



Faculty – Unlisted town centre church by Austin & Paley (1898-1900) – Removal of the existing Wadsworth pipe organ (c 1913) and replacement with redundant Father Willis organ (1865) – PCC fully supportive of proposal – DAC recommending proposal for approval – Objections from one member of the congregation on grounds of costs who has chosen not to become a party opponent – Faculty granted

Application Ref: 2022-079605

**IN THE CONSISTORY COURT OF
THE DIOCESE OF BLACKBURN**

Date: Sunday, 16 April 2023

Before:

THE WORSHIPFUL DAVID HODGE KC, CHANCELLOR

In the matter of:

St Barnabas, Morecambe

THE PETITION OF:

THE REVEREND MICHAEL CHILDS (Vicar) and

DR MORNA MURGATROYD and

MR IAN SCARR (Churchwardens)

This is an unopposed online faculty petition determined on the papers and without a hearing.

Objections were received from one member of the congregation who has chosen not to become a party opponent.

The following cases are referred to in the Judgment:

Re All Saints, Bakewell [2021] ECC Der 4

Re St James, Islington [2021] ECC Lon 1

St Joseph and St James, Follifoot [2022] ECC Lee 1

Re St Mary the Virgin, Ashford (2010) 13 Ecc LJ 244

JUDGMENT

Introduction and background

1. This is an online faculty petition, dated 11 February 2023, by the vicar and churchwardens of this unlisted church in the west end of Morecambe for the removal and disposal of the existing three-manual pipe organ installed by Edward Wadsworth & Brother of 35 Oxford Street, Manchester in about 1913 and the installation in its place of a pipe organ originally built by Henry Willis of London in 1865 which has been salvaged from the United Reform Church in Weybridge following its closure in 2021, re-using the solid oak casework retained from the existing instrument.

2. The faculty application is accompanied by many supporting documents and images which have been uploaded to the online faculty system (the **OFS**). These include:

(1) A detailed, illustrated, 31-page organ survey report, dated October 2020, from Mr Paul Hale (the distinguished cathedral and concert organist, organ adviser and teacher). This begins with an historic overview, and then considers the condition of the existing Wadsworth organ, before making recommendations of a musical and technical nature. The report concludes that:

The [existing] organ could be restored to the current tonal scheme or to an earlier or different version. However, whichever scheme might be chosen, the cost will be enormous, as, sadly, absolutely everything needs doing to make the organ reliable ... Regrettably, this is a 'perfect storm' and would, I estimate, cost between £110,000 and £180,000 depending on the size of firm.

Were the organ rare, special, unspoiled, or the work of a firm with a small output of really high-quality organs, then it might possibly be able [to] justify the expense and seek Heritage grants. However, Wadsworth organs are not rare – in their publicity brochure of the 1920s they boasted of having made over 1,000 instruments, of which several hundred are currently listed on the National Pipe Organ Register. Neither are they of really 'first quality' in the way that Willis or Harrison & Harrison organs (for example) were. They are thoroughly decent factory products, well worthy of restoration/conservation if not too far gone.

However, this organ has, in my view, passed the point where a restoration can be justified, especially as St Barnabas could never raise this sort of sum for an organ – or certainly never justify spending it on an organ. The PCC may like to consider other options ...

One simply cannot be sentimental about an old organ such as this, given its condition and the circumstances of the parish. Having said that, some elements of it could live again in other organs ...

(2) A further report produced by Mr Tom Bell (the celebrated organist and a member of the Association of Independent Organ Advisers) in June 2021, following a visit to the church on 26 May to examine the existing organ and discuss available options. Concerning the existing Wadsworth organ, Mr Bell concludes as follows:

The present instrument at St. Barnabas is in a poor condition, and requires very substantial remedial work. Previous reports from, and correspondence with, Gerald Sumner and Paul Hale offer details so I need not repeat them all here. The organ suffers from considerable maintenance problems due to poor design, an awkward layout, out-dated or unreliable components, and pipes which do not always relate to one another or speak with unity. What was perhaps a fine organ when originally installed has been altered considerably, and complicated both mechanically and tonally in piecemeal fashion over the years. Merely to throw money at the organ as it stands, in the hope of correcting its many faults, is neither an economic nor a long-term solution. To genuinely correct its problems, one would have to start from scratch, building a new organ using (some of) the old pipes, but otherwise replacing everything outright. This would cost a six figure sum.

