COMMISSARY AND CONSISTORY COURT JUDGMENTS 2011

5 January Bishop Hannington Memorial Church Chichester Hill Hove

Petition for retrospective permission for works undertaken illegally. Petition was first dated June 2010 at which directions were given for the filing of full explanations for the unlawful conduct of the petitioners but only cursory explanation was given. Also, in September 2010 the Archdeacon of Chichester gave his consent for the unlawful works to be resumed, although he had no such authority to do so. The petitioners have apologised and faculty has been granted subject to conditions.

5 January Holy Innocents, Southwater Chichester Hill

This is an application for a variation of a faculty granted in June 2009 permitting the removal of the raised floor in the chancel and choir stalls. Unfortunately, the architect wrongly approached the DAC and while in talks the contractor carried out unlawful works outside the terms of the faculty by laying a concrete slab with a polythene membrane in the chancel. In a letter of representation from the contractor he intimates that a different architect to the one named in the terms of the faculty was in charge of overseeing the work. This too is unlawful without a variation of faculty but the Chancellor accepts that the work was undertaken in good faith and not in defiance of the court. However, the introduction of a concrete slab was ill advised with concern that the membrane would lead to water being driven to the outer walls of the church causing long term problems. A solution would be to cut back the slab and insert a Newton 520 membrane to allow moisture to breathe and with that in mind a variation of faculty is granted subject to conditions.

12 January Re: Allan Godfrey Rodley, deceased Bradford Walford To exhume the cremated remains of his father from Scholemoor Cemetery to be reinterred in Thornton Cemetery with his mother's, which was her wish. Applying the law as set out in re Blagdon Cemetery, there were no exceptional circumstances, therefore permission denied.

17 January St George, Tombland Norwich Arlow

In October 2009 a faculty was issued for the installation of two heritage interpretation panels on the perimeter wall of the church and the work completed in May 2010. Compliance with the public notice procedures were challenged by some local residents who objected to the location of the panels. Public notice of the application was displayed on a board inside the church and on an external board positioned in the porch which, unfortunately, at some times was behind locked gates and therefore not readily visible to the public. After installation, the objectors (who live next door to the church) contacted

the Registry objecting, not to the panels per se, but to their location, they being clearly apparent when looking left from their front doors. They state that the panels stand out in a detrimental way against the brick wall, that they can (and have) become a target for graffiti and that the granting of advertising consent creates a precedent which may lead to this area becoming a permanent site for commercial advertising. In July 2010 Chancellor decided to re-open and review the faculty and passed the matter to his Deputy for determination as he personally knew one of the objectors. The public notice procedure was repeated under the FJR with no further objectors and the opportunity given for the objectors to file further information about suitable alternative locations for the panels. Two locations were suggested, one where the pavement was too narrow and would cause an obstruction should the public stop to look at the panels, and the other where it would be "out of sight to most visitors", it being down an alley known mostly only to locals. Faculty originally granted by Chancellor shall stand.

21 JanuarySt Andrews, AlwaltonElyJones

Petition for exhumation without re-interment of the cremated remains of Mr C by his widow, supported by the incumbent of St Andrews and the PCC who were sorry for the distress caused by the tidying of the graveyard. The Petitioner wishes to keep her husband's ashes at home with her until her death at which time both she and her husband's ashes will be scattered.. Her reason is principally her objection to certain aspects relating to the enforcement of the Churchyard Regulations. She is also finding it increasingly difficult to attend the grave over uneven ground as she has an artificial leg. A letter was sent to the Petitioner conveying the view of the Chancellor that Christian burial is final but even if there were exceptional circumstances for exhumation, the remains must be returned to the safe custody of the Church or burial authority. The Petitioner stated again that she did not wish to re-inter the remains but declined an oral hearing. Taking all into account and with reference to Blagdon Cemetery, the Chancellor is not inclined to grant a faculty for exhumation whether the Petitioner agrees to reinterment or not. Faculty denied.

26 January St John, Dipton Durham Bursell

Petitioner wishes to exhume the ashes of her son killed in Afghanistan and buried in St John's, Dipton, for re-interment in a burial plot purchased by her in another churchyard, the reasons being that she was not told Dipton had been closed by Order of Council which meant she could not be buried with him and also that she could not have a memorial stone as well as the army plaque. Objections were raised by other members of the family, including the executor, on the basis that the deceased's ties were closer to Dipton than any other churchyard. Petitioner also alleged that the original burial had been improper since the deceased's ashes had been moved shortly after and re-interred nearby within the churchyard. Chancellor concluded that there was no burial in the first location and therefore no exhumation and that other members of the family were happy with the present army plaque. Petition dismissed.

13 February St Mary Magdalene, Lyminster Chichester Hill

Emergency application for faculty to repair a roof beam in the nave of this Grade I listed church. In August 2010 works for redecoration were carried out in the nave, without a faculty but with the consent of the Archdeacon of Chichester. While scaffolding was erected an inspection of the roof and tie beams was done and cracking was observed in and around the fourth beam. The inspecting architect recommended immediate closure of the church on safety grounds, which is commended, but permitted a scaffold shore to be erected to secure the beam, without the permission of the consistory court. This then led to the arrival of contractors to carry out work for which no permission had been sought or given which led to cross wires and delays. Faculty granted subject to conditions.

