

Diocese of Exeter

Chancellor

Date: 20th March 2010

Petitions: Re-ordering of All Saints' Church, Sidmouth: Font

JUDGMENT

Background

1. By a petition lodged on 14th August 2008, a Faculty was sought to authorise a radical reordering of All Saints' Church in Sidmouth, which is a Grade II listed building dating from 1840. The application has generated reasoned and concerned opposition from a number of heritage bodies and other sources. Following a detailed consideration of the voluminous paperwork and following a site visit in May 2009, I concluded that a Faculty should issue authorising almost all of the matters for which application had been made. The one matter that remained for further consideration related to the font. I adjourned the determination of this issue to allow further clarification of precisely what was being sought and to permit the Bishop of Exeter to express his opinion on the plans.
2. The petition sought authority (at (e) in the list of requests) for the 'disposal of existing fixed font'. No application was made for the introduction of a replacement font as the plan at that time was for the church to continue to use a portable font that had been in use for some 15 or more years. The church also proposed the use of a portable

baptistery which would be stored out of sight and only brought out and erected if needed for a service; again the petition does not seek a Faculty with respect to the baptistery.

3. The Statement of Significance describes how, in the first half of the 19th century, this church was established as an alternative to the main parish church in Sidmouth and to provide for the increasing size of the worshipping population. The church was consecrated in 1840. It is of note that All Saints' is unusual in not having its own assigned parish. The church is designed in the Early English Gothic style and is constructed of local limestone ashlar to the principal elevations and with lias stone used on the north elevation. The church is cruciform in plan. The nave and transepts are 7m wide and each has a gallery supported by four cast iron columns.
4. Modest reordering has taken place in the past. In particular some pews were removed from the West Gallery in 1881 when an organ from the parish church was installed. In 1899 two pews were removed and the reading desk and pulpit were changed. The new pulpit and reading desk are in oak and the pulpit is mounted on a high stone plinth. In or about 1901 all the existing ground floor pews were replaced with oak pews and new matching frontals were installed to the galleries. In the 1920s oak panelling and a font were fitted at the Southwest corner of the nave. In 1957 the chancel ceiling was painted blue with stars. Redundant choir pews in the chancel were removed in about 1970 and an area to the west side of the North transept was cleared in 2000 to accommodate wheelchair users.
5. The substantial reordering, for which a Faculty has now been granted, arose from, and was justified by, the need to transform this church

building so that it could be much more effectively used by the large congregation of worshippers that regularly attend and enjoy a flexible and modern liturgical form of worship.

6. The Statement of Need stresses the remarkable position at All Saints' in having almost no physical parish. The church was built in consequence of "the dire relationships between Church parties in the early 19th century" and was constructed in the teeth of fierce opposition from the vicar of the parish church. The situation now, nearly 200 years later, sees All Saints' playing a particular role within the Sid Valley Team Ministry which complements the provision and facilities provided by other churches in the team. All Saints' is the focus for an evangelical style of worship and ministry, in contrast to the parish church which maintains a more traditional style of worship.

7. A major driver behind the proposal to reorder this church was to enable its substantial congregation to worship inside the church building (as opposed to the church hall). The Statement of Need describes it thus:

'A major factor in our plans is the desire to create a worship space that enhances this more modern style of worship. We are longing to develop the atmosphere of worship by moving out of the rather utilitarian hall into the "sacred space" of the church building. ... We are seeking an open uncluttered space to facilitate a deeper encounter with each other and with the Risen Jesus. Part of the motivation for our more contemporary worship has been the need to make corporate worship more accessible to those with little church background.'

