

# Ecclesiastical Exemption in the Free Churches

## Triumph or Tragedy?

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*The previous issue of Church Archaeology carried a short piece by Joe Elders on the future of the Ecclesiastical Exemption, written largely from the point of view of the Church of England. This article takes a slightly different perspective. The writer makes no claim to speak on behalf of the Free Churches but having previously served for a number of years on the listed buildings advisory committees of two major denominations as well as a decade on a diocesan advisory committee he is happy to offer the following observations.*

‘Exemption’ is no new word to English Protestant Dissenters. It stands at the head of the Toleration Act of 1689, the fount of many hard fought religious freedoms. The Act is subtitled ‘*An Act for Exempting their Majesties’ Protestant Subjects Dissenting from the Church of England from the Penalties of certain Laws*’. Much of it concerns the mitigation of penal legislation but in its final paragraph provision is made for the registration of meeting-houses which, when duly certified by the relevant authorities, afforded a degree of security.

Freedom to worship and to erect suitable meeting places within the law has long been valued by all denominations. But obedience to the Civil Magistrate has also been enjoined since the days of the Westminster Confession; submission to legal requirements has only been disturbed by matters of conscience such as the payment of tithes or other impositions for the benefit of the established church. Little evidence of concern for, or even the recognition of, the architectural quality of dissenters’ meeting-houses is to be found from more than a century ago. They served as the butt of humorists and writers of fiction while even nonconformists could write scathingly of the ‘architecture of barns’ without fear of contradiction.

Until the late 19th century, interest in ecclesiastical architecture was largely confined to medieval buildings and hence, besides ruins, largely to those belonging to the Established Church; even magnificent 18th-century

churches were disregarded and treated by their owners with scant respect. Significantly, the Royal Commissions on Historical Monuments created in 1908 were first given a terminal date of 1700, anything later being dismissed as ‘modern’. Discussions on the Ancient Monuments legislation in 1912–13 resulted in the inclusion of disused places if worship while exempting from legal restraint any remaining in religious use. Although the Act made no denominational distinctions it is hard to believe that any nonconformist chapel would have been regarded at that time as coming within its scope. A full discussion of the origins of the ecclesiastical exemption and its legislative complexity was published by Ivor Bulmer-Thomas in 1975 and 1981.

The further development of legislation in the post-war years, which gave some protection to listed buildings, continued the exemption enjoyed by buildings in ecclesiastical use. However, only the buildings of the established church were subject to internal church procedures.

One question that soon became evident concerned total demolition, in which event it was demonstrated that a church or chapel must logically first have ceased to be in ecclesiastical use and that the exemption must therefore cease to apply. This was notably found in the case of the Howard Congregational Chapel in Bedford where in 1975 retention of a minor part of the building was held to be insufficient to justify the exemption – the proposed demolition was disallowed.

*Fig 1 – The Howard Congregational Chapel in Bedford, saved from demolition in 1975 (Crown copyright, NMR)*

The case is further explained in more detail in the second of Bulmer-Thomas's articles (1981). The absurdity of continuing to allow immunity from the planning legislation to those churches, all in fact except the established church, that had no comparable procedure for checking the wilder bouts of their over-enthusiastic members, soon became obvious and calls were made for the abolition of the exemption. One case in particular came to prominence in 1992 when the pastor of Great Gidding, then the only II\* nonconformist chapel in the district, enquired from the local authority whether there was anything to prevent his removal of the fixed seating and was informed that under the exemption he was free to do so; this was then done with alacrity and in the face of numerous protests. Failing total abolition, the restriction of the exemption to those churches able to put in place adequate safeguards was accepted as a viable alternative and in some respects has proved more

satisfactory. The alternative of leaving local authorities with stretched resources, limited staff and little experience of church requirements, to resolve these issues was felt to be a less adequate solution. In the event, besides the Church of England and the Roman Catholic Church only three nonconformist groupings felt able to make their own arrangements, leaving all others for better or worse, or on principle, at the mercy of local government. The three in the exemption are the Methodist Church, the United Reformed Church and the Baptist Union. Denominations losing the exemption include the Society of Friends (Quakers); Unitarians; Moravians; Congregational Federation; Strict Baptists; the Free Church of England, and many more.