16 February Streatham Park Cemetery Southwark

Exhumation of remains of Mr W and a still born child (his sister), both buried in consecrated ground in Streatham Park Cemetry. Mr W met and married his Belgian wife Rose during WWII, settled in England and had 2 sons, James and Philip who is the petitioner. Rose committed suicide and hr remains buried in unconsecrated ground in Streatham in a grave clearly envisaged to eventually hold remains of two people. Mr W committed suicide three years later and his parents chose to bury him with his stillborn sister rather than with his wife. Mr W's children were brought up by their grandparents who are now interred in Maidstone Crematorium. Philip has always visited his parents graves and has always been distressed that they were buried separately, more so now that the cemetery has cleared the memorials from the graves so that he is unable to be certain precisely where they are. Philip has wished to exhume his parents remains for reburial together in Belgium but has only recently secured the consent of his estranged brother. He wishes also for the remains of his father's stillborn sister to be reburied in Maidstone Crematorium with his grandparents. He does not wish one or other of his parents to be exhumed for burial in the other's grave because of the lack of memorials and general lack of maintenance in Streatham Cemetery. Chancellor is persuaded that reburial in Belgium is the best solution. Faculty granted. However, he is not persuaded that there are exceptional circumstances for reburial of the still born child therefore faculty dismissed unless petitioner requests an oral hearing.

17 February St Paul, Brighton

Chichester Hill

Petchey

Faculty is sought for cleaning and repair of this Grade II listed church following a fire in December. In January, arrangements were made for certain church furnishings to be uplifted for cleaning, without any approach being made to the consistory court. The court now permits their removal provided a full inventory and photographic record is taken. Following a fire, the consistory court should be contacted within 48 hours so that directions can be made for dealing with the consequences in a structured and stremlined manner. The court is prepared to issue an interim faculty for works as stated in the Schedule of Proposed Works.

18 February St Paul, Irton

Carlisle Tattersall

Internal alterations to vestry to create a disabled WC, kitchenette and lobby; staircase to upper floor for changing facility and meeting room; removal of pews to create open worship area. External works including ramp, handrails and lighting. There was one objector to the pews being removed and to the cost of installation of a WC and concern that widening the external door would disturb some graves and that the proposals might not meet building regulations. Chancellor is satisfied that the pews being removed are not needed for the size of the congregation, that no graves are to be disturbed by the widening of the door and that the plans drawn up by a qualified architect should be in compliance of Building Regulations. Faculty granted.

20 February St Nicholas, Allestree

Derby

Bullimore

Petition by the Vicar and Churchwardens for proposals to make changes to the Garden of Remembrance. The Garden was first established and consecrated in 1996, since when there has been a total of ten interments. By 2000 the plot was not being satisfactorily maintained and in 2005 the shrubs were removed and replaced by turf, the paving removed and the paths tarmaced although there is nothing to show what the area is for. In 2006 a central stone memorial was suggested but was too expensive and finally it was agreed that a tree be planted along with a smaller plaque. In 2010 the PCC authorised a petition for the tree, a memorial stone, two flower containers and replacement kerbstones. There were three objectors, mainly to the tree the roots of which they thought would cause damage and the inscription which they thought was not sufficiently clear in designating the area. Faculty granted.

25 February St Peter & St Paul, Peasmarsh Chichester Hill

This concerns the introduction of a memorial, comprising a concrete cross on a square slab, of unknown provenance into the churchyard at Peasmarsh. A memorial was erected over the grave of Mrs O some three years after her death with an inscription that misspells her name. Neither her widow or her sons have any knowledge of who placed it there and its presence is a continuing source of consternation, although it cannot be removed without the grant of a faculty. The incumbent has placed notices in the church magazine, on the notice board and on the gravestone itself requesting the person responsible to come forward with no response. Therefore a restoration order is made for removal of the memorial to be placed in a safe place within the churchyard for a period of six months and if unclaimed, it may be disposed of at the direction of the incumbent.

26 February All Saints, Ockbrook Derby Bullimore

The Petitioners wish their parents cremated ashes to be interred in the closed churchyard at Ockbrook, near the interred cremated remains of a granddaughter. The present incumbent opposed this on several grounds. Firstly, that the churchyard is closed and therefore full so the only interments since the closure have been into pre-reserved plots. Secondly, there is a large local authority cemetery within the parish which was opened after the closure of the churchyard. Thirdly, other requests for burial in the churchyard had been turned down and to grant this would be to set an unfair precedent. Finally, he argues that neither of the deceased were born in the village or were churchgoers (the latter disputed by the petitioners). Chancellor rejects these objections as they are based on misunderstanding of the legal position, or a wrong appreciation of the facts and agrees that the petitioners have a right to have their parents' ashes interred in the location indicated in the plot set aside by faculty. Faculty granted.