8. The overall aim of the proposal was to place the focus of the liturgical action at the centre of the church where the holy table, ambo, movable font or portable baptistery would be positioned. The chancel will be screened off from the nave with part of the screen being used to provide three projection surfaces for audiovisual display and/or presentation of written liturgical material for use in "paperless" services.
9. In a letter dated 22 January 2008 the DAC advised the parish that the proposal regarding the removal of the font needs reviewing in line with ecclesiastical law and the need to provide a fixed font.
10. On 9 March 2008 the parish architect, Russ Palmer, responded in detail to the DAC observations. On the topic of the font, Mr Palmer's letter records that the incumbent understands that ecclesiastical law requires "a decent font" and that the proposals for a portable font accord with that requirement.
11. The DAC certificate, dated 23 July 2008, records that the committee had "no objection" to item (e) relating to the font.
12. A Public Notice was displayed in August and September 2008. That elicited over 70 letters in support of the scheme and two expressions of opposition, none of which descended to detail in relation to the font.
13. Mr Garrard, historic churches adviser for the Victorian Society wrote in January 2008 expressing strong objection to the removal of the two galleries and other principal elements in the structural reordering. Again, the contribution from English Heritage related to the major elements in the scheme, rather than the font. A fuller description of the consultation

process is given in the court's judgment on the main elements in the Petition.

14. On 7th April 2009, Jonathan Goodchild of the Church Buildings Council wrote setting out the concluded position of the CBC following a recent meeting. In relation to the font the CBC make the following observation:

'as far as the font is concerned, there appears to be no good case for the disposal of the existing font, since it could be located near the entrance to the building in accordance with Canon F1(2). It is disappointing that the parish has not acted on the council's suggestion of consideration of the type and position of the font. The current proposal to introduce a second font for immersion goes against the guidance of the House of Bishops that there should only be one font in a church. It would have been possible, for instance, to design a font, perhaps incorporating the existing font, that permitted different modes of baptism. It is important that the font has its own defined position in the building.'

15. The CBC did not seek to give oral evidence but asks that this court should take these views into account when determining the petition.
16. Following the Court's initial consideration of these papers and a site view, a request was made for evidence from others outside the petitioners and congregation of All Saints' as to the liturgical and pastoral considerations that may be relevant to the proposed overall scheme. I am grateful to the Bishop of Crediton, the Archdeacon of Exeter and Prebendary David James (Team Rector of the Sid Valley Team) for their responses to this request.

17. In his letter of the 8th June, the Bishop of Crediton states that he has no doubt that the scheme is 'essential to the ongoing development and ministry of this significant church in the heart of Sidmouth'. He confirms the growth in the congregation who value worship with a contemporary feel and he goes on to say:

'I recognise that the proposals are radical in the way they reorder the interior of the Church building, but I believe the scheme contains all the necessary elements to transform the interior into a building where worship can be sensitively offered as well as being a resource for mission into the wider community. ... The outcome of a successful reordering scheme will be that the Church building will be released to take its central part in the developing worship and missional life of this active congregation ...'.

18. In his letter of 30th May, Revd Prebendary David James provides a strong endorsement for the case put forward by the parish, both in terms of the value of its mission within the wider team ministry, the fact that the 9.30am congregation is outgrowing the building and the need for the galleries to be removed to open up the space within in the church for contemporary worship.
19. The Archdeacon of Exeter has expressly endorsed the content of the letter from Revd David James.

Judgment of the 12th August 2009

20. In the course of the main judgment, the court weighed the conflicting arguments and determined that the case for radical reordering was made out. The remaining issues concerning the font now need to be determined by considering the arrangements for baptism in the context

of the reordered building, as well as in the context of the heritage and ecclesiastical issues to which I will refer.

21. At the conclusion of the main judgment, I said as follows with respect to the font and baptistery:

- a. 'The petitioners' case in relation to the font is not made out at present. In the course of this judgment I have already drawn attention to the observations of the CBC in relation to the font. Canon F1 provides that the font must stand as near to the principal entrance of the church as conveniently may be, 'except there be a custom to the contrary or the Ordinary otherwise direct'. The present font does indeed stand near to the west door. The petitioners have failed to find evidence to establish a custom to the contrary or a direction from the Bishop.
- b. The legal position with respect to fonts is not as straightforward as Canon F1 may suggest. It is for the petitioners to make a case in accordance with case law and in the light of *The Response by the House of Bishops to Questions Raised by Diocesan Chancellors* [June 1992]. The court would also wish to have the views of the Archdeacon and the Diocesan Bishop with respect to the proposals for the use of a portable font and baptistery.
- c. A further impediment to granting a faculty with respect to the font and baptistery at this stage is that no information seems to have been provided about them in the paperwork supporting the Petition.'

