

# Mirfield Brethren permitted to get warm

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THE Community of the Resurrection has been granted a faculty to carry out proposed works in its Grade II listed church in Mirfield (Letters, 6 and 13 November 2009). Nevertheless, a faculty was not granted for the removal of the chest tombs of Bishop Frere and Bishop Gore, situated at either side of the high altar.

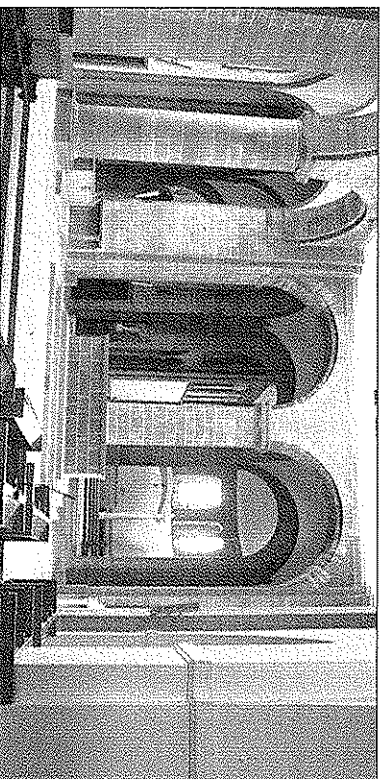
The Consistory Court hearing of the petition for the faculty took place on 30 October in the Community's church, which lacked any heating. (Those observing the hearing in the choir stalls showed obvious signs of discomfort.)

The Superior, Fr George Guiver CR, giving evidence on behalf of the

Community, stated that the church had been abandoned for want of proper lighting, heating, and sound equipment; the floors were dangerous and had resulted in accidents,

some serious, to visitors and brethren alike.

The condition of the floors required disabled Brothers to have separate sacramental services, he said,



and they were unable to participate in the life of the Community in an appropriate manner.

The unchallenged written evidence of the architect was that the underfloor heating suggested was the most appropriate for the building, and that its installation required levelling and removal of the stone floor.

The petition was opposed by Mrs Harriet Gore. She had no connection with the church, but was distantly related to Bishop Gore, though only by marriage. Initially, her concern was limited to the removal and re-siting of the two Bishops' tombs, but, as the case developed, she decided to

Deep, crisp, and uneven: the cold floor in the church at Mirfield

extend her interest to other parts of the proposals.

She cross-examined Fr Guiver in detail, and the thrust of her objections was that heating was unnecessary, as comfort was an improper consideration for monastic Brothers; that the York stone flooring should be retained; that the floors should not be levelled, as the Brothers had endured the variations of level for many years; and that no real hardship was occasioned.

The Chancellor of the diocese of Wakefield, His Honour Judge Paul Downes, who heard the petition, said that the case for the removal of the tombs had not been proved to be any more than a convenient extension to congregational seating, and it was not a sufficient reason to justify the removal of such important monuments in the heritage and history of the Order and the church.

The law was that the petitioners had to prove to the court that the proposed works were necessary for the pastoral well-being of the church or for some other compelling reason. In that context, "necessary" meant something more than merely convenient or desirable, but less than essential.

There were "overwhelming" pastoral reasons and there were reasons that were "wholly exceptional" for allowing the changes to the church, the Chancellor said. The church was almost completely abandoned as a monastic centre for worship, in spite of the fact that it attracted considerable numbers of students to its college. At present, many of its members were incapable of living a communal life of worship and were unable to take part in the celebration of the sacraments or liturgical processions together. There was lack of access for members of the public as well as Brothers who were disabled.

There was also the question of the reversibility of the proposed changes. If future generations wished to reinstate the original levels of the flooring, that would be perfectly possible, even if difficult and expensive. The Chancellor directed that photographs of the church as presently constructed, and photographs of the choir furniture, be taken, and kept available.

He also ordered that the stone flooring, unless it could be re-used elsewhere, could be sold in order to reduce the cost of the works, but the choir furniture was to be disposed of to another church, or, if not, should be stored, in case any future chapters wished to restore them to use.

The strong necessity was, the Chancellor said, for this church to be restored to proper use for the Brothers, students, and the general worshipping congregation, and "this necessity was such as to permit the alteration of a listed building."

The normal rule in faculty hearings in the Consistory Court is that the petitioner, even if successful, pays the costs. Therefore the Community will pay the costs of the hearing. In addition, since Mrs Gore was partially successful, the Community was ordered to pay her reasonable costs of accommodation and travel.

If Mrs Gore wished also to claim costs for the preparation of the case, however, the Chancellor ordered that those costs should be "taxed" [that is, assessed] after an indication by the Chancellor of what proportion, if any, should be allowed. Mrs Gore was given an opportunity to make a written application for that purpose. The reason for the taxation, the Chancellor said, was that much of her argument was "irrelevant, unnecessary, and unreasonable."

**Vigil.** The Community is to spend 48 hours in prayer, starting at nine this evening, focusing on the need to raise £2.2 million for the building work, which is due to begin in March.