(3) Proposals, quotations and a specification for the installation of the replacement Father Willis organ from Gary Owens Organ Builders Ltd, dated 29 November 2022 and 8 January 2023, in the sum of £58,275 (plus VAT), with an additional £16,700 (plus shipping and VAT) to convert the existing electro-pneumatic action to direct electric.

(4) A pipe organ case design drawing no GO.02 dated 15 January 2023.

At the end of this judgment I have attached: (i) a view of the Father Willis Organ when in place at Weybridge; (ii) a view of the Wadsworth organ at St Barnabas; and (iii) a visualisation of the Father Willis organ when installed at St Barnabas.

The church building

3. The entry at page 457 of the 2009 edition of the volume of Pevsner's *Buildings of England* for *Lancashire: North* (by Clare Hartwell and Nikolaus Pevsner) records that the unlisted church of St Barnabas, which stands on Regent Road in the West End of Morecambe, was built to a design by Austin & Paley between 1898 and 1900. It was only completed in 1961 with the construction of a large, but insignificant, parish hall across the west end. The church is free perpendicular in style, low and solid. Pevsner thought it a "satisfying piece". The aisles run through to the east end. There are nave arcades of three bays with alternating circular and octagonal piers, all with octagonal tops. There are two-bay chancel arcades with arches dying into the piers. Pevsner does not mention the existing pipe organ.

The Statement of Significance

4. According to the Statement of Significance, although the church building is neither listed nor of any architectural significance, and it looks insignificant from the outside, recent reordering works have created a beautiful and attractive church interior. The pews were removed and sold in the 1990s, and replaced with upholstered chairs. More recent works include a reordering of the sanctuary and new heating and lighting systems. The church is a hidden gem of the West End of Morecambe; and the parish leave the doors open as much as possible to enable people to come in and enjoy the church's peace and beauty.

5. The parish is an area of high social deprivation and suffers from high levels of crime and drug and alcohol abuse, with a significant amount of poor quality housing. Despite this, residents are rightly proud of the area, especially its Promenade with stunning views across Morecambe Bay to the Lake District. The church is situated next to West End Primary School, a small one-form community school, with which it enjoys an excellent relationship. The church and the adjoining community centre form an important community hub, and provide a real focus for the local area. The parish centre, whilst not a good quality or attractive building, is used by The Well Communities and Morecambe Homeless Action, who provide essential care and support to those suffering from poverty, homelessness, abuse and addiction. Like most parishes, the church suffers from leaking roofs, high energy bills, and so forth, but the parish's mission is said to be advancing very well. The church remained open for worship and private prayer throughout the Covid lockdowns at those times when it was legal to do so, and it attracted a number of worshippers whose churches had closed. This is a classic Anglo-Catholic parish, praying for, and serving, a deprived community. Since the easing of Covid restrictions, the church have begun to hold concerts and recitals, ranging from Bach and Handel to Gilbert and Sullivan and Flanders and Swann. They hope that this will continue as part of their organ appeal.

6. It is the south-west corner of the church, where the Wadsworth organ is currently situated, that will be affected by this proposal, although the parish will also be looking to make sure the roof above the organ is water tight. The faculty seeks permission to dismantle and remove almost all of the existing Wadsworth organ and to replace it with the Father Willis organ from Weybridge United Reform Church. This will be installed in the site of the current Wadsworth organ. It will not infringe on any other areas of the church; in fact, it is a slightly smaller organ with a smaller footprint. The organ has a detached console which will be placed in the south aisle, near the organ itself.

The Statement of Needs

7. The parish consider that they need to replace the Wadsworth organ, which is described as having been a thorn in the side of the present incumbent for his four years as vicar, and a thorn in the side of the parish and the Parochial Church Council (the **PCC**) for nearly 45 years since it was first rebuilt in 1978. The parish need to introduce a good quality organ which is easy to play, is suitable for the church building, is easy to maintain, and is flexible enough to accompany services and play a part in the future musical life of the parish. The parish feel that they need a 'clean break' from the Wadsworth organ, which has not sounded now for over two years, since the main wind trunk blew off. Since that time, the parish have been using their chamber organ (which came into its own during the lockdowns when singing was not permitted), and the PCC have carefully and patiently examined their options. Although a good quality digital instrument would be ideal for a parish in St Barnabas's situation, the will of a generous anonymous donor is that their money should be spent on rescuing and installing a redundant pipe organ of good quality to replace the Wadsworth. The parish have been patient and have explored a few possible instruments, mindful of the advice to 'wait for the right instrument to come along'. It now seems that God has answered their prayers in the form of the Father Willis organ from Weybridge, which is a beautiful instrument, in excellent condition. The parish are aware that they will need to launch an ambitious fund-raising appeal in 2023, but they are confident that they can raise sufficient funds for this instrument to be installed in their church.