28 February St John the Baptist, Southover Chichester Arlow

Petition from Rector and Churchwardens to relocate a number of gravestones from within the churchyard to the periphery wall to crate a useable space for gatherings within the churchyard. There were no objections from the community but the CBC and the SPAB wished their views, as expressed in letters, to be taken into account. They were concerned that the proposals would harm the character of the churchyard, that the facility sought could be obtained whilst retaining the headstones and that lichen may be affecated by their removal. Bishopsgate questions were applied and concluded that there was a need for the work and that it would not adversely affect the character of the church. It was also concluded that other headstones moved some years ago to a similar location still have lichen growing well on them. Faculty granted.

3 March St Luke, Whyteleafe Southwark Petchey

Mrs K wishes to erect a heart shaped memorial on her husband's grave, which unfortunately does not comply with churchyard regulations. When choosing the heart shaped headstone from a pamphlet given to her by a firm of monumental masons, she was told only that certain types of stone were acceptable according to churchyard regulations but nothing was said about the design itself. After some months of toing and froings by letters, some of which were mislaid or never received, between the Minister and the monumental masons, the Minister finally received an application for a heart shaped headstone to which she replied that such an application would require a faculty. The PCC also agreed that a heart shaped monument would be out of keeping with the rest of the churchyard but that a book shaped memorial would be a suitable compromise as there were at least ten other like memorials in this part of the churchyard. Referring to the Chancellor's Guidance which sets out the basic norms to be complied with, faculty is denied.

4 March St Luke, Headless Cross Worcester Mynors

Major re-ordering of this Grade II listed church, built in 1868 and with no changes to the structure, except for the addition of a vestry, or to the interior. Supported by DAC but concerns expressed by the Victorian Society. Works to include removal of pews, treatment of the cleared floor, installation of 250 new chairs, removal of front and rear choir stalls and desks, reordering of central heating, installation of a new door into vestry

and installation of two new panels into the organ case. There were no objections to proposed works in the vestry (pews, chairs, heating and floor) therefore a faculty can be issued. The major focus of disagreement was on the removal of choir stalls and desks from the chancel. The VS has no objection to the removal of the front row of choir stalls and desks but does object to their complete removal pointing out they are of good quality and contribute positively to the character of the chancel. Chancellor is not convinced that the parish has thought through how the choir stalls are to be removed, how the resulting exposed areas of wall and floor are to be treated, what new furniture is to be introduced and how it will be arranged. Therefore a faculty will only be issued for the removal of the front choir stalls and desks

7 March St Mary, Moseley

Birmingham Cardinal

Installation of 48 photovoltaic solar panels on south facing nave roof, mounted on aluminium bars screwed into the roof timbers through pre-drilled holes in the slates. Support from the PCC and CBC and many individuals, but objections from DAC, Victorian Society and English Heritage. Petition is of some importance as it is the first of its kind to be disputed and has created a good deal of interest resulting in future petitions relying on what is reported here. The church's Statement of Needs notes that they are keen to reduce their high heating bills by utilising renewable energy and also reducing carbon dioxide emissions. VS and EH were concerned that the installation would cause damage and that the panels would be reflective and highly visible in such a prominent location, significantly detracting from the harmonious and unified appearance of the south elevations, but the petitioners state that they would have matt black frames and as the church is on higher ground than the road, the roof cannot easily be seen. The DAC were also concerned about visual detriment to a local heritage asset, the puncturing of roof slates possibly leading to water ingress and an absence of a convinicing argument for this particular type of electrical microgeneration. Governmental planning guidance is that environmental and economic benefits must outweigh developmental disadvantage and as planning permission had been granted, the Inspector must consider that in this case, this is so. Chancellor refers to In re St Mary White Waltham which he considers to be sound law and which should be applied along with the Bishopsgate questions which accordingly points to the granting of a faculty.

21 March St Andrew, Croydon

Southwark Petchey

This petition is part of a three part scheme for internal re-ordering in this Grade II listed church, but pertains to part one only, recommended by the DAC but with objections by the Victorian Society. The church wishes to remove pews to create a discrete worship area with flexible seating and an area of tiered seating incorporating underneath a WC and kitchen, the removal of the pipe organ and new lighting, heating and audio visual equipment. Another proposal is to introduce a liquid crystal glass screen which would be installed behind the existing screen (to remain) and divide the worship area from the hall facilitites. The local High School uses the church a lot and needs a better building as a local centre of worship and mission for the future. VS object to the loss of the existing chancel but Chancellor is convinced the need outweighs any harm that would be caused.

He accepts that the church is attractive but not outstanding, the pews are not original to the church, the rood screen and cross will be retained and the organ is to go to a good home. Faculty granted.

