

IN THE CONSISTORY COURT OF THE DIOCESE OF ST EDMUNDSBURY AND
IPSWICH

In re All Saints and St Margaret Chattisham

JUDGMENT

1. This is a petition from the lay Chair of the PCC together with a churchwarden and another member of the PCC to;
 - (i) Rehome the organ and buy an electronic replacement
 - (ii) Remove 2 pews
 - (iii) Make 2 back pews on both sides in the nave moveable with castors
 - (iv) Level the floor from tower to the nave
 - (v) Connect a water supply
 - (vi) Fit kitchen units on the north side of the tower with a sink and storage cupboards
 - (vii) Fit cupboards on the south side
2. It is intended to move the organ to St Leonard's, Wixoe. There is a proposed second stage which is going to be the subject of a different petition I understand.
3. An organisation was created in 2018 by members of the PCC and named 'Chattitude'. It was designed to raise funds and create more community events. For the purpose of this petition, I will not hold the name of the organisation against the petitioners. The petitioners wish to use the space created by the removal of the organ to open up the church for more flexible use and for

community activities. There is currently no running water at the church and they say that space is cramped in terms of accessibility. The removal of the organ will create a space where a kitchen can be installed.

4. All Saints and St Margaret is a grade II* listed church whose foundation dates back to the thirteenth century. The contents of the church are an architectural palimpsest of different styles containing different items introduced to the church from its earliest years, through the sixteenth and nineteenth centuries to the late twentieth century.
5. One of the objects introduced to the church in the late twentieth century was the organ. The organ itself was built in the early part of the nineteenth century-between 1825 and 1830. The suggestion is that organ was built by Thomas Elliott a highly regarded organ builder (I am grateful to the DAC organ adviser, Peter Godden, whose report is dated 18 April 2021 for all the information about the organ in this judgment).
6. It is unclear where the organ came from. It was purchased and introduced by Hester Agate, the then organist of the church at some time after 1969. It replaced a reed organ that was in place. For the purposes of this Petition I am going to assume it was installed with the benefit of a Faculty. If it was not, of course, this Petition may be redundant as the organ would have been introduced unlawfully.
7. The Gazetteer of Organs in Suffolk describes it as a 'pretty little early 19th Century organ'. Mr Godden goes on to say that:

It is a very fine small organ in good condition tonally and mechanically. Even so, it is a large organ in this small church, and its position at the front of the West

Tower area hampers the development of the parish's imaginative mission to the local community. The instrument is 158cm wide, 87cm deep, 260cm high. If it were to be moved, the tower area could be opened up and a variety of useful facilities might be installed there. There is nowhere else in the building where it might be sited. There is currently no organist, and it has not been played in public for at least two years. The parish would look favourably on its disposal to a good home elsewhere.

So far as a future organ is concerned, enough space could be created at the front of the church to site a small digital organ which would be perfectly adequate for their musical requirements. There are several makes of good quality durable instruments available nowadays, and I would be happy to give the parish guidance in selecting one. The removal of a single pew at the eastern end of the nave pews to north and south allow for space for a digital instrument and easy access to the communion rail. It was also create a good "performance" space at the mouth of the chancel. The removal of this one pew on either side would also align the pews more comfortably with the vestiges of the former chancel arch. It was noted that there was a quantity of flooring tiles piled up under the tower which could be used to floor the space uncovered by removing the front pews.

8. The PCC approved the application for this petition at the APCM with 7 votes in favour and 2 abstaining. The DAC recommend the grant of the petition. I have seen two letters of support one from Caroline Farrall who lives in Chattisham, who is on the electoral roll and who is active in the life of the Church, and one from Hugo and Margaret Longton who have worshipped at the church for many years and who point out that the organ has only been used once a year for the past seven years.
9. After notices were posted, objections were made. The objectors were content for me to decide the case on the papers rather than in a hearing.