8. The parish need a good quality organ in their church to revitalise their worship and the general musical life of the church and the parish. Whilst the chamber organ is a delightful

instrument, it is not capable of sustaining congregational singing. When a faculty was granted for the restoration of the chamber organ, it was on condition that it should not be a replacement for the main organ. Like many parishes, the effects of the Covid lockdowns have been challenging, but the parish have kept going. They hope to revive their choir, and they have a large number of young people who would be interested in joining, but at present the parish do not have the resources to take this forward. There is much enthusiasm for music in the congregation, and in West End Primary School. The parish are exploring partnership with local organisations such as More Music, and they have registered with the Diocese's Choir Church initiative. The parish have many talented local musicians who contribute generously to the church's worship and musical life. In order to create a programme that is more sustainable, they need to make sure that they have a worthy and reliable instrument in the church. Having waited patiently over the past two years for the right organ to come along, the parish firmly believe they have now found it.

9. Apart from the obvious musical benefits to the congregation and the wider community, the PCC are excited to have a good and positive project after the inevitable effects of the Covid period. Assuming that a faculty is granted, the parish plan to start their 'Coronation Organ Appeal'. They are aware that they will have to raise a lot of money, and that fundraising and grant applications can be daunting, but they say that they are up for the challenge. It would be just wonderful to have this organ installed in their church, if not in the year of the Coronation, then shortly afterwards.

10. Having explained the proposal to various people involved in the musical life of the parish, everyone has reacted with great enthusiasm. There is a small minority, including some who may have been involved in the post-1978 amateurish work mentioned in Paul Hale's report, who may object to the proposals because of a strong attachment to the Wadsworth instrument. The PCC strongly feel that this minority have no understanding of the parish's needs. They have been very grateful for the assistance and advice they have received from Mr Tom Bell and Dr Gerald Sumner, both of whom are well aware of the sad history of the Wadsworth organ. The parish feel that they have acted wisely in seeking professional independent advice from Mr Paul Hale, a member of the Association of Independent Organ Advisers. His advice and report did not come cheap, but they have provided the parish with the clear information and conclusion that they needed. With a generous donation, the parish can now 'kick start' their project by salvaging the Weybridge organ and launching an appeal for its installation.

11. The PCC have already made a 'leap of faith' in paying for the salvage of the Willis organ from the United Reform Church in Weybridge. As with the salvage of their chamber organ, the parish have saved an historic, quality instrument from potentially going into a skip. The archdeacon has granted a temporary minor re-ordering licence for the Willis organ to be stored in the aisle of the church, which will then form a physical focus for the organ appeal. Even if the worst happens, and the Weybridge organ is not installed at St Barnabas, the parish feel that they will still have saved it from potential loss, and will have acquired it as an asset which could be installed elsewhere in the future.

12. The parish do not believe that their proposals will harm the significance of the church building in any way. The only visible change to the interior will be the organ case and facade of the Willis instrument, which will incorporate some of the oak panelling from the Wadsworth. A detached console will be placed in the aisle near to the organ itself. Due to the position of the organ in the south-west corner of the church, the difference will not be immediately apparent.

Indeed, more light will be let in through the two small stained glass windows near the organ casing as the Willis organ case is flat and does not ‘bulge’ outwards as the Wadsworth case does.

The progress of this faculty application

13. At their meeting on 22 November 2022, the PCC resolved to employ Gary Owens Organ Builders Ltd to remove the Father Willis Organ from Weybridge United Reform Church and for it to be stored in St Barnabas Church. The PCC also resolved to petition the Diocese for a faculty to remove and dispose of the current three manual organ and install the Father Willis organ in its place.