22 March St Mary Magdalene, Bolney Chichester Hill

Petition for introduction of a headstone, which had already been fashioned, featuring two prancing horses on either side of a rectangular slab bearing the deceased's name, dates and a short two line inscription. PCC was not confident that what was proposed fell within the remit of the Churchvard Regulations and so declined the request, advising the petitioner to make written representations which she did through her solicitor, but although done in the petitioner's name it was prepared by a representative of a Chartered Town Planners and Development Consultants, thus without the petitioner's written agreement, a hearing became inevitable. The petitioner's evidence proved unsatisfactory and largely irrelevant to the matters in hand, a fault of her solicitor rather than her own. Evidence from the Consultants' representative focused on attempting to persuade the court that the proposal came within the Churchyard Regulations but agreed that the petitioner was imprudent in having the headstone cut before a faculty had been granted. Sensing that there was relevant material that had not been adduced by the solicitor's questioning of the petitioner, Chancellor intervened and questioned her himself at which point there came a cascade of testimony which was moving, cogent and persuasive. She was under the impression that the stonemason had sought and obtained permission from the PCC for the headstone and so had it cut but not installed. Chancellor concludes that the headstone did not comply with Churchyard Regulations, that the PCC did not give permission for it and should be commended for the thorough and sensitive manner in which it dealt with the application and communicated its decision. Based on the evidence, he grants a faculty in this instance on condition that the inscription be removed and replaced by a more christian message which must first be approved in writing by the PCC or by order of court.

14 April	St Michael & All Angels	Chichester	Hill
	Withyham		

Sale of four 14th Century Italian paintings which were given to the church in 1849 and latterly valued at £1 to £1.5 million. After public notice, there were four letters of objection. Faculty of 1997 allowed the pictures to be taken on loan by Leeds Castle Foundation for 8 years, a variation in 2005 granted another 8 years and a further variation permitted removal from Leeds Castle to Sotherby's for valuation. The CBC suggests that were Leeds Castle no longer to act as custodian of the paintings, an unreasonable burden of care and security would fall to the PCC. The Petitioners state that the pictures were a relatively recent gift, they were not commissioned and they do not form part of its internal architecture or scheme of decoration. They were removed 15 years ago and reproductions hung in their place. They wish the money from the sale to be invested in a money fund with interest accruing to the parish. While the financial position of the church is not dire, there is anticipated capital expenditure on resurfacing pathways, restoring the Lady Chapel altarpiece, provision for safe access for elderly and disabled and an overhaul of the organ. The objectors feel that the parish would be beter served by retaining the pictures as the increase in their value would outstrip a money fund, the pictures might not reach their reserve and custodianship would fall to the parish, that the selling of gifts would ultimately affect parish giving, that the parish is not in dire need of money and that there might be inappropriate use of the proceeds of sale. Faculty granted on condition that the paintings are not offered for sale until further order of the court, that the proceeds of sale are not to be disposed of by the parish without the court's approval and that the faculty be valid for ten years in the first instance.

14 April St Michael, Tilehurst Oxford Bursell

Petitioners request permission for a memorial to their baby son who died at 6 months of a rare heart condition. It comprises an oval shape embraced at the top by a detailed teddy bear in dark grey blue pearl polished granite with an inscription which includes the words Baby Josh, which was how he was known throughout his short life. The petitioners' other two sons were instrumental in the design and it was their idea for the teddy bear. It is apparent that the churchyard has a large number of memorials which do not cohere with the present churchyard regulations and in the children's area in particular, there are memorials of various shapes and sizes, including hearts, books and angels, although these are more traditional and do have religious connotations. However, there are no others shaped like teddy bears and Chancellor has declined this shape in other parts of the diocese, so it is with great regret that the petition is denied. Chancellor would accept a normally shaped memorial with a small uncoloured engraving of a teddy bear.

10 May Holy Trinity, Horwich Manchester Tattersall

Application to re-order the balcony by replacing box pews with 8 bench pews that were removed from the nave during a major re-ordering in 2009, and improving flooring levels to provide a flexible area.. The gallery at the moment is somewhat neglected, being used largely for storage, and the box pews are painted in a dark colour which renders them discordant with the rest of the interior. Use of the bench pews would provide consistency with the rest of the church and bring the gallery into full use as figures clearly showed that attendance at church had increased as had the use of the church for other events. The Georgian Group submitted that the box pews had historical importance as a relatively good and complete example of socially graded seating which is becoming difficult to find and the CBC agreed. Chancellor does not accept that necessity has been proved. Faculty denied.

18 May St Barmabas. Downham Southwark Petchey

Erection of a prefabricated storage shed, for which planning permission is granted, in the NE corner of the churchyard, for the use of a scout group. The group has been meeting in the church hall and wishes to make this a permanent arrangement but will require some extra storage space that the church is unable to provide within the hall. Proposal is unopposed but the shed would be on consecrated ground, although the churchyard has never been used for burials, and thus concerns over secular use arose. Accordingly, a

faculty is issued for the erection of a hut which must be removed within five years of its erection.

