

**IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL
IN THE PARISH OF ST ANNE, STANLEY AND ST PAUL STONEYCROFT
CHURCH OF LIVERPOOL STANLEY; ST ANNE**

JUDGMENT

1. BACKGROUND: The church of St Anne, Stanley ("St Anne's") is a busy Grade II*urban parish church. It is situated in the Old Swan area of Liverpool approximately 3 miles from the city centre in a busy urban area. It is described as having a traditional "picturesque postcard" look with a tower, two porch entrances, front and rear church grounds with some gravestones including some war graves.
2. In the early 19th century, the districts known as Old Swan and Stoneycroft were one scattered hamlet. After the opening of the Liverpool and Manchester Railway in 1830, the area developed rapidly. The first church was consecrated in 1831 and in about 1878, additions were made to the building. The present church effectively replaced the smaller "preaching box" style of church and was consecrated in September 1890. The church was designed by Aldridge and Deacon and can be described as "early English" in character. It was endowed by members of the Harrison family who owned an important shipping line in Liverpool. The exterior is of local Woolton stone and the interior of ashlar Runcorn stone. The church can be described as having a conventional layout of nave, chancel under a reduced height roof, north transept, two aisles, two entrance porches on the south side, a tower between the eastern porch and Lady Chapel to the right of the chancel, vestry and offices on the north side of the chancel, all built in the early Gothic revival style.

3. The church is "traditional" in its style of worship; the Eucharist is the main service with a four-part choir of up to 36 choristers. Interestingly, at its centenary celebration in 1990, a specially composed anthem "Christ is our Corner Stone" was composed by Noel Rawsthorne the former cathedral organist, which is now widely sung in cathedrals and churches over the country (and indeed has been sung by the writer).
4. THE PETITION: The petition seeks "to replace the current tuba rank with the rank from the redundant organ at St Elphin's Church Warrington, on the understanding that if the rank is ever required to be returned, it can be done so, and our original rank re-installed. Any modifications made to taller pipes is completely reversible and will be done at the cost of St Anne's. The current St Anne tuba rank will be held in storage. In addition, installation of a small booster chest to the organ. All work will be carried out by David Wells Organ Builders Ltd."
5. The petition is un-opposed, and the required notices have been given. The estimate to undertake the works is £9636 plus VAT. The funds are available by reason of a generous gift.
6. The organ at St Anne's was the gift of Thomas Fenwick Harrison as a memorial to parishioners who had died in the Great War. It was built by the well-known Liverpool firm of Rushworth and Dreaper in 1916 and is an attractive three manual instrument with some 1810 pipes. Over the years a considerable amount of work and maintenance has been undertaken to the organ mostly by Rushworth and Dreaper, and latterly by the Merseyside Pipe organ and piano workshop.
7. The original organ did not have a tuba. In 2008 a tuba stop was added to the organ from holy Trinity Church Coventry, but this appears to have been replaced in about 2013 from another Rushworth and Dreaper organ in Bristol.
8. THE STATEMENT OF NEED: In the statement of need, the vicar and wardens state that there is a constant striving to make the organ sound "the best it

possibly can", and the existing tuba rank is described as "not bad" but not as good as it could be.

9. The pipe organ at the church of St Elphin's is not in use, and the PCC at St Elphin's have agreed to the long-term loan of 61 tuba pipes from their organ to St Anne's, on the understanding that should the St Elphin's pipe organ ever be rebuilt or sold, then these are to be returned to St Elphin's church.
10. I understand that St Elphin now has a digital instrument and has done so since about 2005.
11. Having considered all the documents lodged on the online faculty system, I raised a query through the Registry about the "long term loan," as although the possibility of St Elphin's seeking the return of the tuba rank appears to be remote, I wanted to ensure that the petitioners at St Anne's were cognisant of the potential risk. The Revd. Emma Williams, Vicar of St Anne's responded to my query in an email to the Registry dated 3 April 2024 in which she said; "in St Anne's, we are well aware of this arrangement and fully prepared to carry this "risk" moving forward. It is our desire to hear these pipes speaking in the meantime to the glory of God and if in the end we have to return them, then so be it. We will have the delight of them until then. Please assure the Chancellor that we do totally understand what we are agreeing to, and all is easily removable from within St Anne's if necessary."
12. The proposed works have the full support of the diocesan organ adviser and David Wells organ builders (who look after the Anglican cathedral organ as well as several other organs both within and outside the diocese) agree that the rank of pipes from St Elphin's would suit the organ chamber and church at St Anne's perfectly, complementing the other ranks which have already been installed across the four divisions.
13. I have examined the specification of works from David Wells who are able to remove the tuba rank of pipes from St Elphin's, make appropriate

modifications and fit them at St Anne's. There will be an additional blower to meet the desired pressure of 15" (as opposed to the existing 8").

14. THE LAW: If changes to a listed church building are to be authorised by the grant of a faculty, a number of questions have to be addressed which were determined by the Court of Arches in *Re St Alkmund, Duffield [2013] Fam 158*, and further developed by the Court of Arches in *re St John the Baptist, Penshurst [2015]*.

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.

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 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 II*, where serious harm should only exceptionally be allowed.

15. If the questions above are addressed, there is a framework provided within which any harm caused by the building alterations may be assessed against the benefits which are achieved by those alterations. Essentially this involves a balancing exercise.

16. In assessing any degree of harm, the court will take into account any qualified or expert evidence, any amenity societies or specialist bodies, the strength of the objections and any evidence provided by those who have been associated with the church over many generations. The court may also be able to rely on its own experience assisted by any on-site inspection and previous reported cases decided by chancellors in other dioceses with substantially similar work.

Essentially any objective assessment is aided by understanding the evolution of heritage, and the degree to which adaptations to living buildings can be made whilst preserving the historic and aesthetic aspect insofar as possible. If harm is established, the secondary question for the court as a broader and more subjective one based upon the evidence adduced by the petitioners as to the need for the changes.

17. ANALYSIS: in this case, I have little difficulty in coming to the conclusion that the installation of the tuba rank pipes would not result in harm to the significance of the church as a building of architectural or historic interest. Indeed, I am satisfied that taking into account the style of worship and the music repertoire (which I have seen), the installation of the tuba rank from St Elphin's will enhance the worship and music at St Anne's. It seems to me that bearing in mind St Elphin's have not used their instrument for many years, it is unlikely that they would seek its return, although that is a risk which I have already addressed and is a risk which the petitioners fully understand and are prepared to accept.

18. CONCLUSION: Accordingly, I grant a faculty for the proposed works. There is no issue in relation to funding. Therefore, subject to the availability of the organ builders, there is no reason why the works cannot commence promptly. I attach a condition to the works that St Elphin's must give St Anne's a minimum of 6 months' notice should they wish to seek the return of the tuba rank, or to sell their organ. The petitioners are aware that the costs to "uninstall "will have to be met by St Anne's should this ever arise.

District Judge Ian Knifton

Deputy Chancellor, Diocese of Liverpool

16th April 2024