

**In the Consistory Court of the Diocese of St Edmundsbury and Ipswich**

**In the Matter of a Faculty Petition**

**The Church of St Bartholomew in the Parish of Orford**

**HISTORY**

1. The church was built between 1170 and 1220 and is a Grade 1 listed building. It is a fine building and internally relatively unadorned. It is well proportioned with the nave and aisles providing a wide central area. Its size, particularly its height, and construction has created a fine acoustic. There has been, and remains, a strong musical tradition. Benjamin Britten's "Church Parables" and "Noyes Fludde" were first performed at St Bartholomew's. The church maintains a choir of approximately 24, a choir director and organist.
2. The organ presently in use was installed as a temporary arrangement after the organ that had served the church was destroyed when the west tower collapsed in the 1830's. It was built by Jacquard Court Bishop & Co and was designed for use in the home and for export. It is, on any view, undersized for the building and of little merit. Whilst it may be adequate to accompany a choir, its lack of reeds, mixtures, and fully developed choruses, together with a heavy action makes it unsuitable to perform the vast body of organ and choral music. The PCC would like to encourage the use of St Bartholomew's for concerts in light of the strong musical and festival tradition of the area, but they are prevented from doing so because the organ is not of a sufficient standard.
3. The parish has been attempting to find an affordable replacement for many years but without success. Over ten years ago a decision was made to try to find a redundant organ from another building which could be installed in Orford. In March 2017 they were offered a Peter Collins organ built in 1977 which was no longer needed by the music department at the University of Southampton. There is no dispute that this is a fine instrument and one which would enhance any church or other music venue. As the petitioner identified, if they fail to take up this offer, there is little likelihood of a comparable organ being offered to this generation.
4. The organ is being offered to St Bartholomew's without charge; the costs they would need to bear would involve storage of the organ pre-installation, transport, and construction.
5. The church has taken great care in the process which they hope will eventually lead to the installation of the organ. To that end they have employed Paul Hale, the

retired organist at Southwell Cathedral and one-time Secretary to the Diocesan Organ Advisers' Conference, as their independent organ adviser.

6. Whilst recognising the obvious merits of the organ as an instrument, there are factors which weigh against its installation in a 12<sup>th</sup> and 13<sup>th</sup> century church:
  - (a) The organ casing is very substantial with the potential to be an overwhelming presence in the church,
  - (b) The casing is very modern in design
  - (c) The colour of the wood casing does not blend with the woodwork of the church.
7. In addition, the cost of maintaining an instrument of this size will be substantial.

#### **THE APPLICATION FOR A FACULTY**

8. The PCC voted unanimously to install the organ when the matter was first mooted at a meeting on 14<sup>th</sup> August 2017. That meeting did not authorise the churchwardens to apply for a faculty and, together with the receipt of an email to the Chancellor which indicated some concern by a member of the PCC that what was described as a notice of appeal against the DAC's refusal contained information which did not represent his views, I invited the PCC to meet again to apply for a faculty. They did so on 27<sup>th</sup> May 2018 and they recorded 10 votes in favour and one against.
9. There is support for the project within the parish, and there is opposition. Because of that I required notice to be given to see whether any formal objections were lodged. The period of notice has now expired, and no objections have been received.

#### **THE DAC'S VISIT AND CONCLUSION**

10. Members of the DAC visited St Bartholomew's in July 2017. They were accompanied by Dr David Knight, the Church Building Council's ("CBC") organ specialist together with the PCC's organ specialist. The DAC considered, before the visit, that the best option was to place the organ in the north aisle towards the west end. Sketches were produced which showed that organ would totally block the north window and partially obscure the aisle's west window.
11. The minutes of that meeting recorded that Dr Knight and the PCC's organ specialist were broadly happy with the proposals. A few issues were raised about the mechanics and, more significantly, where it was not known if there were Victorian vaults below, whether the weight of the organ on a relatively small footprint would be borne by the floor.