I Jule St Felel, Clallooume Oxford Duisen	1 June	St Peter, Cranbourne	Oxford	Bursell
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Retrospective faculty for a memorial already placed in the churchyard commemorating the circus owner Billy Smart Junior. The memorial is of grey slate and covers an area of two grave spaces with the interval between consisting of a main base and vertical headboard. It is not in accordance with the Churchyard Rules but surprisingly was passed by the DAC. The incumbent at the time had previously given permission for a memorial to David Smart together with kerbing and chippings, and a number of other memorials that did not fall within the delegated authority were introduced. The present incumbent wrote to the Smart family suggesting they apply for a retrospective faculty which is granted especially in the light of the family's fears about interference with the grave by Animal Rights protesters.

1 June Radcliffe Infirmary Burial Ground Oxford Bursell

Oxford University purchased the Radcliffe Infirmary site in 2003 to be used to its fullest extent. The University proposes creating a double height basement across the majority of the site for a library and teaching areas, and the foundation of a School of Government as well as an arts centre. Therefore this is a petition for the exhumation and reburial of the human remains in the burial ground. Faculty granted for exhumation and for appropriate archaeological/medical research under very strict conditions.

8 June St Mary the Virgin, Burghfield Oxford Bursell

In the last 20 years, a number of adornments have been added to graves that do not comply with the Churchyard Regulations and recent attempts have been made to regularise the position with varying degrees of success. There are a number of babies' graves which occupy a prominent position and also that of two teenagers who died in tragic circumstances and whose graves are visited daily and are highly decorated. Although a grave space may be reserved by a faculty, the grave itself is not owned by the deceased or by his relatives and permission must be sought from the incumbent to erect even a monument. As some items have remained irregularly in the churchyard for some time, the incumbent has rightly applied for a faculty for their removal. Letters were written to those who were known and notices prominently displayed on graves setting out the reasons for this action and their right to object. Chancellor maintains that the PCC was entirely within its rights in wishing to enforce the Churchyard Regulations and indeed is under a duty to enforce the law. Faculty granted.

10 JuneSt Mary's, GrassendaleLiverpoolHedley

Replacement of pews seating 300 people with modern chairs which has been under discussion for a number of years. There is no central aisle nor central pillars in this Grade II church, giving a sensation of space which could be used more flexibly for imaginative

and inclusive worship. Objections from one couple on the grounds that it is not a good use of the curch's limited funds; flexibility of space can be found in the hall owned by the church; comfort can be achieved by using cushions; and that removal of the pews would damage the beauty and character of the church, a point with which the Victorian Society agrees. Chancellor satisfied that the petitioners have proved a necessity for the works. The pews themselves are essentially unremarkable and the church remains distinctly attractive even with their removal. Faculty granted.

27 June Holy Trinity, Barnes Southwark Petchey

Petition for a faculty to introduce a new altar frontal and pulpit fall which is uncontroversial and therefore granted, and to replace half the existing benches with chairs which has one objection to it on the grounds that the benches were introduced as a result of a previous re-ordering and were paid for by church families, often in memory of a family member who had died. Over the years the church has introduced activities for both children and adults which are well attended but the benches do not properly facilitate use of the nave as they are heavy, uncomfortable and difficult to lift. Faculty granted.

28 June All Saints, Sanderstead Southwark Petchey

By authority of an Archdeacon's licence, two sets of communion rails have been removed so that the effect could be assessed by the congregation. The reasons for removal were to create a more open space, allow for greater eye contact and assist the less mobile. At the end of the trial period a leaflet was sent to parishioners inviting them to vote on whether they wished the rails to be re-instated or whether the Parish should seek a faculty for their permanent removal. There was a letter of complaint concerning the display of the Public Notice and perceived disability discrimination regarding the taking of communion in a standing position. The objector was subsequently offered a number of alternatives which were not acceptable to her. There was also one objection from a former parishioner who felt the church needed to retain places of special importance and significance. Chancellor was satisfied that Petitioners had demonstrated a reasonable need for the proposals but concerned as to the manner in which the change was consulted upon and the proposal to dispense with arrangements for kneeling to receive communion which can be traced back to the Reformation. However, faculty granted with the proviso that the rails be stored.

29 JuneSt Mark's, EnglefieldOxfordBursell

This is a petition regarding the Victorian font and the medieval font bowl in the south aisle. A previous petition in 2010 was granted to remove/relocate pews to provide an open space around the font for a baptism area. A further petition requested the Victorian font to be removed to secure storage at Englefield House and replaced with the medieval font but then changed to retain the Victorian font on display somewhere in the church while using the original medieval font for baptisms. This caused some confusion but was later clarified as reinstating the medieval font on a new plinth and repositioning the Victorian font with its integral plinth by the organ, although the plinth itself is something

of a tripping hazzard English Heritage had sympathy with the parish's desire to use the medieval font in the south aisle which is 13th century in date but acknowledged a strong argument to use the Victorian font as the church is largely a 19th century construction. Another option would be to marry the medieval bowl with the Victorian pedestal. The Victorian Society had no objection as long as the Victorian font were retained somewhere in the church although the House of Bishops guidelines state there should only be one font within a church. Faculty granted for the Victorian plinth to be lowered to ground level and the font to be moved to the north of the organ case.

