

there was a slight, but real, possibility that there had been a serious miscarriage of justice then it was wholly proper that everything be done to ensure that that was not the case. [RA]

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Re Holy Trinity, Hastings

Chichester Consistory Court: Hopkins Dep Ch, 9 January 2019

[2019] ECC Chi 1

Re-ordering – upholstered chairs

The petition sought permission for the substantial re-ordering of this Grade II* listed Victorian church. The parish had been under the care of a team from Holy Trinity, Brompton since 2014 and worship had developed to include screens and a worship band, as well as the more traditional sung eucharist. Many of the proposals were unopposed, but the Victorian Society objected to removal of the original tiled floor, the removal of distinctive opaque glass and the design of chair chosen to replace the pews. It became a party opponent. The petitioners conceded the objections concerning the flooring and opaque glass but did not accept the objections concerning the chairs. The petitioners wanted to use metal-framed, stackable chairs with upholstery in a mineral grey colour. Relying on the Church Buildings Council (CBC)'s guidance on seating, the Victorian Society preferred a wooden chair, stained to the appropriate shade, and argued that the chairs should not be upholstered. The CBC supported that position.

The deputy chancellor granted a faculty for the uncontested works, finding that removal of the pews would cause some harm to the church's architectural significance but that the harm was not serious and was outweighed by the benefits of the works for the mission of the church. In relation to the style of chair, the deputy chancellor gave little weight to the petitioners' arguments about the respective weight, costs and acoustic properties of the chairs as they were not substantiated by evidence. However, he gave weight to the petitioners' argument about the suitability of chairs for the style of worship used. That style of worship was integral to the flourishing of this particular church, which was otherwise vulnerable to closure. That outweighed the objections and justified a departure from the CBC guidance in this case. Accordingly a faculty was also granted for the upholstered Alpha chair. [Catherine Shelley]

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