CONSISTORY AND COMMISSARY COURT JUDGMENTS 2009

DatePlaceDioceseChancellor12 JanuarySt Swithun, Long BenningtonLincolnBishop

Reservation of a grave space for first Petitioner in a double depth grave with body of her partner of 25 years who died earlier and a space for second Petitioner next to her parents. There is plenty of room in the churchyard and PCC had no objections. Objection lodged by the three children of the deceased and his former wife on the grounds that the relationship between the deceased and the first Petitioner had broken down 5 years before he died and they were not married; that it would be upsetting for them to visit their father's grave knowing the first Petitioner was buried there; and that the deceased, being very traditional, would want his children buried beside him in order of age. First Petitioner denied all of this. Chancellor is convinced that statements lodged by the objectors bear long standing grievances against the first Petitioner and is not prepared to accept them. Faculty granted.

14 January St Andrew, Surbiton Southwark George

Demolition of existing vestry and construction of new extension for foyer, kitchen, toilets and meeting rooms. Re-ordering to include, among other things, a new doorway in southern wall to access the new extension and removal of choir stalls to both of which the Victorian Society objects. They recommend a narrower arched brick opening without the retention of the tops of the lancet windows which they would like to see relocated to another window. Choir stalls are original to the church and an essential part of the design of Blomfield's east end. The Church Building Council also has the same reservations as well as concern about re-positioning the font. After visiting the church, Chancellor satisfied that the font will be in a position where baptisms can more readily been seen with more space for families; the choir stalls are too long, not easily moveable and will block the proposed disabled access; retention of the tops of the three lancet windows above double glass doors will give the appearance of the church and extension becoming one. Faculty to be granted subject to compliance with conditions of planning permission and that drawings must be approved by DAC before work commences save the design of the doorway which will be determined by Chancellor

14 January Re: Firth, deceased, Undercliffe Bradford Walford Cemetery

Exhumation of Petitioners' son from Undercliffe Cemetery for cremation. Application supported by deceased's brother and sister, by the vicar and by Petitioners' GP. Undercliffe Cemetery has now restricted its opening times and thus severely curtailed the Petitioners' daily visits to their son's grave. They have suffered countless incidents of vandalism and theft from the grave but find they are unable to endure the ongoing stress

and worry and being unable to visit as and when they wish in too much to bear. Chancellor is satisfied there are special factors and faculty is granted.

29 January Church of St Mary the Virgin Bath and Wells Briden Bishop's Lydeard

The obsolete electrical circuits were renewed under the authority of an appropriate faculty but as well, the lighting installations were replaced by a new scheme which wasn't covered by the faculty and is therefore unlawful. It has been inferred that the new lighting arrangements are very satisfactory but removal of the pre-existing fittings has been the subject of criticism from the 20th Century Society stating that the new system over lights a subtle and carefully proportioned interior and also that two of the pendants obscured the view of the rood screen. It is accepted that there was a genuine mistake about the extent of the faculty for renewing the wiring system but it works and the congregation is happy with it. Confirmatory faculty granted.

30 January King Charles the Martyr, Falmouth Truro Briden

Grade II church built in 1662 which has undergone substantial modification over the years. Re-ordering to include extensive remodelling of the interior of the tower with lift and toilet, new spiral staircase to the gallery and a new ringing chamber. Supported, with small proviso, by PCC and DAC but objections from some parishioners to the ringing chamber which is seen as unnecessary and costly. Petitioners argue that the town needs a peal of bells for civic occasions and church services and encouraging the art of bell ringing will involve the community in the church. As money for the project is not yet available, a faculty will be granted on condition that no phase of the project should commence until at least 75% of the money needed for that phase has been raised, and that any historic fabric affected by the works should be carefully preserved and incorporated into the design.

31 January All Saints, Ockham Guildford Jordan

This is a Grade I 13th Century church with a square tower added in the 15th Century and a funerary chapel constructed in the 18th Century. I has very few facilities, no vestry, no toilet, sink or hot water. Proposed construction of a vestry with disabled WC and sink unit for preparation of hot drinks. Georgian Group registered objections considering any extension to be unacceptable in historic building terms. English Heritage thought the proposal over-complicated for its size but concluded that it wasn't damaging. The CBC and SPAB set out its views on the proposal and put forward suggestions for lessening the impact of the roof of the new extension. Petition granted.

