

considerable historic interest and, while there were no formal objections, English Heritage, the Victorian Society and the Church Building Council had all expressed reservations during the consultation process. The chancellor found that the petitioners had discharged the burden of showing that the works were necessary and that the necessity outweighed the adverse effect on the building. However, the archdeacon raised concerns about the cost of the scheme and the difficulty of raising sufficient funds. The chancellor ruled that, prior to the works commencing, the petitioners should provide the court, via the registrar, with a certificate with evidence from a quantity surveyor as to the cost of the scheme and evidence that adequate funding was in place at the time. [WA]

doi:10.1017/S0956618X09990172

Re St Nicholas, Nuneaton

Coventry Consistory Court: Gage Ch, December 2008

Extension – removal of pipe organ

The incumbent and PCC sought to re-develop a Grade II listed former school within the churchyard, link this to the Grade I listed church by means of a newly constructed foyer and re-order the interior of the church. There were no objections to the first part of the scheme and planning permission had been obtained. A faculty was granted for the works to the school, the construction of the foyer and the siting of a car park within the churchyard, with the proviso that any disturbed remains be re-interred and the burial site recorded. There were three objections to the internal re-ordering, primarily concerning the disposal of the existing pipe organ and its replacement with a digital organ. The space left by the removal of the organ would provide for a new vestry. The Diocesan Advisory Committee had recommended removal, against the advice of its specialist adviser, on the basis that there was no reasonable alternative site for the vestry in the re-ordered church. The chancellor applied the *Bishopsgate* questions, concluding that in all matters save that of the organ the test of necessity had been successfully shown and that this necessity outweighed the adverse effect on the building. On the organ, the chancellor held that it was a fixture rather than a chattel and, as such, applied the same principles to his decision on this question as to the other matters. He held that the petitioners had not shown sufficient weight of necessity and encouraged the petitioners to find a suitable alternative site for a vestry within the re-ordered complex of buildings. [WA]

doi:10.1017/S0956618X09990184