Evidence submitted since August 2009

22. In a letter dated 1st September 2009, the incumbent, Rev Roger Trumper, sets out the parish case in full and cross refers to earlier details

given in a letter to the DAC dated 7th April 2008. In summary what the parish seek to achieve is:

- i. Removal and disposal of the present fixed Font which is situated near to the West Door. This font has apparently not been used for many years following the introduction of a portable Font;
 - ii. Continued used of a portable Font. The current portable Font which was apparently introduced in 1994, but the parish suggest that a more robust model with a substantial base could now replace it. This font would be positioned by the North Door which, in consequence of the re-ordering, should become the principal entrance to the church. The font would be moved to the new centrally based platform, which is to be the focus of worship, if a baptism is to take place;
 - iii. The introduction of a baptistery for baptism by total immersion, which would be collapsible and only assembled for use is the occasion required it (at other times it would be stored out of sight). To have a facility for total immersion baptism would not only be welcome to the current congregation, but also, as this would be the only such facility in the Sid Valley Team, may be of value to others.
23. By a letter dated 29th September 2009 the Archdeacon of Exeter in which she gives her support for a new font, but on the basis that it would be permanently present adjacent to the North Door (which is expected to be the main door) and would be of such a design that it could be wheeled to the focus of the worship space for baptisms in the main services. The design would mean that it could be locked into place when in use. The Archdeacon believes that this would be preferable and

more seemly than the portable font which is used at present. The Archdeacon concludes:

'It will, I believe, be more apt and significant for this church community than the present font at the West Door, which is not used or noticed, except when it feels to be in the way'.

24. On the issue of the total immersion baptistery, the Archdeacon notes the proposal and, by implication, has no objection to it.

25. By a letter dated 22nd October 2009, the Bishop of Exeter states:

'I am content for there to be a new font, placed near the North door but capable of being moved to a central position when in use, provided that this is a new construction of a design that is compatible with the other new church furniture (Holy Table, Reading Desk and Ambo) and that it is more substantial in nature than the existing font with a bowl of a good size (not less than eighteen inches in diameter).

I am also content with the use of a portable font for baptism by immersion. However, the colour and design would need to be in keeping with the reordered church – I am not particularly keen on the product illustrated on the appended paper, which seems to be out of keeping with everything else planned for the reordered interior.

I am also somewhat surprised that there appears to be no mention of the possibility of a sunken baptistery, installed in a central position which could be covered when not in use and both filled and drained by fixed plumbing. However, there may be good reason why this is not possible.'

26. In response to the Bishop's latter observation, Rev Trumper reports that this option was discussed, but the view in the congregation was very divided, whereas there was support all round for the portable system.
27. By an email dated 17th March 2010, Rev Trumper indicates that a solution relating to the font along the lines proposed by the Bishop would be acceptable.

Discussion

(a) Font

28. The position has therefore been reached that the totally inchoate proposals contained in the original Petition regarding the font have now been finely honed into a detailed concept in keeping with the views expressed by the Bishop and the Archdeacon. Whilst the Bishop does not refer to the existing permanent font, the Archdeacon confirms that it is redundant and is only noticed when it is in the way. With the reordering of the church, and the consequent change of main door from West to North, the case for keeping the present font in its present position is not strong.
29. In relation to removing the present permanent font entirely from the building, therefore, the question is really whether it should be moved to near the North door and permanently fixed there, or removed entirely so that its place there can be taken by a robust but portable font that can be wheeled into a central position for use in a service.
30. The only express objection to the general plan regarding the font comes from the CBC who make the following points (regarding the font as opposed to the baptistery):

- a. There is no good cause for disposing of the current font, which could be moved to the new entrance;
 - b. It is important that the font has its own defined position in the church.

31. The point made by the CBC as to the importance of the font having its own defined position in the church is sound and well grounded in ecclesiastical law and doctrine. What is now proposed is that the font will be of robust and solid design and will be fixed in a position near to the new main door; this will be its defined position at all times save when it is to be used in a service. On those occasions it will be moved to a second defined and fixed position close to the centre of worship.