14. The Church Buildings Council (the **CBC**) have been consulted on the proposal. They responded in December 2022 confirming that they were content with the principle of the proposal and noting that it was in line with advice from the Diocesan Advisory Committee (the **DAC**). The CBC noted that the documents supporting the application did not include details of the rebuilding of the Willis organ, nor did they include a drawing to show the organ in its proposed new location. The CBC advised that it would be appropriate for the organ builder to provide a detailed proposal for rebuilding the organ in the church, with reference to its current condition (on dismantling) so it was clear that all necessary work would be included; and also a clear drawing showing the Willis organ in its proposed new location to indicate the appearance of the organ in that area. The CBC were content for the DAC to review these additional documents and to defer to the DAC over the disposal of the present instrument.

15. The parish have responded to the CBC’s observations by providing additional information about the reassembly of the replacement organ. This has been referred to Mr Tom Bell, who is content with what the parish propose, and maintains his support for this project.

16. On 24 January 2023, the DAC issued their Notification of Advice recommending the proposals for approval by the court without any conditions. They advise that the proposals will not affect the character of the church as a building of special architectural or historic interest.

17. The usual public notices were duly displayed between 12 February and 14 March 2023. These have elicited one letter of objection, dated 11 March 2023, from Mr Paul Grant. He is on the church electoral roll of the parish, and he says that he has twice served as a churchwarden. He refers to recent work in the church, including complete re-wiring, re-ordering of the chancel, asbestos removal, and replacement boilers. He comments that the congregation are wearied by all the time and effort to raise the required funds. The organ builder, Mr Gary Owens, claims that the present organ has reached the end of its life and any moneys spent in it would be wasted. A donor has given £60,000 towards its restoration, not its destruction. The replacement instrument is almost 50 years older than the existing organ. Costs have been put at £110,000, but that does not include disposal or mains connection and maintenance lights. The organ chamber roof also requires repairs. The church cannot afford to instal an organ with so much work to be done on it to become an instrument of ‘national importance’.

18. On 15 March the Registrar wrote to the objector formally notifying him of the two alternative courses of action open to him under rule 10.3 of the Faculty Jurisdiction Rules 2015 as amended (the **FJR**), and enclosing copies of Form 5 for him to complete should he choose to become a party opponent. By letter dated 3 April the objector has chosen not to become a party opponent, and he invites me instead to take his letter of objection into account when reaching my decision on this faculty petition under FJR 10.5. This I have duly done. The objector has

expressly confirmed that he understands that he will not be entitled to participate in the proceedings beyond having his letter of objection taken into account by the court; and also that he will not be entitled to seek permission to appeal against any order or judgment of the court.

19. As required by FJR 10.5 (1), the Registrar invited the petitioners to comment on the objector's letter. On behalf of the PCC, the vicar has commented in detail as follows:

I apologise for the length of this letter, but as this is the only objection to the faculty, I thought it best to respond fully. Some of this will repeat information you will have already read in the application documents, and again, my apologies for this, but I believe they are worth repeating.

I can confirm that Paul is on the electoral roll of the parish. I believe he has only served once as churchwarden, but I may be mistaken.

Paul has taken the opportunity to view the documents relating to the faculty application, and has also met with me and both churchwardens to discuss the project before the application was submitted. Unfortunately, his objections are based on a number of persistent misunderstandings. I will deal with these in the order that they are raised in his letter.

(1) *“Recent work in the church has included complete rewiring, re-ordering of the chancel, asbestos removal and replacement boilers”*

The rewiring and re-ordering of the chancel were carried out during the period 2014-2017. The replacement of the boilers and asbestos removal, which were urgent works required for safety reasons, were carried out at the start of 2019, and all the necessary funds for this had been raised by the end of 2018. The parish has therefore not undertaken a major fundraising project, or any building work beyond routine maintenance, for nearly five years.

(2) *“The congregation are wearied by all the time and effort to raise the required funds”*

The PCC voted unanimously to proceed with the salvage of the organ, the faculty application, and the fundraising campaign. While it was acknowledged that raising the required amount would be challenging, no disinclination to attempt it was expressed during the meeting, and no member of the congregation, apart from Paul, has said to me that they are dissatisfied with the PCC's decision.

Since the display of the public notice just over a month ago, over £16,000 has been donated to the organ fund from several individuals specifically for this project. I consider that this indicates an enthusiasm and willingness for the project to proceed among the congregation. Grant funding will also be sought from various national and local funding streams. The congregation and visitors to the church have spoken enthusiastically about the scheme.