31 January St Stephen, Burnley Blackburn Bullimore

To enter into an agreement with O2 for installation of four 3G telecommunications antennas behind replacement louvers in the church tower with associated equipment in the basement, bringing in an income of £6000 per annum. In the absence of any

objections, faculty was granted in 2006. Subsequently many objectors applied for the faculty to be set aside on basis of there having been no proper notification and this was done in 2007. Public notice was re-exhibited both inside and outside the church and in a local paper and two local schools after which there were few objections. It appeared that many simply wished to ensure the proper procedure was followed. Most objections were about the health risks, the publicity, overall procedure and the method of raising money which appeared to be more important than the welfare of the parish. Chancellor rejects the various criticisms and objections. Petition allowed.

2 February St Giles, Ashtead Guildford Jordan

This Grade II 13th Century church has had numerous additions and changes with a major restoration in 1862 which now characterises the church's interior. It is proposed to redecorate and relight the interior, heighten floor levels to eliminate steps, removal of two pews to create a welcome area, construction of a WC, widen entrance to vestry for wheelchair users and install a new audiovisual system. There was concern in halving the vestry size to accommodate a disabled toilet which would severely limit space for robing, meetings and as an office. Objections to the welcome area with fears of it being used in an unseemly manner as if it were a coffee morning, and to the laying of carpet over well worn flagstones. Petition granted.

4 February Church of St Margaret of Antioch Bradford Walford Ilkley

Faculty granted in 2007 for glass doors of church to be engraved in accordance with drawings to a design by Graeme Willson. During the course of carrying out the commission, Mr Willson strayed from the authorised design by giving angels cruciform halos rather than blank discs which has caused considerable debate. Divergent views as to whether Mr Willson contravenes the faculty or whether it is a case of legitimate artistic modification. Much distress was caused to Mrs Darley whose gift the doors were and to Mr Willson. Retrospective faculty granted.

8 February St Swithun, Long Bennington Lincoln Bishop

Provisional assessment of costs for judgment of 12th January 2009 of £1500 plus VAT Registry costs and £100 Chancellor's costs to be paid by the Petitioners.

13 February St Mary, Ticehurst Chichester Hill

Construction of an extension to this Grade II church to form a children's chapel and meeting room with kitchen facilities, toilet and wheelchair access. SPAB was contacted and their reply indicated that it was opposed to the proposals. No more correspondence with SPAB was entered into, effectively ignoring their objections, and on receipt of the Diocesan Advisory Certificate and local planning permission, a faculty was sought. SPAB should have been asked to withdraw its letter and a letter of withdrawal lodged at the same time as the petition. In the event SPAB do not wish to become a formal objector

but do stand by the content of their letter which showed concern as to the extension being attached by a link, that the facilities could be placed within the present structure and that the extension would compromise the symmetry of the church. Chancellor concludes that the proved necessity justifies the adverse effect. Faculty granted.

17 February Christ Church, Cockermouth Carlisle Tattersall

Minor re-ordering to allow greater flexible use of this Grade II listed building, to include removal of existing pews, provision of new toilet, kitchen facilities and the re-location of the font and pulpit. Much opposition to the first proposals which were abandoned. Findings of a questionnaire sent to parishioners showed high proportion of support for current proposals as well as support by PCC and DAC. Thirteen objectors concerned with the overall cost and while agreeing that much of the work is necessary, some is not such as the removal of pews, relocation of pulpit and font, and meeting room at rear of nave. Statement of need was considered and the faculty granted.

24 February St John the Baptist, Dudley Worcester Mynors

Petition by the daughter for the exhumation of cremated remains of father from St John's Churchyard to be re-interred with the body of her mother who died recently and her brother who died unexpectedly only months before her father in the family plot at Queen's Cross Cemetery. The parents always expressed their wish was to be buried together even though the father wished to be cremated and the mother buried. The then vicar of St John's suggested that the father's remains be buried there, knowing that there was no space for the interment of bodies while also knowing that they wished to be together. Chancellor satisfied that their circumstances fall within the exceptions to the norm that Christian burial is final. Faculty granted

24 February St Mary & David, Kilpeck Hereford Kaye

Application to erect a grave stone made of red stone similar to that used to build the church, in memory of deceased partner. Memorial considered by the DAC to be imaginative and of artistic merit although it doesn't comply with the current Churchyard Regulations and is not supported by the present priest-in-charge because it lacks sympathy with other memorials, that it has caused a division in the community, it would open the floodgates for other applications and that there is unwarranted pressure on the PCC because the stone has already been made and placed in the garden of a family member of the village. Chancellor notes the obvious considerable care and thought that has gone into devising a unique and special memorial dedicated to an artistic and creative lady. Petition granted.