12. The DAC had many concerns of their own which centred on its size and the visual impact of the modern casing, the loss of space for visiting musicians or an audience, the heritage impact on the building, and whether the complexity of the organ, and its voicing and volume made it suitable for a church of this size. They raised the question of cost at between £60,000 to £100,000. They questioned whether this was the right organ for the right church. They felt it would be difficult to justify the impact of the organ with the knowledge that it is supplementary to the existing chancel organ and will only be used on a handful of occasions each year.
13. The Chairman of the DAC expressed his view that the footprint of the organ was very small and, because it will stand proud of the north wall, will not impair the light as much as it was thought it would. The PCC organ adviser commented that the organ, if introduced, would be one of the finest in the diocese. At that stage the DAC were not “overwhelmingly supportive of the scheme”.
14. On 10<sup>th</sup> November 2017 the organ was discussed at a DAC meeting. Bishop Graeme noted that the DAC accepted that the organ is a first-class instrument but were unsure of the need to install it. Mr Guy Marshall, a churchwarden, attended the meeting and dealt with the issue of need based on the inadequacy of the present organ, and the benefit that concerts will bring in raising money. He said this was the first organ suitable to their needs which had been found after twelve years of looking for one. He said that there was strong local support. Contrary to rumour, the organ will not be too complicated to play.
15. In subsequent discussions the same points as had been raised at the site meeting were revisited. In addition the DAC raised that the view from the churchyard would be blocked and only the back of the organ would be visible, and that, without a swell, it is a limited liturgical instrument.
16. It was decided to defer a decision until Historic England had commented on the proposal and until they could see the organ casing in place.
17. In order to see what the organ might look like in the church, the PCC decided to install the case in the preferred position in the north aisle at the west end. The DAC asked the PCC to place a mock-up of the casing (using scaffolding) at the west end of the church thereby blocking the west door.
18. The DAC visited the church on 18<sup>th</sup> January 2018, the day after Clare Campbell had visited on behalf of Historic England. The notes of that visit record that the colour of the wood was more acceptable than first thought, and any darkening of the timber would make it more intrusive. It was described as a beautiful, well designed, organ but not for this church.
19. The matter was discussed by the DAC at a meeting on 9<sup>th</sup> February. It was suggested that the organ could be moved further west in the north aisle so as to lessen the impact on the north aisle window and to frame it in the tower arch. An architect

member expressed the view that the organ was totally inappropriate because it created incongruous spaces around it and was overbearing in scale. He felt that, if it had to go in the church, then it should be centred on the tower arch. It was considered that the Statements of Needs and Significance were inadequate and unconvincing. It was felt that the church had been offered an organ which it was now trying to work out a need and desire for. They voted twelve to one, with four abstentions, against recommending the proposal.

#### **HISTORIC ENGLAND**

20. Clare Campbell on behalf of Historic England visited the church on 17<sup>th</sup> January 2018 and reported her initial views to James Halsall (DAC), by telephone. She felt that it was a big thing within the space which draws the eye through its design and shape and does not relate to the architecture. She was persuaded of the need for the instrument for concerts but noted that, at present, there were only four a year. She was not horrified; it was an interesting instrument.
21. She wrote on behalf of Historic England on 14<sup>th</sup> May 2018. She set out the architectural importance of the building and noted that the fourteenth century arcades give a strong architectural and symmetrical character to the interior. Whilst accepting that the interior of the church is large and spacious, she noted that the organ is a very large instrument which does not relate particularly well to the architecture of the interior. She considered that it has a rather uncomfortable 'looming' presence when entering the north door and appears to hover in the north aisle when looking from east to west.
22. Although large organs can be found in other parish churches, it is Historic England's view that the organ is large and does not relate particularly well to the architectural character of the church. In particular it conflicts with the windows, the vertical character of the arcades and the east west emphasis of the building. She noted that it would seemingly have a limited physical impact on the fabric of the building. Although in this sense it might be removed in the future with little impact, the cost of installation and the size of the instrument suggest it would remain in the church for many decades. Historic England accepted, in terms of the need, that music is clearly a very important part of church life and within this part of Suffolk with Aldeburgh Music, but thought it was rather unclear how much demand there is likely to be for concerts and teaching and the financial benefits these would bring.
23. Their conclusion was that the installation would result in some harm to the significance of the church and the benefits this would bring are expressed generally but not in particular detail. On balance, whilst they would not wish to formally object to the proposal, they do have concerns about the installation of the organ.