The objections

10. I have received several letters of objection from;

- a. Helen Rogerson, who used to live in the village, used to play the organ and who also organises the choir which sings at the village carol service. Whilst she appreciates the desire to install a kitchen and lavatory to encourage more people to come to church, she does not believe that should be at the cost of losing the organ. The church, as she puts it '*is first and foremost a place of worship*'. She suggests that the recently refurbished Hintlesham & Chattisham Community Hall would be a better place for community events. She states that there is already plenty of room for serving tea and coffee at the back of the church; *indeed this has been happening for several years after the fortnightly Sunday service and a monthly visit by the Rural Coffee Caravan. The plan also proposes removing 2 pews at the back of the church to accommodate larger events, replacing them with "loose" chairs, although where these would be stored is not addressed.* She goes on to say: *There is also a proposal that the organ be replaced with an electronic one, although again, where either of these would be positioned is not clear from the plan. The impact of this proposal on this beautiful Grade II* 14th century building would be devastating. As yet, there are no details of the cost but I imagine this will be significant, and although I understand the church has received a sizeable bequest, I feel this could be put to better use.* Her husband, Malcolm Rogerson, supports and adopts her objections.
- b. Jill Warner, who lives in the village, is on the church electoral roll, has been treasurer of the Church restoration fund for over 10 years and has fund raised in the village for nearly 30 years. She states that the introduction of an electronic organ is not in keeping with the age of a fourteenth century

church. The current organ plays, she says, a vital part of the annual Carol service. Brides '*often*', she says, request the organ to be played at their weddings. She states that it has been possible to provide tea and coffee at the end of services without the need for a kitchen and an organization called Coffee Caravan visits on occasions to run coffee mornings. She questions the practicality of installing a kitchen in such an ancient building and the unattractive appearance of a modern kitchen in the church. She suggests the construction of a separate building for the installation of a kitchen and lavatory and suggests that the Community Hall could be used for meetings and gatherings rather than the church.

- c. Julia Wooley who has been on the electoral roll for 25 years, and has been on the Restoration Committee for 19 years, objects to the replacement of the organ claiming that it is vital for the worship of the church. She proposes that a small extension be built on to the church instead to house a kitchen and lavatory. She states that whilst it is appropriate to use the church for small gatherings, its primary purpose is as a place of worship, not as a social/community centre. She goes on to state that tea and coffee have been served after services for several years and mentions the Coffee Caravan coffee mornings. Contrary, she says, to some comments (that were not forwarded to me) that the organ is never used she assures me it is. The only service she mentions however is the annual Carol Service. She mentions that the local community hall would be a better venue for social events, describing the idea that the church should do so as '*absurd*'. She states that the organ is a 'musical and philanthropic asset' as it was donated by a local resident. Finally she ends by stating: *our daughter's wedding is booked to take place at All Saint's & St Margaret's Church in June 2027 and having the current organ in situ for this important event in our family is paramount.*

- d. Charlotte Woolley, who has lived in Chittisham since she was six, twenty five years ago. She is due to be married in the church and is of the opinion that the organ is at the heart of the experience of being at a church service and is concerned that removing the organ will prevent future generations experiencing music in a way that has moved her very profoundly. She is of the view that catering arrangements are quite adequate at this time. She also appreciated the playing of the organ at the funeral of her younger sister who died after a tragic accident and she identifies the organ as a unifying object for the community at that time.
- e. Catriona Pakenham Walsh, who is a member of the restoration committee for the church and who states that, as the primary purpose of a church is as a place of worship, the present organ should not be removed to provide space for serving tea and coffee etc. She also mentions the regular Coffee Caravan and believes that larger community events could continue to be held at the Hintlesham and Chattisham Community Hall. She identifies both that the current organ is used at the Christmas Carol Concert and that the organ was sourced and funded by two local families , one of whom was the Agates.
- f. Richard Pakenham Walsh, who attends both Chattisham and Hintlesham churches occasionally states that the '*existing structure*' is more than adequate for social gatherings/cultural events and post Sunday services. He goes on to state that the integrity and character of the Grade II* listed church will be materially compromised. He claims that there is a strong musical tradition in the church and claims that the organ is '*regularly used ... for example the annual carol service*' he goes on to say '*the proposal to replace the organ with a soulless electric version will be a very poor substitute.*' He also claims that there is no need locally for the proposed facilities: '*community events for both villages have always been held very successfully at the Hintlesham*