24 February Great Malvern Priory Worcester Mynors

Proposed removal of nine bells hanging in an 1887 bell frame in this Grade I listed 900 year old church and re hang with new fittings in a new metal frame with the addition of

two new bells. Opposed by English Heritage who believe that there is a possibility of retaining and strengthening the existing bell frame. Although there are no other objections, a compromise could not be reached with EH who wish to explain its position at a hearing. The condition of the installation is fair although the fittings need some attention but EH believe that strengthening the existing frame and introducing two new bells could be done for the same price as that of replacing the frame and may be cheaper with the availability of a grant. The Petitioners state that full circle ringing is difficult due to weight and difficult "go" of the bells mainly because of excessive movement caused by lack of anchorage. This is making it hard to retain existing ringers and train new recruits. Over the years advice given by several bell experts maintain it would be better and cheaper to install a new frame rather than try to strengthen the old one and the addition of two further bells without significant re-arrangement would be impractical and costly. If parishioners were not convinced about repairing the frame instead of replacing, the money would not be raised. Chancellor concludes that the bell frame is a feature of some special historic interest and its removal would adversely affect the character of the church, that the repair of the existing frame would be just as effective as a replacement frame and that the costs of each option are comparable. Petition denied.

26 February Re: Peter Hudson, deceased Carlisle Tattersall

The deceased's daughter wishes to exhume her father's body from Bromfield for reburial in Carlisle Cemetery where he had bought two grave spaces for himself, his wife, daughter and her husband. He had since divorced, remarried and moved to Bromfield with his new wife. Diagnosed with a terminal illness, he expressed his wish to be buried in Bromfield and chose a burial plot himself. He died six months after moving to Bromfield. His second wife has since remarried and moved to France. His daughter wants to carry out her father's original wishes to be buried in Carlisle but Chancellor accepts that wishes change with time and concludes that the facts presented do not justify an exception to the general rule of burial. Petition denied.

2 March St John the Baptist, Feckenham Worcester Mynors

Re-ordering of the west end of this Grade II church of special architectural interest. The church has undergone various re-ordering over the years but now needs to comply with the Disability Discrimination Acts including better entrance, toilet facilities, kitchen, dedicated storage space, a meeting room and greater circulation space inside the main south entrance. Objectors concerned about "unnecessary" building works as the last re-ordering only 20 years ago works sufficiently well. Concern that the meeting room would be smaller, although the new area at the rear of the nave would be more attractive for meetings, and that the chair store would also be smaller. Concern also that there would be nowhere private and secure to count the offertory and store the safes, and whether a lift was really needed. Chancellor satisfied that the works would solve many problems while creating others but that it is the best scheme apart from the introduction of a lift. Faculty granted for proposed works other than the platform and wheelchair lift.

13 March St Peter the Apostle, Draycott Bath & Wells Court of Arches

Appeal from a judgment of 12 November 2007 in which Chancellor rejected sale of the font to a private collector but suggested sale to a museum or by auction with a reserve price. The Victorian Society and the Church Buildings Council seeks leave to appeal against these orders stating that the font was not redundant, that it was a significant asset to the church and that the church does not face such a financial emergency that would justify this sale. They also stated that a font may not put to any other use other than the administration of baptism but the court found there was no legal principle prohibiting the disposal of a font under faculty. Argument was put forward as to whether the font was a chattel or a fixture determining if the St Gregory Tredington or the Bishopsgate questions applied. Question asked is whether Chancellor could properly conclude that there is a genuine financial emergency. Money needed for the roof and guttering, heating, seating and plaster repairs to bring the church into a "first class condition" otherwise, it was intimated by the Archdeacon, the church may well close. The court did not accept this and believed that the Chancellor's view of this financial emergency coloured his approach to the balancing of points for and against selling the font. Appeal is allowed.