#### SUPPORT FOR THE PROJECT

24. The CBC visited the church on 11<sup>th</sup> July 2017 and wrote on 27<sup>th</sup> July in support of the scheme, identifying that the position had been carefully thought about and is remote from the main access and processional routes. It was near the place that concert activities happen; it is a position from which the choir sometimes performs liturgically. The church was able to pay for the upkeep from concert receipts. The CBC accepted that it was "...a bold proposal for a bold organ" and that any new organ will have an impact on the quality of space within the church.
25. I have received a copy of a letter to the Revd David Murdoch from the Rt Hon Sir Tony Baldry who reported the CBC's "enthusiastic support" for the project to install a new organ. He set out that the CBC:
- "...consider that the DAC is being far too timid and we consider this is a very worthwhile project."
26. The letter goes on to remind me that I should give appropriate weight to the advice of the CBC which is the statutory body set up to advise on repair and restoration of parish churches.
27. Letters in support of the scheme were received from:-
- (a) The Revd David Murdoch who set out the limitations being placed on the church in hosting concerts and in maintaining a high standard choir and organist at services.
  - (b) From members of the congregation who live in Orford extolling the benefits which the organ will bring. One mentioned how his early misgivings had given way to positive support, particularly now he has seen the casing in situ, and how impressive it is.
  - (c) From a former organist and choir master who considers that there is no aesthetic incongruity in gracing a mediaeval building with an example of superb 20<sup>th</sup> century design. He drew my attention to St Mary's Church, Dorchester which installed a Collins organ and to the effect that it has had on the music there, with the church's website listing a large number of internationally well-known organists who have played there and how it has become a centre within the diocese for teaching the organ. He points to the fact that the organ has been placed blocking one of the windows.<sup>1</sup> As the curator of the organ, if installed, and with many years' experience as a BBC producer, editor of two classical magazines, and as arts manager of several prestigious arts venues, he is confident that it will be possible to fund and run the organ, I presume, through a greater number of concerts.
  - (d) The Music Director of the Aldeburgh Choir and Prometheus Orchestra who described it as a major move forward to have an instrument of such

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<sup>1</sup> It should be noted that St Mary's was consecrated in 1910.

renown and quality in Orford, and to support the benefit of having such an organ at the west end of the church where they would normally expect to perform.

- (e) The St Edmundsbury and Ipswich Cathedral Music Development Director described the location of the instrument as providing a sensitive juxtaposition of contemporary craftsmanship with historic architecture. It was his view that it will enable the church to develop its music in ways which it cannot do with the existing instrument, and it will enhance the church's reputation as an excellent concert venue. He wrote that good music, that values the best of old and new, is a vital component in enabling the church to fulfil its mission.
- (f) A member of the choir who counters the argument that the organ will be a burden on church funds by suggesting that through concerts and other events it will provide a net gain to church revenues.
- (g) The organ scholar at Gonville and Caius College who has decided on a career as a cathedral or church musician as a result of the opportunity he was provided with to study the organ in a church in Suffolk where he had a good, real pipe, organ to learn on.

#### **APPROACH TO THE ISSUES**

28. Before considering the first of the Duffield Questions, in accordance with In Re St John the Baptist, Peshurst 9<sup>th</sup> March 2015, I must first decide what is the special architectural and/or historic interest of the church as a whole. I have taken as my starting point in relation to answering the relevant Duffield Questions that this is a Grade 1 Listed building.
29. The church remains very much as it was in the 14<sup>th</sup> century, other than the rebuilding of the west tower, the installation of an Edwardian Rood screen (which does little to enhance the building) and some interesting contemporary sculptures. Looking at the church as a whole, it provides a very fine example of mediaeval church architecture and is of special architectural and/or historic interest.
30. In considering whether I should grant the Faculty I have followed the guidance on the development in the interpretation of "the Bishopsgate Questions" laid down in In Re St Alkmund, Duffield [2013] Fam 158:-
- (i) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
  - (ii) If the answer to question (i) is "no", the ordinary presumption in faculty proceedings "in favour of things as they stand" is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals Questions iii, iv and v do not arise.