One member of the congregation, who made a large donation, said that he is *“pleased to be able to contribute to such a worthwhile project which has been very well thought out and is a good potential solution to what must have seemed an almost intractable problem.”*

(3) *“The organ builder, Mr Gary Owens, claims that the present organ has reached the end of its life and any monies spent on it would be wasted”*

I am not aware that Gary Owens has expressed any opinion on the state of the Wadsworth organ beyond restating the opinion of Paul Hale in his 2020 independent report. Paul Hale said:

“The organ could be restored to the current tonal scheme or to an earlier or different version. However, whichever scheme might be chosen, the cost will be enormous, as, sadly, absolutely everything needs doing to make the organ reliable. It is frankly impossible to prioritise one task in front of another. This is unusual, and it is for these reasons:

1. Original 1913 elements never restored all need doing [soundboards, pneumatics and bellows leather].

2. The 1978 electrics are now time-expired (as well as messed around by additions) and need to be replaced.

3. Post-1978 additions and alterations are so badly executed, in the main, that they all need remaking or removing.

Regrettably, this is a ‘perfect storm’. Were the organ rare, special, unspoiled, or the work of a firm with a small output of really high-quality organs, then it might possibly be able justify the expense and seek Heritage grants. However, Wadsworth organs are not rare – in their publicity brochure of the 1920s they boasted of having made over 1,000 instruments, of which several hundred are currently listed on the National Pipe Organ Register. Neither are they of really ‘first quality’ in the way that Willis or Harrison & Harrison organs (for example) were. They are thoroughly decent factory products, well worthy of restoration/conservation if not too far gone. However, this organ has, in my view, passed the point where a restoration can be justified.”

Paul Hale is an accredited member of the Association of Independent Organ Advisers.

Tom Bell, diocesan organ adviser has also said:

“The organ suffers from considerable maintenance problems due to poor design, an awkward layout, out-dated or unreliable components, and pipes which do not always relate to one another or speak with unity. What was perhaps a fine organ when originally installed has been altered considerably, and complicated both mechanically and tonally in piecemeal fashion over the years. Merely to throw money at the organ as it stands, in the hope of correcting its many faults, is neither an economic nor a long-term solution.”

From the experts consulted, there seems to be a consensus that the present Wadsworth organ is beyond economical repair. Neither Paul Hale nor Tom Bell has any financial interest in the outcome of this project. I am not aware of any qualifications or accreditations Paul Grant has in the field of organ building and restoration.

(4) *“A donor has given £60, 000 towards its restoration, not its destruction”*

Between January 2019 and March 2020, a total of £30,000 was sent to the PCC's bank account, without the PCC's knowledge, for the restoration of the Wadsworth organ. The donor wished to remain anonymous, apart from the necessary correspondence with the parish treasurer for gift aid purposes. At this point, the PCC had no plans to seek funds for work on the organ, and were not aware of the extent of its problems. The money arrived out of the blue.

After the PCC received Paul Hale's report, they contacted the donor to see if the money could be used for the installation of a replacement pipe organ. In September 2021, the donor responded:

“The cost of repairing the present St Barnabas Organ seems prohibitive, so the option of finding a suitable ‘heritage pipe organ’ in a church which is being closed looks the best bet. I would make the proviso that it should not be something built in the period 1880 - 1960, the nadir of British Organ Building which saw some unbelievably poor instruments.”

The replacement Willis organ, dating from 1865, was selected as it complied with the donor's wishes. It should also be noted that the current Wadsworth organ (1913) falls within the forbidden period.

Recently, there had been some more challenging negotiations with the donor, and the PCC took advice from the Diocesan Registrar, Lisa Moncur, about the extent to which the donor's stipulations could be considered legally binding. However, on 14 February 2023, the donor contacted the PCC by email to state that they no longer had any objection to the proposed organ project. The PCC would be happy to provide copies of the relevant correspondence, suitably redacted, if this is necessary.

Subsequently, around £16,000 of further donations have been made to the organ fund by others, specifically for the installation of the Willis organ. Including gift aid, this means that the current balance of the fund is around £55,000, which represents half of the project cost.

I am not sure why Paul mentions an individual donation of £60,000, as this has not occurred.