17 March St Michael and All Angels, Oxford Bursell Sandford

Four faculty petitions relating to same area of churchyard. To reserve single grave space for the paternal grandparents of a 7 year old boy who tragically died of a brain tumour in 2004; to reserve two grave spaces for the boy's parents; to re-instate 3 headstones which were illegally removed; and to erect a memorial at the head of the boy's grave. It has taken many years for the parents to come to terms with their child's death and have only now chosen a memorial for the grave which is similar to others in the churchyard. However it did not fall within the churchyard regulations and matters were delayed because of confusion with letters between the registrar and the priest in charge. Also concern over the growing number of ornaments etc that are appearing in the churchyard against regulations resulting in a working party being set up to address the problem. Letters were sent to the relatives of the offending graves, including to the parents of this boy which prompted a very desperate and emotional response from the father. At a meeting with the priest in charge, the parents were urged to seek a faculty if they were unable to agree to a memorial that fell within the regulations. Unfortunately their choice of memorial in blue pearl granite with three hearts, a carved dolphin, an etched photograph of the deceased, an etched rainbow and a boy taking a stairway to heaven along with two inscriptions and a large flower container, departs from the regulations somewhat, albeit a compromise on their original memorial. It was pointed out that this memorial is much larger than others in the churchyard as it is also intended as the memorial for both parents. Chancellor permits a memorial only within dimensions identified in the regulations, but it may in the material requested, in a heart shape, with one inscription, one small etching and in this case only, the football flower vase. No kerbs, slabs, shingle or chippings are permitted and all ornaments etc must be removed within 6 months of this judgment. Faculty granted for the three reserved grave spaces.

29 March St Swithun, Long Bennington Lincoln Bishop

Provisional assessment of cost made on 8th February 2009 of £1500 plus VAT Registry costs and £100 Chancellor's cost to be paid by Petitioners. Written submission by Petitioners accept the quantum of costs but submit that the conduct of the objectors was unreasonable and therefore all or some of the costs should be borne by them. Chancellor disagrees and confirms order for costs to be paid by Petitioners within 3 months.

30 March St Mary, Ticehurst Chichester Hill

Faculty issued on 13 February 2009 for extension to form a children's chapel and meeting room with kitchen and toilet facilities and wheelchair access. Stay of proceedings to determine the adequacy of public notice as referred in a letter of 5 March. It appears that possibly only the face and not the reverse of the Notice was displayed, the reverse giving the address for objections and the deadline by which objections should be received. The churchwarden is adamant that both sides were on display, the reverse having been photocopied. Chancellor makes no factual findings on this matter. The objections were mainly to the cost of the project and the impact it would have on the existing building. On the face of it, the determination of the petition would have been no different and the faculty still granted, therefore the stay be lifted

1 April St Peter, Slinfold Chichester Hill

Modest extension to provide kitchenette, storage and disabled toilet. Project has been under consideration since 2002. Extensive consultations over the years with no objections from EH or VS, firm proposals taken hold and planning permission granted, but CBC not consulted until June 2008 who recommended rethinking the project. Whether they were not advised to contact CBC or neglected to do so is not clear but it remains that they should have been consulted at the outset. However, Chancellor satisfied that petitioners have demonstrated a need for these works, faculty granted.

6 April St Peter, Dunchurch Coventry Gage

To erect replacement gates to the churchyard and a matching new gate to the "jetty" entrance, in wrought iron of a lower height than the originals, finished in black with some gold highlighting and to match other street furniture in the surrounding village. One formal objection from local resident on the grounds that new gates with greatly modify the character and appearance of the conservation area in which the church is situated. Original gates are of sand cast iron made in 1828 and have been repaired a number of times over the years but are very brittle and difficult to weld. In 2001 one of the central gates broke from its hinges and fell whilst being opened, so on health and safety grounds they were removed. An independent assessment put the cost of repair at £20,000 even if it were possible. In 2004 the broken gates were disposed of without the necessary emergency faculty being sought and in 2007 an appeal to raise funds for replacement gates began. Planning permission was granted in June 2008. At some point the Secretary

of State consulted English Heritage on whether the gates should be listed. It recommended that there should be no listing. The objector maintains the decision may have been different if the centre gates were still in place and that they should nevertheless not have been disposed of as they are of antiquity. It is clear that new gates are needed, that the old gates were not listed and had no particular merits, therefore Faculty granted.