30 JuneSt Ebbe with Holy Trinity
& St Peter le BaileyOxfordBursell

This church housed two chests, one made of oak which was originally kept beneath the pulpit, then moved to a room at the base of the church tower and another made of elm originally stored behind the organ but moved to a store room adjacent to the rectory and latterly in the rectory garage. The PCC then agreed to the sale of the chests by auction and they were valued at £350 and £750 but purportedly sold for £3,800 and £15,500 respectively. It became clear that neither the church nor the auction house appreciated their importance as on further investigation the elm chest was an historically important medieval chest circa 1250. When considering their sale, the churchwarden could find no record in the church inventory (although a record was later discovered) and the low valuation that the auctioneers put on them, he felt, was the reason they were not recorded so he did not feel it necessary to seek a faculty. However, a faculty is required for relocation, removal and lawful disposal of any items and without such a faculty no legal ownership is passed to any subsequent possessors. Retrospective faculty was sought but not supported by DAC who contacted the auctioneers asking for details of the purported purchasers. Both chests had since been sold on. In law there is a responsibility of those (including auctioneers) who facilitate disposal of church goods to make satisfactory checks that a faculty has been granted. Chancellor permits withdrawal of petition and attempts should be made to identify the present possessors and their whereabouts.

1 July Holy Trinity, Cuckfield Chichester Hill

Extensive re-ordering of this Grade I listed church, formally opposed by the Victorian Society. While the CBC had no objections and the DAC supported the proposals, English Heritage had some concerns wishing to retain the choir stalls and re-position the chancel screen in the tower arch rather than recasting it as a reredos but would compromise by having the screen placed across the middle of the towere. Central to the Petitioner's vision for the interior of the church is the creation of a nave altar and the creation of a flexible open space in the chancel area which requires the removal of the chancel screen. It is this re-ordering of the chancel that is opposed by the VS as it would effectively remove nearly all trace of the work and achievement of Bodley and his 19th century interventions in the church. Faculty granted.

2 July St James, Welland

Worcester Mynors

Disposal by auction of a silver Elizabethan jug mount and a silver-gilt steeple cup and cover. The items, valued at £4,000-£6,000 for the jug and £20,000-£30,000 for the cup, have been kept in a bank vault for a number of years. A recent faculty was granted for major re-ordering to the church at a cost of around £150,000 which is being carried out in phases. Coupled with grants and other monies, the sale of these items would go towards the cost of this worthwhile project. Scheme is not supported by the DAC or CBC. In re St Gregory's Tredington quoted. Chancellor satisfied that the items are redundant, that it would be costly to retain and insure them, that there are no conditions attached to the original gift and that the proceeds are going towards a suitable purpose. Faculty granted.

7 July Holy Trinity, Aldershot Guildford Jordan

Proposal for the installation of a baptismal pool whilst retaining a conventional Victorian font in another part of the church was previously turned down as being unlawful. This latest proposal suggested a link between the two by way of water overflowing from the font into the pool and on the basis that the pool and the font were a single unit, a faculty would be issued. However, a recent quotation for the proposal had increased by £2000 and as a result the baptismal pool had been installed but the relocation of the original font had been omitted, thus creating two distinct baptismal areas to be linked by a bright red carpet. The petition also proposes installation of new glazed entrance doors at a cost of £2000, the same figure that the petitioners have decided not to spend on relocating the font. Chancellor is not prepared to grant a faculty for the doors until the petitioners have resolved the outstanding issue in relation to the font and baptismal pool.

12 July Dorking Cemetery Guildford Jordan

Cremated remains to be exhumed from Dorking Cemetery for re-interrment in the family plot in County Wexford, Ireland as the remainder of the family has now returned permanently to Ireland and there is no-one left in England to tend the grave. Petitioners have not satisfied Chancellor that there are good and proper reasons why the remains should be exhumed. Faculty denied.

12 July	St. Nicholas, Thames Ditton	Guildford	Jordan
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Petition to demolish a boiler house and chimney (now redundant). Section 17 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 regarding demolition or partial demolition, was considered. Chancellor satisfied that the operation of this section of the Measure does not arise in this petition. Faculty granted.

13 July	St Mary Magdalene, Reigate	Southwark	Petchey
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Major re-ordering of interior first heard in September 2010 at which an interim judgment was issued. Chancellor did not agree to the removal of the central section of the screen but did not discount the possibility of permitting the chairs but only after having further material submitted. After the petitioners consulted with the various heritage bodies their

opinion was that they were still in favour of the chairs already proposed as they are aesthetically pleasing, robust and comfortable. Faculty is granted for replacement of pews with Howe 40/4 chairs but not for relocation of the central section of the screen.

20 July	St James, Gerrards Cross	Oxford	Bursell
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Reordering of the interior of this Victorian Grade II listed church to improve the use of space for the range of services and events held there. This to include replacing pews with chairs, raising the chancel floor, installation of visual equipment, relocation of font to north transept and access in the south transept closed off with a new door created further north. The Victorian Society and English Heritage was not in favour of carpeting or upholstered seating and objected to the installation of lighting equipment in the area of tiered arches. Chancellor not persuaded by the Howe chairs and petitioners obtained a new design of stackable chairs. Faculty granted.