& Chattisham Community Hall. The money, he says, would be much better spent on repairs to the fabric of the church. He asserts that 'there is sadly a wider trend in the country toward removing organs from parish churches. It is hard to escape the conclusion that this is a band wagon onto which the PCC have jumped enthusiastically but without giving due consideration to whether this is really in the best interests of Chattisham Church and the wider local community. I fear that in years to come, the church will come to regret that it allowed such cultural vandalism to happen on its watch'. He concludes 'there is absolutely no reason for the diocese to permit it in this case. He concludes by criticising the 'lack of transparency' in the PCC's dealings.

- g. Michael Bensley, who has been a resident of the village for 83 years who puts his objections succinctly; *'I object to a kitchen in an historic church. The organ has been part of the church for nearly 50 years and it should stay there. The money would be better spent on repairs inside the church as it is in need of repair.'*

Assistance from the DAC

11. Having read the concerns about possible change to the listing of the church I made enquiries as to why the amenity bodies had not been consulted about this proposal. I received an extremely helpful note from the DAC secretary who explained that the amenity bodies had not been consulted for various reasons;

- a. The church was listed Grade II* in 1955. The organ was not introduced until 1969. He goes on to say:

The instrument is undoubtedly historically significant in its own right for reasons already well explained in the organs adviser's report. But it is a moot point whether it can be said to constitute part of the building's special interest – that is to say, the quality that listed status is conferred to preserve – as contended by the objectors. Though the texts of list descriptions are seldom exhaustive, we may be

fairly sure...that it does not cover and could not have covered the organ. The high aesthetic quality of the case means that it makes a positive contribution to the interior of the church, but it was not designed for this location and I suspect may originally have been made for domestic use.

The architectural evolution of the interior wants research, but it is clear that the remaining fittings in the church date almost in their entirety from the High Victorian period. The West Suffolk volume of The Buildings of England states that restorations were carried out in 1868 and 1908 and although no further details are given, the stylistic treatment of the congregational seating, altar rails and surviving section of the pulpit is consistent with the earlier date. The integrity of this ensemble was compromised in the later 20th century by the removal of the chancel seating, partial dismantling and re-siting of the pulpit, and the dismantling of the reredos with the relocation of the Decalogue boards to the lateral walls of the tower.

The organ case is neoclassical and thus has only a limited measure of group value with the Victorian fittings. It is located in the base of the tower rather than a purpose-built organ chamber and only minimal modifications to the fabric appear to have been carried out in order to accommodate it. It seems to be held in place by its own weight. This area was historically the ringing floor and would revert entirely to that function following its removal.

b. In relation to consulting the Amenity bodies he concludes:

None of the national amenity societies would appear to have a clearly defined locus. The probable date of the organ puts it in the chronological remit of The Georgian Group, but the church itself and the remainder of the fittings do not and, as stated above, the organ was not made for this location, meaning that they would be unlikely to have legitimate grounds for objection. The Society for the Protection of Ancient Buildings would be the lead consultee in most other instances, but, as stated explicitly in the accompanying document¹ originally forming the basis of a

¹ Not attached to this judgment

presentation given in 2014 to southeast region DAC Secretaries, organs are excluded from the matters on which they wish to be consulted. Historic England does not generally comment on the introduction and disposal of movable items. For all these reasons I took the view that Rule 9 did not apply and that there was no reason to carry out external consultations. Although the removal of a good quality item that makes a positive contribution to an historic interior causes a small degree of harm, I viewed this as less than serious and outweighed by the benefits to mission to Chattisham, discussed at site visits in the past, which would be achieved by releasing the space occupied by the organ and installing a servery at the west end of the nave. The organ would remain in a public space and would also bring benefits to the mission of St Leonard's church in Wixoe by allowing for an instrument there which is now beyond economical repair to be superseded. There has been no organist at Chattisham for some time now, whereas at Wixoe it would be brought back into regular use. Though there are clearly matters raised by the objectors which you must take into account when deciding the petition, I do not believe that these can be answered solely by reference to heritage legislation.