28 April St Peter, Bengeworth Worcester Mynors

A petition to install telecommunications apparatus in the tower and steeple with a 20 year licence to NET who would pay for the works. Approved by PCC and DAC subject to provisos. Publicised in the local press, it drew 41 written objections mainly to health and safety but also to the concern about transmission of inappropriate material and negative effect on property values. Decisions as to Health & Safety have been referred to by the Court of Arches in the recent case of St Peter & St Paul Chingford and the Government has accepted the ICNRIP Guidelines, but the objectors drew attention to several recent articles and internet links. However, it added little if anything to that which was available at the time of the Chingford decision. The court is bound by the Chingford decision which ruled that concern over inappropriate material is not sufficient argument to refuse a faculty. It is a general principle of the planning system that the effect of proposals on house prices is not a proper concern and thus no weight is given to this consideration. Faculty granted.

29 April St Mary's Churchyard, Chichester Hill Goring-by-Sea

Mr Ridgley died in 2006 and his cremated remains interred in the Garden of Remembrance against the wishes of his daughter who wished him to be interred in the "family grave" elsewhere in the churchyard, but was told by the funeral service, who had made enquiries of the parish office, that the grave (or perhaps the graveyard) was full. Subsequently Mr Ridgley's brother died and his remains interred in the "family grave" much to the surprise of his niece. Interment is a permanent state and exhumation can only be granted in exceptional circumstances. Court of Arches in Blagden observed that a mistake as to location of grave can be grounds for exhumation as can the existence of a family grave giving rise to the concept of bringing together family members in a single grave. Faculty granted

13 May Mary Eunice Field (deceased) Sheffield McClean

Mrs Field died after a short illness and her daughter who lived at home with her father, wished her mother to be buried in the back garden of the family home. She was advised by the funeral directors that a zinc-lined coffin would be required as would planning permission, with attendant delay, so it was decided the burial should be in Rossington Cemetery. Clearly dissatisfied, the daughter made enquiries to the Environment Agency and the Planning Department and was told an ordinary coffin was permissible and planning permission was not required. The Council were willing to carry out the exhumation without involving the funeral directors further and a grave had been dug at

the family home. Mr Field was personally content, in due course, to be buried with his wife in the cemetery but his daughter wished her to be in the garden so that she could speak to her every day at whatever time of day. No thought had been given as to what would happen to Mrs Field when her daughter died and what access future generations would have to Mrs Field's grave as it would no longer be in the security of consecrated ground but in private hands. Petition refused.

13 June St Mary, Handsworth Sheffield McClean

In 2007 a firm of architects presented a petition to create a smokers' patio at the rear of the Cross Keys public house which is on a piece of land sticking out into the churchyard of St Mary's. This piece of land at the moment is in a deplorable state. The Cross Keys do not have title to any of the paths that surround the pub, some of which are paved using headstones from the churchyard. The owners (through solicitors) were asked to become party to the proceedings and were reminded that if what was proposed amounted to a building, they would be contravening section 3 of the Disused Burial Grounds Act 1884. They replied that they did not think the Act applied, without giving reasons. Another letter explained a hearing would take place at which they could argue the Act and their reply was that they would not be proceeding. Petition withdrawn.

24 June St Mary, Westham Chichester Hill

To erect a metal storage shed in the old churchyard supported by DAC and with planning permission granted. Two objectors on the grounds of it detracting from the visual amenity, metal being an inappropriate material sited in a conservation area, the noise resulting in the opening of the metal doors and removal of decaying trees at the location. Chancellor sees all of the above as planning matters and as permission has already been granted he declines to re-litigate. Petition granted.

24 June Holy Innocents, Southwater Chichester Hill

Petition for works to the interior including removal of raised floor in the chancel; removal of pews in north isle; replacement of existing altar rails with removable ones. Objections as to the necessity of these works but Statement of Significance and of Needs articulates the necessity of these changes to meet the needs of the worshipping community. Faculty granted.