32. It is right to record that following inspection of the current portable font during the site visit of May 2009, the court was extremely concerned at the proposal that this insubstantial and temporary structure, which is entirely incapable for being fixed into any particular location, was being used and was now proposed as a replacement for the substantial, permanent font which is part of the fabric of the current interior. Whilst this font has apparently been in use since 1994, there is no record that its introduction was approved by Faculty and, were this to remain the application before the court, I would have no hesitation in refusing it.

33. Going back to the objection of the CBC, the real issue would seem to relate to the question of whether the font should be permanently positioned by the North door, in which case there is a strong argument for moving the current stone font there, or semi-permanent so that it may be moved to a secondary position in the centre of worship when

needed for use in a service, in which case obviously a modern design is necessary and the stone font will be redundant.

34. Whilst the papers currently before the court do not contain plans showing the relevant sight-lines, the black and white photographs and the court's own recollection of the layout provide sufficient information to support the conclusion that if the font is permanently by the North door, and the centre of the church is to contain the Holy Table and platform, it will not be possible for a substantial part of the congregation to see the font if it is used for baptism in that location. Typically this difficulty does not arise, or does not do so to any great degree, when the font is positioned near the back of the Nave by the West door of a church. It would seem that the twin priorities relating to the position of a font, namely that it is in a prominent position near to the main door, and that it is in a position where the congregation can witness the act of baptism, are not readily reconcilable in the newly reordered layout of this church.
35. The court is entitled to, and does, pay great heed to the fact that the proposal in its revised form is supported by the Bishop, the Archdeacon and now the parish. The court is also very mindful of the fact that it has already grasped the nettle and approved a very radical reordering of this church. The issue regarding the font must be determined in the context of its place within this reordered building.
36. At the same time the issue must be determined in accordance with the principles determined in earlier case law. In particular in *Re St George's, Deal* [1991] Fam 6 it was held that the font should be a permanent fixed object within the church.

37. Because the original petition did not seek any faculty for a new font (a position which in fact remains still the case) the application that is now made for a new semi-permanent font which has two locations in the church has never been the subject of consultation or the public notice procedure. All that the court has in respect of the application that is now made is a request (in Rev Trumper's letter of 1st September 2009) for the court to consider granting with a proviso that the parish and the DAC are to agree the design of a new font keyed into a permanent base but one that is able to be unlocked and moved to the central worship space for use.
38. Whilst what is now proposed is not without a number of strong features in its favour and is supported by the Bishop and Archdeacon, it is, on any view both a radical departure from the plan upon which consultation took place and is also a novel proposal within the wider scheme currently described within the ecclesiastical case law. Although the court, which has itself regrettably added to delay in recent months, is conscious that the parish will wish to have this application resolved at this stage, there can be no valid alternative way forward in the current circumstances to requiring the petitioners to descend to detail on the plan that they now put forward and then putting that plan out for consultation with the DAC, EH, the VS and the CBC.
39. In coming to the above view, I do not accept that the proposal is in a form where all that is left is approval of a final design between the parish and the DAC. I do not therefore agree that a Faculty can be granted at this stage in general terms with a proviso requiring agreement of the details with the DAC. In addition to the detailed design, the principle of having a font which is not totally permanent

and has two locations within the church needs to be the subject of consultation.

40. On the question of detailed design, the consultees, and eventually the court, will need to see, not only the design of the font, but also plans for the location and design of the proposed permanent base near the North door and that of the alternative 'in use' location in the centre of worship.
41. If the court were required to come to a final decision at this stage upon the plan contained in the Petition (which simply seeks permission for the disposal of the existing font, on the basis that the church would continue to use the present portable font) I am clear that the decision would be to refuse the application. Understandably, at the time of the original application issues and plans around the font were not uppermost in the minds of any of the relevant parties. Now that the plan has been teased out and developed it is one that has the support of the parish, Bishop and Archdeacon and justifies serious consideration; hence the need for the plan to undergo the consultation process to which it has not thus far been subjected.
42. For the avoidance of doubt, the plan upon which consultation is required is that for the introduction of a semi-permanent font of robust appearance which has a fixed location in the church, on a base into which it is keyed and locked, near to the North door, but one that is also capable of being moved to a similar fixed and lockable location within the central worship area prior to a service in which it is to be used for baptism. The Bishop advises that the bowl needs to be of a good size (at least 18 inches in diameter) and the Archdeacon states that

it needs to be of a design in keeping with the other new liturgical furnishings.