Discussion

12. I have considered with care the objections made to this petition.

13. The test for me to apply is set out in the 'Duffield' judgment namely:

- (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- (2) If the answer to the question (1) is 'no', the ordinary assumption 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 (see *Peak v Trower* (1881) 7 PD 21, 26-28, and the review of the

case law by Chancellor Bursell QC, in *In re St Mary's, White Waltham* (No.2) [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.

- (3) If the answer to question (1) is 'yes', how serious would the harm be?
 - (4) How clear and convincing is the justification for carrying out the proposals?
 - (5) Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *St Luke, Maidstone* [1995] Fam. 1 at 8), 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?
14. The DAC secretary, whose letter to me I am going to assume reflects the discussions amongst the DAC, informed by site visits to the church, is of the opinion that the removal of the organ would cause a 'small degree of harm' to the significance of the church as a building of special architectural or historical interest, and that the benefits to the work and mission of the church outweigh the harm caused. I have to decide if the small degree of harm is in fact, outweighed by the missional and other benefits to the church.
15. If I can summarise the objections they are;
- a. The loss of the organ will affect the worship in the church
 - b. The organ is regularly used in the church
 - c. The loss of the organ will or may affect the listing of the church
 - d. The introduction of an electronic organ is inappropriate in this church
 - e. The introduction of a kitchen area is unnecessary and/or inappropriate for this church. Refreshments after services and concerts can either be supplied

through the current arrangements or by using the Hintlesham and Chattisham community hall.

- f. It is important that the organ should be retained for special services, including weddings and funerals.
- g. The money should be spent on restoring the fabric of the church
- h. Rather than remove the organ the church should build an extension to house a kitchen and lavatories

16. I will deal with these seriatim;

- a. The organ is due to be replaced by a digital organ, the sound of which should be as similar to the current organ as possible,
- b. I have no evidence that the organ is used 'regularly', the only evidence I have heard is that it is used at Christmas for a Carol service
- c. I am satisfied that the removal of the organ will not affect the listing of this church
- d. Electronic organs are in use in churches and cathedrals up and down the land. If the concern is aesthetic, that has some weight but I have to balance that against the missional opportunities offered by making the church more flexible and open
- e. The petitioners are clearly of the view that the current arrangements for providing refreshments after services are inadequate. Having checked on Google maps the community hall is 5 minutes' drive or 33 minutes' walk away from the church.
- f. It is important that an organ is retained in this church. The parties opponent have yet to establish why it has to be this one
- g. I have no control over how an elected PCC spends its money. This proposal was voted for at an APCM and was passed by a majority.

- h. The Petitioners drafted this petition having taken a vote at an APCM. It is not my task to suggest alternative possible petitions.
- 17. I appreciate the level of concern raised by the objectors who clearly have a keen interest in the parish church but I am not satisfied that their objections outweigh the benefits 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.
- 18. This petition passes the seal with the following conditions:
 - a. St Leonard's Wixoe are to petition for the installation of the organ,
 - b. If the Faculty is granted, the organ is to be removed and rehomed by expert organ movers to St Leonard's Wixoe,
 - c. The organ for All Saints and St Margaret, Chattisham is to be replaced by a suitable organ after consultation with the DAC's organ expert for an electronic organ capable of recreating the noise of a pipe organ,
 - d. The new organ is to be introduced and housed in as discreet a way as possible so that it does not look out of place in the church,
 - e. If the floor beneath the organ turns out to need to be made good when it is revealed, then the DAC's advice should be sought and approval obtained for any works that turn out to be required

5th August 2026

Justin Gau
Chancellor