8 July St Mary, White Waltham Oxford Bursell

Petition presented in 2005 for construction of a Sunday school room with ancillary accommodation in the churchyard. Fierce opposition to planning consent which went on appeal to the highest level but was eventually granted and development must commence within five years. There were three formal objectors and as mediation had failed, Petitioners asked for a faculty hearing before the need arose to renew the planning consent. Local planning authority indicated informally that levelling the site and inserting piles would be sufficient to preserve the original planning consent so application for an

interim faculty for these works was sought. Argument put forward as to whether an interim faculty could be granted or if the present application were a new petition requiring separate citation. Chancellor satisfied that he had such jurisdiction. Hearing to be resumed on 14th July.

14 July St Mary, White Waltham Oxford Bursell

Estimated cost of the works was £500,000 in 2005, funds intended to be raised by special appeal and grant making bodies. £120,000 already raised with promises of further sums once faculty has been granted. Real concern that even if application granted, work would not be completed on time, a fresh application for planning consent would have to be submitted and ultimately the cost of building the Sunday school would not be met. Also concerns as to what extent these works would be reversible if the scheme were not completed. There would also be some interference with human remains and some damage to surrounding trees. Chancellor accepts that most of the work is reversible, therefore, on condition works are completed by midnight on 22nd July 2009, permission is given to carry out the ground levelling and piling works.

6 August St Thomas a Becket, Newton Exeter McFarlane Tracey

Re-ordering to include replacement of pews with chairs, removal of prayer desk, new lighting, carpeting in nave, small kitchen and five convection heaters which will be a way of providing a more useful space throughout the week for a variety of church and group meetings. English Heritage, Victorian Society and Church Buildings Council are generally in agreement but are not in favour of carpeting or the removal of all the pews, recommending a more modest solution of adapting the pews as benches to be used elsewhere. There were 9 letters (4 from the same family) of objection to the removal of the pews and prayer desk and the carpeting. It was agreed to keep one pew that this particular family sat in. It became apparent that the church was too small to accommodate two differing styles of seating. Chancellor is satisfied that the "need for change" is made out, therefore the pews should be removed apart from three as stated in the petition, the prayer desk should be re-located. The application for carpeting to be adjourned while a case is made out and other alternative options looked at.

6 August All Saints, Crawley Down Chichester Hill

Erection of a memorial on the grave of petitioner's late husband. Memorial did not comply with churchyard regulations although supported by PCC and incumbent. DAC had no objection to the family's wanting a design alluding to the deceased's love of books but not happy with the actual design of a closed book chosen from a stonemason's catalogue, preferring a bespoke design from a craftsman. DAC objected to the use of deceased's nickname and the words Dad and Grandad to which Chancellor disagrees. Also objection to the inscription "taken suddenly too soon" and "simply the best" Chancellor would permit the erection of memorial in form of closed book and use of

nickname, but not the two inscriptions above, therefore petition fails although an amended or modified proposal would find favour.

10 August St Petroc, Harford

Exeter

McFarlane

Re-ordering to include replacement of pews with chairs in the east end of the south aisle, existing Victorian tiles covered with oak flooring in this area with introduction of an extra step up from the nave. There were a number of objections stating that a case has not been made is only "change for change's sake" The PCC state that the changes will create a space for sacred and secular use, that only 9 of the 60 adult residents of the parish objected and that the project is important to bring more people into the church and the mission community. Chancellor is satisfied that the case for change is made out. Faculty granted.

12 August All Saints, Sidmouth

Exeter

McFarlane

Radical re-ordering of this Grade II listed building generating reasoned and concerned opposition from heritage bodies and other sources. Removal of north and south galleries, staircases and lobbies to create more space so that the 100 or more congregation can worship in the church rather than the adjacent church hall. Galleries are not used and the space underneath is enclosed and oppressive. The four pillars obscure any view. Replacement of pews with upholstered chairs; disposal of font and pulpit; new heating, lighting, flooring, audiovisual system; replacement of organ with a digital one; installation of timber and glazed screens; construction of external link with hall, additional parking and complete re-decoration. CCC against removal of gallery, the screens, the organ and removal of pews. DAC largely in favour of all except the redecoration of exposed beams. Victorian Society against the gallery and screens but accepted the majority of the proposals. Blanket objection to the scheme by English Heritage. It was concluded that the removal of the galleries was central and fundamental to the success of the re-ordering scheme and that the need to change is made out to such a degree that radial re-ordering is justified. Faculty to be issued giving broad approval to the scheme but that the font should stay, the beams remain unpainted and the pews from the galleries be put into the space vacated by the organ.