43. I consider that the Archdeacon correctly sets the tone when she says that it 'will need to be such that it makes an appropriate statement of the importance and nature of baptism'. In like manner McClean Ch in *Re St Margaret, Brightside* (Sheffield Consistory Court November 1996) [4 ELJ 765] held that a font should be a substantial object, making a point to those who enter a church about the significance of baptism. In this regard I repeat that the current portable structure falls a long way short of that mark.

(b) Baptistry

44. In relation to the baptistry, the Bishop is 'content' with the use of a second portable font for use for total immersion. The Archdeacon notes but does not expressly support the proposal. The CBC opposes the proposal for a second font as being against the guidance of the House of Bishops and suggests that there should be a design which incorporates the current font with one that can also accommodate other forms of baptism.
45. On the question of the design of a portable baptistry, the parish have produced a photograph of a design that is currently available, but the Bishop is not in favour of this design which, in his view, is out of keeping with everything else which is planned for the reordered interior. In this regard I too share the Bishop's view, but am conscious of the parish's difficulties arising from the fact that there must be few 'off the peg' designs available for portable, collapsible baptisteries.

46. Dealing with the question of designing one font that is capable of flexible use, as suggested by the CBC, and having now determined the principle question relating to the conventionally sized font, and there being no examples of any multi-purpose designs before the court, that option does not appear to be a viable one or one that has the support of any one within the parish or the Bishop or Archdeacon. The court has some difficulty in contemplating a collapsible structure that could indeed be used both for ordinary infant baptism and for adult total immersion.
47. The current petition does not refer to the portable immersion baptistery. Whilst it may be a moot point as to whether erecting such an item in the church only on the few occasions on which it might be used actually requires a Faculty if its use does not involve any alteration, addition, removal or repair to the fabric of the building, I take the view that as its purpose is sacramental, and governed by canon, even temporary fonts (save for genuinely one-off use) should not be introduced save under authority of a Faculty. There is also a need for oversight by the consistory court where, as here, the proposal involves the introduction of a second font.
48. As the issue of the new font is now to go out for consultation, it would seem to be helpful if the options for the portable baptistery are also considered as part of the same process. Two important factors (in addition to the look and design of the unit) are the location where the pool would be erected in the new layout and, secondly, that the arrangements will be required for filling and emptying it (ie is there a need for any permanent plumbing).

(c) Painting exposed beams

49. At the time of preparing this judgment, the court has been informed that the parish wish to have the question of painting the exposed beams to be reconsidered in accordance with the terms of the August judgment:

‘If, once all of the other work is completed, the beams are seen to be out of place, or the case for painting them in a light colour may be more clearly made, then the petitioners may wish to seek for this decision to be reviewed, but for the present I refuse the application for item (r) in the schedule.’

50. This is also an issue that requires further consultation with the DAC. As further involvement with EH, VS and the CBC is also to be directed in relation to the font, I will direct that the views of these bodies should also be canvassed on the issue of repainting the beams as they are now seen to be in the context of the newly reordered building.

Directions

51. In the light of the observations that I have made above, I therefore direct as follows:

i. The petitioners are to submit:

- a. detailed plans for the proposed new font, including its design, details of the permanent base and its location near to the North door and details of the alternative base and location in the central worship area;
- b. detailed plans for the proposed portable baptistery, including design, proposed location when erected within the church and details of any auxiliary facilities (eg plumbing) that will be needed for its operation;

- c. plans for painting of exposed beams together with an explanation of the case for this proposal now that it can be seen in the context of the overall reordering.
- ii. The plans submitted by the petitioners are to be sent to the DAC, EH, the VS and the CBC for consultation.
- iii. The petitioners are to seek permission (which will be granted) to amend the Petition to include applications to install a new bi-located font and to use a portable baptistery pool.
- iv. The Public Notice provisions need to be complied with in respect of the new font and the portable baptistery.
- v. Thereafter the papers are to be returned to the Chancellor for final determination.

Sir Andrew McFarlane
Chancellor of the Diocese of Exeter