26 July	St Giles, Bradford on Tone	Bath & Wells	Briden
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Proposed re-ordering to the interior of this Grade II listed church to include a children's area, space for a moveable servery, an open welcome area with books, construction of storage cupboards and some new electric lighting. Several pews need to be removed, the timber from which is to be reused as part of the new carpentry work. The cost is to be met wholly from a gift but there are two parties opponent who consider the money better spent upon general maintenance including levelling of the floor, heating and lighting. Chancellor is satisfied that the petition is justified and a faculty is granted.

2 August	All Saints with St Lawrence	Worcester	Mynors
	Evesham		

Proposal to introduce a new structure inside the north door to provide step-free access for those less mobile. On entry, visitors could turn left and walk down a long ramp or turn right and walk down three steps. English Heritage, while agreeing the need for such access, suggest the ramp and steps be swapped resulting in the whole structure being less intrusive. Also, the top of each protective glass screen could be realigned to be parallel with the slope of the ramp and steps. Faculty granted for ramp and steps to remain where proposed but for the protective glass screens to be realigned as suggested by EH.

3 August	Holy Trinity, Cambridge	Ely	Jones
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Restoration of the churchyard war memorial and felling/planting of certain trees. The memorial is in the form of a wooden shelter and includes the inscription of the 45 memers of Holy Trinity who gave their lives in the Great War. Growing close to the memorial is a Red Cedar tree about 60 years old and 12 metres high. The City Council seek a full restoration of the memorial and the felling of the Red Cedar to prevent longer term damage to the structure. Also the felling of two holly trees in order to let more light into the church and to be replaced by a Robinia tree. This action was granted. There were seven objections to the felling of the trees, although none for the proposed works on the

War Memorial. The Red Cedar overshadows the entrance to the War Memorial making it dark and unwelcoming. A representative of a landscape firm did not believe the roots undermined the memorial and thought it had been planted as a significant element of the Memorial setting. Substantial pruning would render the tree lopsided and unattractive, therefore recommended that it be removed altogether so that the Memorial and its setting can be appreciated from the outside as well as inside and that vandalism would be kept to a minimum. Faculty granted subject to conditions.

26 August Dorking Cemetery Guildford Jordan

Since the judgment given in July in relation to exhumation, other material facts have arisen. The deceased himself was not religious and the interment in consecrated ground conducted by a Minister of the Church of England was performed in deference to his widow's wishes for a religious ceremony, although she herself is a member of the Roman Catholic Curch. A letter from Monsignor McGrath explains about the deep held conviction of the deceased's widow to tend her husband's grave and so it follows that the exhumation and re-interment under the protection of the Roman Catholic Church will properly reflect the spiritual and pastoral needs that arise in this case. Therefore, the decision made on 12 July is reversed.

24 September Mary Greenwood, deceased Manchester Tattersall

On her death, Mrs Greenwood, on her express wishes, was interred in the grave of her mother, a family grave purchased by Mrs Greenwood's brother. Her estranged husband assumed he would be buried with her upon his death but was told that the remaining space was reserved for their daughter, therefore, he is petitioning for his wife to be exhumed for re-interment in an adjoining grave so that he may be buried with her. He had not been living with his wife for the last 4 years of her life because he had been accused by their daughter of sexual abuse against her since she was seven years old, a crime for which he was later found guilty and jailed for 12 years. After considering the legal principles to be applied, Chancellor is satisfied there was no justification for an exception to the general presumption of the permanence of Christian burial. Faculty denied.

6 October All Saints, Watermillock Carlisle Tattersall

Extension of existing heating system incorporating a boiler, silo, buffer tank and other equipment to be housed in a new building within the churchyard, some 20 metres from the existing boiler house, at a cost of £45,000. One letter of objection by a recently retired parish councillor, to the new building on environmental and financial grounds. His concerns as to the size of the building and its location were addressed and thought given to alternative suggestions for the new boiler. Faculty granted.

Following the death of Mr F, his son had a bench with memorial plaques in the recesses and a horizontal memorial plaque adjacent to the bench erected in his father's memory, under which it was believed that the deceased's cremated remains had been interred. As the work had been done without a faculty being sought, the Archdeacon made application for the bench to be removed, the cremated remains exhumed and re-interred in an area set aside for such. The deceased's widow was then ordered to seek a faculty to remove or confirm the works already done. Such application asked that the oak bench, the plaques on the bench and the stone memorial be permitted to remain and the cremated remains be exhumed and re-interred in the Garden of Remembrance. A faculty was granted for the exhumation and re-interrment but there were many objections to the bench relating to the size, workmanship and the language used in the inscriptions on the memorials. Chancellor orders the horizontal memorial plaque to be removed as it no longer marks the place where the decesed's remains are interred; removal of the memorial plaques on the bench as the language used in the inscriptions is out of keeping with tradition; and removal of the bench as it is poorly constructed and already showin signs of wear. He grants faculty for installation of a new bench of the dimentions recommended by the DAC.