17 September

St Augustine, Holly Hall

Worcester

Mynors

Augmentation of the war memorial located in the churchyard. Memorial, originally located on the public highway, was moved to the churchyard by authority of a faculty granted in 1981. Currently records name of men fallen in the Great War but no reference to Second World War. Proposal to add a plaque which matches the original one, naming the 24 men who fell in World War II but also with the added words "Your life! Our freedom!" DAC advised that this should be omitted, there being no similar words on the Great War plaque. Only disagreement is on the date to be inscribed – 3rd September 2009 has already been inscribed to recall the date the war began but others favour a date in November, perhaps 14th for Remembrance Day, or just "2009" or that no date at all be shown. Chancellor agrees that 3rd September is a very significant date and, as it has

already been inscribed and would add to the cost to have it removed, a faculty is granted for the erection of the plaque but with the omission of "Your life! Our freedom!"

24 September St Oswald, Walcott Lincoln Bishop

The Vicar and Churchwardens are seeking permission to sell a 1611 Bible owned by the parish church to part fund mission work in Africa and the repair of leaded lights which has been estimated at £8000. The Bible has been valued at £6000-£8000. Although there are no objections, the DAC are unable to recommend the sale because there appears to be a local link with St Oswald's in the inscription on the inside cover. Chancellor cannot see that there has been a good and sufficient reason given for the sale, that there is no financial emergency and directs that the Bible be lodged in the Cathedral library.

27 September Priory Church of St Mary Carlisle Tattersall
And St Michael Cartmel

Proposed upgrading of the existing bookstall which is a valuable source of income for the church, and the installation of bird netting to the bell tower. After public notices there was one objection to the bookstall with regards to its size, use of inferior wood and that its construction would reduce the display area for cards which realised the greatest profit of all the goods sold. It transpires that the floor area for the bookstall remains the same and that although the body of the units is not solid oak, the facings and doors are. Faculty granted.

29 September St Barnabas, Shore Manchester Tattersall

Faculty sought to introduce and electronic organ to replace the existing Conacher organ which is in poor condition, making it very difficult to play. The cost of refurbishment would be £40,000 which is considered prohibitive. The parish has, however, raised £25,000 specifically for the purchase of an electronic organ. The DAC are opposed, citing that the present organ is playable and the tone and size is suitable for the church. Also that the proposed electronic one is too big for the building but petitioner argued that it would meet all musical requirements of the church both currently and in the future. DAC was surprised that a grant to maintain existing organ had not been sought from the CCC/CBC or HLF. Chancellor advised petitioner to apply for grants but petitioner declined. Faculty dismissed and PCC advised to seek grants for restoration. If none available or grant requires PCC to make a financial contribution beyond their means then a replacement organ can be looked into.

12 October Great Malvern Priory Worcester Mynors

Replacing existing chairs, which have reached the end of their useful life, with new oak chairs with padded seat and back in a brick red colour to match the Victorian tiles. The DAC was not in favour of the choice of such a deep colour for all the chairs and recommended also that the oak be limed and lightly waxed to a matt finish. Present proposal is for one third of the chairs to be upholstered in a colour that picks up the pink

hue of the stonework, a third in a darker but complementary colour and the remaining with wooden backs and the seats covered in the same two colours in equal numbers. English heritage did not object but preferred all chairs to have wooden backs and that the seat cushions be of one colour to avoid a chequerboard effect. It did however object to the use of the darker colour and to the limed effect on the wood. On the Chancellor's advice, the petition was amended to allow all the chairs to have padded seats and backs upholstered in the lighter colour and a faculty was issued on condition that no order be placed until a sample of the wood finish has been approved by the court.

14 October All Saints, Dulverton Bath & Wells Briden

Two petitions, one concerning layout of churchyard and the other for internal re-ordering. Some letters of concern received regarding the proposal for enhanced pedestrian access along south side of church and to widen the path from the lynch gate to the south door for vehicular access, the latter which would require a turning area and involves the sacrifice of a wooden shed. The gradient is steep for pedestrians and at present, coffins have to be carried up or wheeled up on a trolley as does any large equipment. The path along south side needs to be modified to circumvent the steps and so provide easier access for the disabled to comply with the DDA 1995. Faculty granted with proviso that any human remains disturbed should be reverently reburied within the churchyard.