The largest of the nonconformist denominations is the Methodist Church, formed in the mid-18th century, rent by divisions in the following century, and gradually reunited by 1932. Such a history, involving

*Fig 2 –Great Gidding Baptist Church, Huntingdonshire. Grade II\* listed. (Crown copyright, NMR)*

extensive chapel building and the multiplication of resources as factions developed, was naturally followed by a sharp reduction in numbers and a surplus of buildings. Figures published in 2000 by the Methodist Property Committee including the whole of Great Britain show 6,270 chapels, mostly in England, against a total of 13,632 chapels standing in 1940. Of those listed in Grade I three only are properly Methodist chapels: City Road, London; New Room, Bristol; and Raithby in Lincolnshire. Others are mostly medieval churches shared with the Church of England. The number of chapels graded II\* is now 39 – considerably increased in number since 1990 when I counted 12, presumably due to a revision of the lists. In the lowest category of Grade II, there were 634 chapels in England in 2000 compared with 719 in 1990.

The Methodist Property Office employs a Conservation Officer who is able to visit the various chapels over which applications for consent are sought, to discuss their needs and to explain the

*Fig 3 – Great Gidding Baptist Church, Huntingdonshire. Neither listing nor the Exemption saved this interior from destruction. (Crown copyright, NMR)*

*Fig 4 – The chapel at Walpole, Suffolk. The box pews of this interior were saved from destruction by a village carpenter.  
(Crown copyright, NMR)*

position to the Listed Buildings Advisory Committee, which may need to visit in difficult cases. The recommendation is passed to the Connexional Property Committee for its approval. A single advisory committee dealing with the whole country gives a good broad overview of the denomination and its needs together with a necessary reminder of the regional variation in the buildings under consideration.

The United Reformed church was formed in 1972 by the amalgamation of the Congregational Church in England and Wales and the Presbyterian Church of England, both of which had origins in the 17th century. Unlike the Methodist Church, it follows a procedure more akin to the Church of England, basing its structure on 12 Provinces for each of which an Advisory Committee is appointed. The apparent advantage of this arrangement is that greater opportunity is, or could be, allowed for members of the several committees to gain a closer insight into the local circumstances of their areas. Unfortunately, it also needs a greater sum total of experienced persons to serve on those committees and it may be asked whether the number of cases arising justify this degree of provision. The total of chapels in the denomination numbered 1,768 in 1995 and the number of those that are listed, not currently available, may be comparable with those quoted below for the Baptist Union.

The third beneficiary of the Ecclesiastical Exemption is the Baptist Union of Great Britain, together with the Baptist Union of Wales, or more precisely those chapels which are held in trust by one of ten separate Baptist Trust Corporations which may be presumed to exercise the necessary authority or in cases of serious dispute could recommend the removal of the exemption from a recalcitrant congregation. As in the case of the Methodist Church applications are considered by a single advisory Committee. No chapels of Grade I appear to be listed and no more than 11 are known to be of Grade II\*; however some 329 in Grade II were known in 2000 as probably the concern of the committee. The total number of chapels in connection with the Baptist Union in England in 1995 is thought to have been approximately 1,800, a figure very close to that given above for the United Reformed Church.

The Ecclesiastical Exemption and its retention have been studied in detail by others and it is not intended here to repeat or contest what may have been agreed. But Protestant Dissenters, or those who still recognize their ancient designation and respect their spiritual ancestry, are of necessity persons of independent

mind given to a freedom of expression and firm in the possession of hard-won liberties. Ownership of their meeting-houses has sometimes been a cause of serious interdenominational disputes but respect for buildings in the guise of 'sacred spaces' has not been a typical characteristic. Consecrated indeed they are, by use, and de-consecrated by disuse, but long-enjoyed habits of make-do-and-mend, of expand, refurbish, reseat or rebuild without more than the mere say-so of a church meeting are hard to change. A few lights shine in the darkness such as the village carpenter of Walpole, Suffolk, who refused to destroy the tall partitions of the box pews in the old Independent Chapel in spite of the instructions of the church. It is not uncommon for buildings of importance to be saved from demolition or unnecessary alteration by individual action or rescued from unsympathetic owners to whom 'listing' serves only as an incentive to attempt to circumvent the process. Even seemingly well-intentioned nonconformist churches, and they are not alone in this, have been known to threaten to move away to other sites leaving their chapels empty and a problem for others if their wishes are not met. Whether the need to say 'no' to clearly unacceptable proposals comes more readily from a presumably disinterested local authority than from a supposedly sympathetic denominational committee may be debated; experience indicates that advisory committees are usually prepared to compromise in seeking acceptable solutions and that, except in a very few instances, their advice is accepted. The system may still have its flaws and improvements in procedure, particularly to reduce the costs to applicants for minor works, need to be sought. The fact that it works at all must be a matter for congratulation. Most urgent now is to ascertain how effectively the non-exempt denominations are being served by local authorities, especially those smaller denominations whose views are seldom heard in the conclaves of the great. Exemption may be a triumph for its beneficiaries, but whether those still beyond the pale suffer unduly I rather doubt. Their voices are still to be raised, but their minds are on higher things.

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