21 October St Barnabas, Erdington

Birmingham Cardinal

A faculty was granted in 2010 for the re-building and re-construction of this church after a disastrous fire had destroyed most of it. This petition is for extensive re-ordering to include natural stone flooring throughout the main church; Bath stone for features withing the sanctuary and chapel; joinery and doors in American white oak; glass screens between sanctuary and vestry, and sanctuary and chapel; heating and lighting systems and disabled ramp. The DAC is concerned about the glass screens around the chapel and vestry on the grounds that it would be a distraction for those worshipping and a possible invasion of the privacy of those preparing for a church service. Chancellor does not grant faculty for this part of the petition.

1 November St Peter & St Paul, Over Stowey Bath & Wells Briden

Replacement of pipe organ by an electronic instrument. Some objections by parishioners, the Victorian Society and the British Institue of Organ Studies. This organ is a good example of a work by Bryceson built between 1859 and 1867 but possibly not exceptional. In its present position it dominates the north east chapel area and prohibits any imagnative conversion of the space for other uses, therefore, with regret the chancellor authorises its disposal by way of sale, gift or otherwise. This faculty extends to the removal of three pine pews to make room for housing the new electronic organ.

11 November Leslie Coultous, deceased

Mr Coultous's remains were interred in the Garden of Rest at st Margaret's Thornbury in 1977. In 1996, while the church and vicarage were demolished, his remains were removed to the site of a new Garden of Rest after being stored temporarily. This new Garden has proved less than satisfactory and has created many problems for visitors. With the recent death of their mother, the petitioners wish for their father's remains to be exhumed and re-interred in Scholemoor Cemetery with their mother's remains so that they may be together. Chancellor is satisfied that there are special or exceptional circumstances due to the changed character of the Garden of Rest; the sense of alienation which the family feels as a result; and the fact that because the deceased's ashes were moved at the time of demolition his "final resting place" lost a degree of permanence. Faculty granted

16 November	St Michael & All Angels	Chichester	Hill
	All Saints, Danehill		
	St Matthew, St Leonards-on-sea		
	St Mary, Balcome		
	St John the Evangelist, Upper St Leonard		

St Michael's seeks a faculty to re-cover the flat roof adjacent to west tower and the flat roof adjacent to east vestry roof following lead theft. The number of such thefts was such that insurance would cease to cover the cost of replacing lead for lead and thus a synthetic product is proposed which can be repaired in situ, and has no value if stolen. Permission was granted for work to be carried out. All Saints seek permission to re-cover the south east vestry flat roof with a synthetic material, following copper theft. The roof is concealed from view by a stone parapet. St Matthew requested permission to repair the roof of the rector's vestry using a sythetic material after lead theft for the third time. Such thefts have caused water damage to the interior of the building. The roof is concealed from public view by a brick parapet. St Mary wishes to replace the lead stolen from the flat roof of the toilet with GRP fibreglass. The toilet is a new building (1998) and out of sight of the main entrance to the church. In each case, permission has been granted for the works to proceed. A confirmatory faculty will issue for these petitions. St John the Evangelist has been the target of lead theft on four occasions and has submitted an application for dispensation from faculty. Chancellor ordered works to go ahead on the day application was received and now formally orders that a dispensation from faculty will issue. In such cases of emergency where the integrity of the building is compromised and there is a risk of damage to the fabric and furnishings, the building should be made weather tight and secure and police and insurers informed.

23 November St Mary, Stafford

Lichfield Thomas

A petition for a number of works including replacing the main Victorian wooden entrance door with a modern part glazed one. There were objections from the Victorian Society and the Ancient Monuments Society to the removal of this door and proposed that it could remain permanently pinned open while still installing new doors in the outer entrance. The petitioners state that the present door is large, heavy and cumbersome and it is almost impossible for disabled parishioners and those with pushchairs to gain access to the church. Having glass outer doors and leaving the present door pinned open would be impractical as the church would lose the security and privacy it sometimes needs and would add greatly to the cost of heating the church. Faculty granted on condition the present door be displayed or stored.

28 December Holy Trinity, Shaw

Manchester Tattersall

In the light of recent thefts of metal from the north side of the church and the use of the vicarage grounds, which are hidden from view, by teenage youths leaving behind evidence of drug and alcohol abuse, the Parish feels that the only answer is to enclose the area to the north and west by metal railings. There were objections from residents whose rear gardens adjoin the churchyard to the west and who were concerned about the height of the railings and that access could still be gained to the north side of the church via the gardens in their road. Chancellor is satisfied that the erection of railings is a reasonable response to a problem that needs to be remedied. Faculty granted.

31 December St Mary, Horsell

Guildford Jordan

Petitioners seek permission to break through a mediaeval wall to gain access to the bell tower. Access at present is up a wooden ladder and through a trapdoor which occupies a significant part of the floor space of the very cramped ringing floor. This arrangement acts somewhat of a deterrence to both the young and the elderly from participating in this valuable tradition within the community. SPAB object to the petition pointing out that there are other methods of gaining access. After consideration Chancellor grants faculty.