Re-ordering concerns the introduction of a new oak floor extending westwards to make a

platform with ramps for the disabled, displacing front row of pews in the nave, 3 pews in north aisle and 2 in south aisle. Also intention to remove two rows at the west to create an open space for circulation and displays. Faculty granted

17 October St Margaret, Halliwell Manchester Tattersall

Petition for faculty for repairs to the roof of the baptistry which had already been completed. Works not recommended by DAC as the specification provided was inappropriate. A certificate to that effect was issued by the DAC along with the Petition and the Public Notice. The Petition signed by both petitioners did not disclose that works had already been completed. The Diocesan Registrar on the direction of the Chancellor asked why works were carried out without a faculty and against DAC recommendation, and an oral hearing was ordered. Chancellor found petitioners' evidence lacking in credibility on many counts and concluded that they had carried out the works in the full knowledge that a faculty was needed. However, confirmatory faculty granted as Chancellor has no knowledge as to whether works undertaken were of corrects specification or not, only time will tell.

29 October Grimsby & Cleethorpes Lincoln Bishop cemeteries

Council seeks permission to carry out physical testing including topple testing of memorials in the consecrated sections of these cemeteries to ensure they are safe for users of the cemeteries. Work to last 5 years and cost £125,000. Headstones to be categorised into those that require urgent attention, those that should be re-inspected in 12

months and those that are safe. Those deemed to be unsafe would be laid down or propped up immediately before any contact was made with the family which does not comply with the Diocesan Guidance. Before anything is undertaken, the family should be informed in writing and failing to receive any response, public notices should be displayed. Ministry of Justice advise that any action to manage risks in burial grounds needed to be sensible, proportionate and undertaken in a sensitive way and in the light of that the petition is refused and the Petitioner invited to reconsider its approach to these matters.

5 November St Andrew, Keighley Bradford Walford

Re-ordering to include installation of new lighting, extending maple flooring to match nave floor, redecoration, creating new glass inner west porch and removing existing timber screen. English Heritage object to removal of screen but petitioners wish to make the church more welcoming by allowing the interior of the church and High Altar to be visible to those outside looking in. Faculty granted.

5 November Holy Trinity, Eccleshall Lichfield Coates

Re-ordering for the introduction of a raised area at chancel steps and removal of four pews from south aisle to north aisle to create space for a disabled ramp. Already a temporary raised area in place for last 8 years. Nine letters of objection stating that project is unnecessary. Statement of need says that a raised area would allow better viewing by the congregation and could also be used for concerts and carol services. A permanent dais would be properly designed and would enhance the beauty of the church. However, the total area of the platform, around 800 square feet, is far too great which then means that there is not a need to remove any pews. The darker north side appears to be little used and would be an obvious place for the positioning of disabled access. Faculty denied for proposed re-ordering but a faculty granted for removal of chairs from the north side of church.

24 November St Mary, Barcombe Chichester Hill

Minor re-ordering to include replacement of choir pews with chairs, installation of projection screens and video camera to side of organ casing, lowering of pulpit by a few inches, carpeting of chancel, levelling of floor in south aisle, installation of fitted cupboards for chair storage and relocation of British Legion standards. DAC approved, CBC and SPAB were concerned about the fitted cupboards and there were a number of objections from the parish including Lord Monk Bretton whose family gifted the choir stalls. Storage space is at a premium and the architect has designed bespoke cupboards to envelop the altar in a horseshoe and has revised his design in response to CBC's concerns. The changes are designed to enhance worship and mission and for more flexible use of the church. The choir stalls are to be placed in storage and a recipient church found that could house them. Faculty granted subject to conditions.

15 December St Mary, Westham Chichester Hill

Petitioner wishes to erect a headstone over the grave of her late mother but as the inscription falls outside that permitted by the Churchyard Regulations the incumbent of St Mary's was unable to sanction it and advised petitioner to seek a faculty. Wording refers to the deceased as "Mummy" a form of address limited to the deceased's children but not necessarily other relatives and friends therefore appearing exclusive rather than inclusive. The inscription also mentions a man's name but does not indicate who he is (presumably husband of the deceased) therefore rendering the term "Mummy" inaccurate. Chancellor suggests a more appropriate and inclusive inscription which would embrace successive generations but agrees to the word "Mummy" if, after reflection and consultation with her family, the petitioner considers that no other wording will suffice.