(5) *“The replacement instrument is almost 50 years older than the existing organ”*

As stated in section 4, the replacement organ was selected to comply with the wishes of a major donor which excluded the time period 1880-1960. In any case, the expert opinions cited in section 3 do not suggest that age is a significant factor in the condition of the Wadsworth organ, rather, a lack of proper maintenance and a succession of poorly planned and unprofessional alterations - some carried out seemingly without faculty.

The replacement Willis organ is in excellent condition for its age, and has been well maintained to date. Re-leathering is required, and this has been budgeted for in the project. The quality of organs built by the Willis firm is well known, and especially those built by ‘Father’ Henry Willis himself. The age of the organ does not, therefore, appear to be relevant.

(6) *“Costs have been put at £110,000 but that does not include disposal or mains connection and maintenance lights”*

The church has been recently rewired and its electrical installations are modern and safe. The only area of concern is the internal electrics of the existing Wadsworth organ, which will be entirely removed during this project. Gary Owens has confirmed that connecting the new Willis organ to the mains is a straightforward job for a professional electrician and should not be significantly more costly than any of the routine and minor work that is done to the church electrical system each year. As such, the PCC believes that this cost can be met from the general budget if necessary. Again, the current maintenance lights are modern and in good condition. It is likely that these will remain untouched but, if minor alterations are necessary, these should be straightforward and low in cost.

We are aware that the costs of disposal have not been explicitly budgeted for. The current plan is that the dismantling and removal of the Wadsworth organ will be undertaken by volunteers from the parish and local organ enthusiasts working under the guidance of Gary Owens. While this may seem ambitious, in 2019 our chamber organ was salvaged from a closed church entirely through volunteer labour from parishioners and friends. The Willis organ was unloaded into its current storage in the church by Mr Owens, assisted by volunteers from the congregation.

Where possible, Gary Owens will reuse parts in other projects, and it is intended to contact local salvage companies to see if some of the costs can be recouped through sale of redundant parts. Recognising that major works can have many unexpected costs, the project total of £110,000 includes a £10,000 contingency.

(7) *“The organ chamber roof also requires repairs”*

The PCC is aware that part of the roof above the organ area requires repair. There is occasional water ingress during heavy storms above the vestry door to the left of the current position of the organ. It does not appear that any of the water has touched the organ, and no evidence of damage from water ingress was noted in any report. The PCC will ensure this area is properly repaired before the Willis organ is installed.

(8) *“The church cannot afford to install an organ with so much work to be done on it to become an instrument of “national importance”*

We do not believe the project is particularly expensive for work of this nature. The only large scale maintenance that the Willis needs, beyond installation, is re-leathering. This is not absolutely necessary as the instrument still works very well but is prudent at this stage to avoid unexpected repair costs later.

It is not the case that the Willis organ needs a significant amount of work beyond that which would normally be expected for the installation of an heritage instrument. The status of the Willis organ as an instrument of national importance, or not, is not a factor in the PCC’s decision making.

The PCC is well aware that, for a parish among the most deprived in the Diocese, raising £110,000 for an organ project is a significant undertaking. We are also aware that, for a church like ours, any project necessarily requires some level of extra fundraising through grant applications, individual donations and campaigns. In this, there is always an element of risk but, to focus only on that risk would discount any possibility of future innovation and improvement. Without significant effort, we have raised half of the project cost already. We expect that raising the second half will be more challenging, but we are ready for that challenge.

20. On 21 March the Registry received a further email from the vicar reporting as follows:

This morning our treasurer received an email from our main donor, as mentioned in the objection and my reply. The donor has given a further £10,000 (plus gift aid). They have expressed the hope that the installation of the Willis organ will proceed as soon as possible. I'd be grateful if you could pass this information on to the Chancellor.

21. On 15 March Mr Tom Bell, as one of the Diocesan Organ Advisers, responded to an invitation from the Diocese's Senior Church Buildings Officer to comment on the letter of objection in the following terms:

I cannot see any merit in the objection, at least so far as organ matters are concerned. (That the congregation may/may not be weary of fund-raising and expenditure is none of my business of course).

The existing organ is a write-off to all intents and purposes. Gerry (in particular) and I have been round and round on the matter. I am confident any accredited organ builder would condemn the current organ outright, and indeed at least one professional independent consultant (Paul Hale) has done so, proposing instead provision of a new organ based around second-hand material from elsewhere.