- (iii) If the answer to question (i) is “yes”, how serious would the harm be?
  - (iv) How clear and convincing is the justification for carrying out the proposals?
  - (v) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering this question, the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2\*, where serious harm should only exceptionally be allowed.
31. My answer to Question 1 is “yes”; the introduction of a 20<sup>th</sup> century organ case will result in harm to the significance of the church as a building of special architectural or historic interest. I, therefore, move to Question 3.
32. In my judgment the harm that would be caused would not be serious. The organ is freestanding and, at least in theory, could be reversed without causing any damage to the building. The addition of a modern item into an ancient building is not unusual, whether it be a work of art, sometimes prominently displayed behind the altar or at another focal point, or modern chairs in a cathedral or a modern font or replacement organ. The fact that it is modern does not, in itself, mean that it will cause serious harm. Further, although the perfect position for the organ, both in terms of its look and acoustically would be at the west end, that would be quite impossible. In the position that the casing now stands, it is framed in an archway which to some extent reduces the impact of its size. I have visited the church to see the casing. Whilst it is very substantial, the placing of it behind and centred in the arch did much to reduce its impact.
33. In deciding whether there is a clear and convincing justification for carrying out the proposals, I have considered the Statement of Needs as well as the arguments put forward in the various letters of support. I have no doubt that the present “temporary” organ is wholly inadequate for the church, even for regular worship, let alone for concert use. There is no doubt that in recent years, with falling congregations, the churches which have suffered least are those with a strong musical tradition which are blessed with a good choir and organist. The present organ was never meant to be anything but a temporary replacement for its predecessor. St Bartholomew’s has a rare musical history with its connection with the works of Benjamin Britten. There is a strong musical performance tradition in the area, not only during the festival but generally. The addition of a “bold” organ will, I accept, make a “bold” statement about the importance of organ and choral music in Orford.

34. It follows that I judge that there is a clear and convincing justification for its installation. Whether it will produce additional funds for the church, or whether it will do no more than pay for itself, only time will tell. However, I have no doubt that the church has got an experienced team which is more than capable of making a financial success out of its introduction into the church.
35. I answer Question 5 “yes”. This project is one which will provide opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission and which will outweigh the harm. I have taken into account my decision on the seriousness of the harm being substantially reduced by the fact that it can be reversed, and that, because of its position in the north west aisle, it is less intrusive. Even if I am wrong about that, I find the need for such harm as will be caused by that which I have allowed to be justified exceptionally in any event.

#### CONCLUSION

36. St Bartholomew’s Church needs an organ suitable to its size and its ambitions. They have been offered an organ which may not be perfect in every particular, but the chances of the church being offered anything remotely suitable in the foreseeable future are negligible. This provides a reason why I have considered this application with care.
37. In coming to the conclusion that I shall issue a faculty, I am acutely aware that the DAC felt unable to recommend its installation. I have not taken the decision lightly, and I have had in mind that there is no purpose in having a Consistory Court to make the final determination if it does no more than to confirm on every occasion the decision of the DAC.
38. The siting of the organ against the north wall will obscure the benefactors’ boards (or at least one of them) The issue of the Faculty is subject to the following conditions:
  - (a) The petitioner identifies where the two boards obscured by the organ casing are going to be re-sited. This should be discussed with the DAC and, hopefully agreed with them or referred back to me for a decision.
  - (b) The organ casing is to be sited so that it is framed by the arch in front of it.
39. The works are to be completed within six months.

His Honour Judge Leonard QC  
Deputy Chancellor of the Diocese St Edmundsbury and Ipswich  
8<sup>th</sup> August 2018