken to place it in the final resting place intended for it in Phase Three of the reordering. That space was occupied by the pulpit and so it was decided that the pulpit should be removed. The short point, however, is that these were decisions that the current custodians of the church were simply not authorised to make. The Faculty jurisdiction can be, and not infrequently is, deployed at very short notice (for example to deal with a fallen wall or the theft of lead). A telephone call to the DAC or the Registrar could have started a short dialogue which would have resulted in a decision from the Archdeacon or Chancellor giving authority for a holding measure to cater for the unexpected inability to place the font in the planned location.

46. I suspect that I need say no more. I have no doubt, given the quality and patience displayed in all other aspects of this scheme, that no individual acted in anything other than good faith. I hope, however, that what I have said impresses upon this parish, and indeed any other, the overwhelming importance for the Church as a whole, and for the historical integrity of the individual church buildings which are for the moment in our collective custodianship, of changes only being made under the authority of the Faculty jurisdiction.

(e) The position of the two fonts

47. Having expressed my deprecation for the unauthorised changes it is now necessary to look to the future and determine what is to be done in relation to the pulpit and Saxon font.

48. So far as the pulpit is concerned, I have already concluded that permission for its removal and storage is to be granted and the status quo can therefore remain, provided that the DAC is satisfied with the storage arrangements.

49. The position of the two fonts presents a more complicated situation. I propose to summarise the difficulties as I currently see them and then invite further discussion and consideration by the petitioners and the DAC with a view to achieving a sensible and positive outcome.

50. The difficulties seem to be these:

- a. the petitioners had intended the Saxon font to become the main focus of baptisms undertaken within a congregational service ('private' baptisms may occur in the Narthex using the medieval font) and the current location was chosen with that in mind;
- b. that plan has now been thwarted by the impact of Canon F1 and the parish's decision, at this time, not to seek authorisation for the use of the Saxon font for baptism. The plan is therefore for it to remain in its current position to be 'enjoyed' by those visiting and worshipping at the church but not used;
- c. if, in the future, the parish decide to apply to the Bishop for authorisation for the use of the Saxon font, there are a number of practical and architectural difficulties that seem apparent on my reading of the plans connected with sightlines and the impact of the disabled ramp which may compromise the ability of significant parts of the congregation from witnessing a baptism. The questions that the court raised in this regard have not been answered in the light of the parish's decision not to seek permission to use the font;
- d. the current location of the font has not been considered or approved by the DAC or heritage bodies;
- e. there is no authority for the font to be placed in its current location. The present Petition nevertheless seeks permission for the font to remain where it is. If, in the future, the Bishop were to grant permission for the font to be used, there would be no need for a further Petition for a Faculty as the font would already be in position. The practical matters that I have raised would not therefore have been considered by the DAC or this court;
- f. in future times, once those immediately involved with this Petition have retired from office, there is a risk that the font would simply start to be used by the parish without understanding the need to obtain authorisation from

the Bishop for its use. Given the startling unilateral action of the Petitioners in removing the pulpit and relocating the font without authorisation, there are, in fact, real grounds for concern in this regard even prior to the retirement of the current office holders;

- g. the position of the medieval font is itself not without difficulty. With the creation of the Narthex the parish, for understandable reasons, were no longer looking to the medieval font as the focus of baptism in a congregational service. The impasse, or at least hiatus, that has been arrived at with the Saxon font means that the Petitioners have now gone back to considering the medieval font in the Narthex. Whilst the opening up of the screens would provide a sightline for people seated in the Nave to look back to the font, there may be a feeling that a baptism is taking place at a location which is, in a sense, 'outside' the body of the church and in a way which is at odds with the aim of welcoming a new member of the church through baptism. In short there may well be a good argument for the font that is to be used for baptism not being in the Narthex.

51. The situation described in paragraph 50 is plainly unsatisfactory and is unfinished business in a scheme which is otherwise conspicuously well thought through and sound. There is, I consider, a need for a better solution to be developed, if possible, by consideration and discussion, to identify the optimum location for the two fonts. If, as I readily accept may be the case, the consensus is that the Saxon font should be deployed for use in a position which falls outside Canon F1, then the Bishop should be consulted with a view to seeking his approval. For the reasons given subparagraphs (a) to (f) above, it is unacceptable simply to leave the Saxon font in its present location without the approval of the Bishop, without consultation with the DAC and relevant heritage bodies and without detailed consideration of the practical/architectural questions that the court has raised. If the Saxon font is to remain where it is in the long term, then that can only be after a process of full consultation and authorisation; without such consultation and authorisation it will have to be relocated to a less prominent resting place.

52. The issues raised in relation to both fonts are unrelated to the main building work that is now to commence. There is, one would anticipate, some benefit in at least seeing how the sightlines to the medieval font in the Narthex work out in reality once that work is complete. On the other hand, if the Saxon font is to move, the configuration of the disabled ramp will change. There are no doubt other factors which those closer to the project will readily identify. My intention is that the two fonts should remain in their current location whilst the building work is undertaken. During that time consideration, consultation (including if necessary with the Bishop) should take place with regard to the position of the two fonts. Once the work is completed then the parish may submit a final plan for the fonts to the court for approval by an amendment to the present Petition.
53. On that basis I will grant a Faculty permitting the Saxon font to remain in its present location pending further consideration of its final position in the church. My aim is for this temporary permission to run until sometime after the completion of the building works and I therefore set a date for the expiration of this temporary permission at 1st September 2013. If my estimate of the length of the building schedule is erroneous then I will readily grant an extension of time if requested. After 1st September 2013, the Saxon font will have to be moved a position as near to the ‘temporary’ location identified in Faculty 16/11 as is possible, unless an alternative location (which may include the current location) has been approved by the granting of a Faculty.

Conclusion

54. It follows from the decisions that I have described in the course of this judgment that the overall result of the proceedings is that a Faculty will issue giving permission for the scheme as proposed, on condition that the DAC provisos are satisfied, save for the provision in relation to the two fonts which will be taken forward on the basis set out in paragraph 53 above.

Andrew McFarlane
Chancellor of the Diocese of Exeter