It is true that time and money have been devoted to the existing instrument in years gone by, but to be completely blunt this work has been dreadfully and very sadly misguided. My impression is that a member of the congregation has (with the best of intentions, I am sure) given money over the years to 'improve' the organ. These 'improvements' have been carried out by charlatans. I wonder whether any of the works passed the eyes of the DAC or its advisers at the time.

Very sadly, all the time and money expended on the organ has been wasted. The organ has been progressively tinkered with, altered, and expanded in size time and time again. All of this seems to have been unnecessary and the work was carried out by a rank amateur, to the ruination of what may once have been a perfectly decent organ. As things stand, I'm sorry to say that that organ is one of the worst pieces of organ building I have ever encountered. It is a terrible mess, and it is a great shame that the present incumbent and PCC are saddled with sorting out that mess with such limited resources.

To 'restore' the present organ as the objector suggests - which would be tantamount to building an entirely new instrument - would cost considerably more than the church could afford. £200,000? £300,000? More perhaps under present economic conditions. Thus, replacing the organ entirely with a redundant instrument of high quality, as is proposed, is the most cost effective means of retaining a *pipe* organ in that space. For context, the installation of a quality *digital* organ would perhaps cost £50,000-£70,000, with the result having a shorter life than the pipe option.

The objection also raises the *age* of the second hand organ to be provided by Gary Owens. This is quite irrelevant I'm afraid. Very simply it is an instrument of better quality, and in better condition, than the present organ.

I hope that helps. I hesitated to be so blunt, but the current organ really is *that* bad. I wanted to be clear, rather than rude. Hope that comes across!

22. On 16 March 2023 another Diocesan Organ Adviser (Dr Gerald Sumner) submitted the following further report:

I have been advising on the future of the organ at St Barnabas for about ten years. The objector is simply wrong on many aspects of the present organ and its current state. The organ was originally built in 1912 by the Manchester firm of Wadsworth and Brother, a competent firm but at the time, one of the second rank, in my opinion. It was intended to be placed in the west gallery of the church but after World War I the planned west end of the church including the gallery was never completed.

Had the organ been left in the 1912 state as installed there would have been a good case for a simple restoration but in recent years the organ has been added to and otherwise altered in a most unfortunate series of interventions by at least three local organ builders of very variable competence and at least one amateur. The end result has been an organ in need of a complete rebuild from the ground up with new key and stop actions, major rearrangement of the winding, possibly with a new blower, with extensive other repairs and an essential revision of the stop list. At current rates this work could not possibly cost less than £180K, a figure well beyond the resources of the Parish and could not in any case be justified since the tonal result could only at the very best be that of the original organ.

I have not been closely associated with the new scheme involving the import of a redundant Willis organ from the mid-1930s. The Willis firm was one of the leading organ builders of the period and after restoration of the electro-pneumatic actions the result should meet the needs of the Parish very well.

I therefore recommend the granting of the necessary Faculty.

Analysis and conclusions

23. Since this faculty petition is unopposed, I am satisfied that it is expedient, in the interests of justice, for me to determine it without a hearing, and on the basis of the considerable volume of written and illustrative material that has been uploaded to the OFS and is available to the

court. Doing so will help to further the overriding objective of the FJR of dealing with this case justly, cost-effectively, proportionately, expeditiously and fairly. Since the materials that have been uploaded to the OFS present a clear picture of the proposals, and their potential impact on the church building, it has not been necessary for me to undertake a view of the church building or its interior.

24. Consistently with the unanimous views of the expert organ advisers, and the advice of the DAC, and notwithstanding the points so clearly made by the sole objector, I am entirely satisfied that the parish have made out a good and sufficient case for the grant of this faculty.

25. Although the church of St Barnabas is not a listed building, I acknowledge that it is a satisfying example of the work of the celebrated Lancashire church architects, Austin & Paley. I am satisfied, however, that the removal of the existing, redundant Wadsworth organ, and the installation of the fine Father Willis organ in its place, will result in no harm to the appearance, or the musical heritage, of this fine church building, or to any significance that it may have. It follows that the question for this court is whether the petitioners have shown a sufficiently good reason for this organ replacement to overcome the ordinary presumption, in faculty proceedings, that, in the absence of good reason, changes to a church should not be permitted. In my judgment, they clearly have. The church's musical heritage and offering, and consequently its worship, liturgy and mission, will be clearly, and considerably, enriched and enhanced.

