

architectural interest of the building. However, it would cause some harm to its special historical interest, as the removal of a historical reredos from its proper place; but it would remain intact and in the church. On balance, the architectural benefit outweighed the historical harm.

While little weight was given to the petitioners' arguments against considering alternative means of achieving light in the chancel, the court found that there was a clear and convincing justification for the proposal. However, detailed plans for hanging the reredos at the west end, and for the conservation and restoration of plaster in the chancel, must be developed before a faculty could issue.

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Re St Michael le Belfrey, York

York Consistory Court, de Mestre Ch, 18 August 2023

[2023] ECC Yor 2

Large-scale re-ordering – reinstatement of open worship space – Canon F1

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St Michael le Belfrey ('the Belfrey') is a 16th century parish church in the shadow of York Minster. It sits in the charismatic evangelical tradition of the Church of England. With a large, young and vibrant congregation, the Belfrey is a Resource Church and plays a significant role in the life of the Diocese of York, the Northern Province and, more broadly, the Church of England. Through a petition described as 'of the highest quality', it sought a faculty for a dramatic re-ordering of its interior, proposals that had been at least 14 years in the development.

Although the Belfrey's re-ordering plans were controversial, no formal objections were made under public notice, and none of the numerous consultees wished to become parties opponent, despite the Victorian Society describing the plans as 'probably the most comprehensive and destructive scheme of reordering of a Grade I listed multiphase church interior on which the Society has been consulted for many years'. Because there had been much opposition from consultees, and in light of the scale and impact of the proposed works, the court took the unusual step of preparing an extremely full and detailed judgment, running to nearly 100 pages.

The court acknowledged it was, to some extent, artificial to separate out the different elements of the Belfrey's proposals: the necessity of and justification for the different elements could not be considered wholly in isolation from one another. However, the court was clear that the *Duffield* framework had to be applied both to each constituent part of the re-ordering proposals and to the project as a whole.

Much of the Belfrey's story, told in the way its interior had developed over centuries, left a rich architectural history which would be lost by the proposal's stripping away of so many historical layers. Such harm to a historically layered interior of a Grade I listed church would almost inevitably fall within the upper echelons of seriousness. However, the court accepted the petitioners' case that the Georgian and Victorian elements added a rich layer of history over the 16th century open, basilical design, but they also ran counter to the original aesthetic conception. The Belfrey's modern re-development plans could be described as returning the church to the open interior with which it was originally endowed in the 16th century.

As such, the proposals to remove and replace the Belfrey's Georgian gallery, Gothic staircases and Victorian narthex, and to install two new doors at the west end, were treated as the keys to the broader scheme, attracting most of the court's attention. Each proposal was likely to result in a degree of harm to the significance of the Belfrey as a building of special architectural or historical interest.

As to the justification for the proposals, the petitioners relied on what the court found to be a well-researched, ambitious but ultimately realistic Five-Year Road Map. For this to be achievable, the court accepted that there would need to be improvements to facilities and flexibility of space. The proposals sought to free up the building for hospitality and a wider range of ministries, as well as reducing congestion and improving movement in what was a popular church, while retaining the capacity of the church to seat over 550 people. Accessibility in all its forms would be improved throughout the building. The Belfrey would become a more welcoming space, meeting the needs presented by the Belfrey's unusual location next to the Minster, with its high footfall of tourists and visitors and numerous opportunities for city centre and community-based events. In particular, the loss of the gallery and staircases was foundational and necessary for the petitioners to achieve their objectives.

Of particular note was the court's finding that the proposal for a full-immersion baptismal pool in the nave would not breach Canon F1's requirement that a font should stand 'as near to the principal entrance as conveniently may be'. A moveable pedestal font would be located above it when it was covered.

Although the Grade I listed status of the Belfrey meant that, on the fifth *Duffield* question, a case of exceptionality had to be established to justify such serious harm, the court held that that a high bar was successfully cleared here, in relation to the full scope of the proposed work. A faculty would issue accordingly.

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