26. I am entirely satisfied that the parish have provided a clear, well-reasoned, well-articulated, and convincing answer to all the objections raised by Mr Grant. Insofar as those objections relate to the existing, and the proposed replacement, organs, they are also convincingly refuted by the expert opinions of the two DAC organ advisers and also by Mr Paul Hale, all of whom are consistent in their condemnation of the present sorry state of the Wadsworth organ. The Diocese of Blackburn is blessed in being able to call upon the expertise of such eminent organ advisers as Dr Sumner and Mr Bell; and the court should not disregard their opinions (for which I thank them) without good reason. The Diocese is also blessed in having, in the parish of St Barnabas, a congregation who are firecely committed to installing a fine working organ in their church despite the challenges of living in one of the most deprived areas in the Diocese of Blackburn, and the country, at a time when almost everyone is facing real financial difficulties and hardship. They are to be applauded for their vision and commitment.

27. Even were the parish's refutation of the objections raised in response to the public notice not so compelling, however, I would still have granted the faculty as asked. That is because it is the PCC, rather than this court, which is best placed, and the appropriate forum, for determining, and resolving, issues relating to the cost of proposed works and the justification for spending money on a church organ. There is a consistent body of case law authority to this effect.

28. Thus, in *Re All Saints, Bakewell* [2021] ECC Der 4 (in the Diocese of Derby) the vicar and churchwardens had sought a faculty for repairs and overhaul of the church organ. The cost of the work was estimated at £135,000. There were two letters of objection, but the writers did not wish to become parties opponent. One objector disapproved of so much being spent on the church building compared to the amount spent on mission and growth. The second objector also considered that the amount to be spent on the organ could not be justified, when the organ was little used. Chancellor Timothy Clarke granted a faculty. At paragraph 13 he said this:

In my judgment, issues relating to the cost of the works and the justification for spending money on the organ are primarily matters for the PCC, not for the Consistory Court.

At paragraph 14, Chancellor Clarke cited observations from the judgment of the Dean of the Arches (Charles George QC) in *Re St Mary the Virgin, Ashford* (2010) 13 Ecc LJ 244, albeit in the context of whether funding for a project was achievable, that within the faculty jurisdiction, the question of funding was “... largely irrelevant, save that it is best practice not to grant faculties for schemes with no chance of implementation within a reasonably defined timescale”.

29. That decision is entirely in line with the approach of Chancellor Etherington QC (in the Diocese of London) in *Re St James, Islington* [2021] ECC Lon 1. There the proposal was to rebuild the organ as a hybrid pipe and electronic instrument. There were two parties opponent, plus other objectors. The objections included allegations of irregularity in the tendering process, and questions as to whether the extent, and cost, of the project were excessive. The Chancellor concluded that the PCC were entitled to choose the proposal they had selected in order to resolve longstanding problems with the organ; and he granted a faculty accordingly.

30. The matter was very well expressed by Chancellor Mark Hill QC (in the Diocese of Leeds), albeit in the very different context of an application for a faculty to fell a holly tree, in *St Joseph and St James, Follifoot* [2022] ECC Lee 1. At paragraph 11 the Chancellor said this:

As to the costs of the works, there is nothing in the quotations to suggest that they may be excessive. It is not the function of the Consistory Court to micro-manage the decisions of a PCC in the discharge of its statutory and other functions. In the absence of irrationality or bad faith (which are neither alleged nor apparent) the Court will not interfere with the manner in which the PCC utilises its resources.

31. For these reasons, I will grant the faculty as asked. I give the petitioners permission to apply to the court, by letter to the Registry, for any further directions as to the carrying-out of this faculty, or for its variation, in the event of any difficulties presenting themselves. In order to allow time for further fundraising, I will allow twenty-four (24) months from the grant of the faculty for the works to be completed, or such further period as the court may allow. I will impose a condition that the parish are to make reasonable efforts to re-use or sell the salvageable parts of the Wadsworth organ as soon as reasonably practicable. In the usual way I charge no fee for this written judgment; but the petitioners must pay the costs of this petition, including any fees incurred by the Registry in dealing with this application.

David R. Hodge

The Worshipful Chancellor Hodge KC

The First Sunday after Easter

16 April 2023

View of the Father Willis Organ
when in place at Weybridge



View of the Wadsworth organ
at St Barnabas



Visualisation of the Father Willis organ
when installed at St Barnabas

