

## CONSISTORY COURT JUDGMENTS 2013

<b>Date</b>	<b>Place</b>	<b>Diocese</b>	<b>Chancellor</b>
1 January	Christ Church, Fenton	Lichfield	Eyre

This Grade II listed church has been the victim of several lead thefts from the roof, the latest being from the north aisle. This is a petition to remove the remaining lead and cover the entire roof of the north aisle with Sarnafil, a flexible polyolefine with a life expectancy of 25 years. The CBC's Guidance note does not recommend its use although it has a smooth finish and gives a grey lead appearance. The DAC advises that the roof is not prominent in any key views and would not oppose its use. EH would prefer the use of terne-coated steel but would countenance the use of Sarnafil as a short term measure. Chancellor concludes that it would not be right to impose a time limit on the faculty and accepts that if Sarnafil is an acceptable roof covering, then it should remain for its full life span. Faculty granted.

3 January	St Michael, Coxwold	York	Collier
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Petition for re-ordering of this Grade I listed church to include removal of Georgian box pews. The Georgian Group objected to the removal of the pews and to the toilet being sited beneath the gallery. It suggested the toilet be housed in a separate building within the churchyard or in the Hearse House. Neither of these suggestions would make it easily accessible for disabled users. The Georgian pews have been modified in the past and some have been lost altogether. At present they are half hidden in a cluttered area by the entrance door. Chancellor concludes that the loss of these architectural heritage assets is far outweighed by the benefits to the community. Faculty granted.

11 January	St Peter & St Paul, Barnham Broom	Norwich	Arlow
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In 2012 a faculty was granted for the installation of wireless broadband equipment in the tower. Since then it has come to light that the second public notice was displayed incorrectly, it being inside the church porch which is sometimes locked rather than outside. The second period of public notice elicited a number of objections mainly concerning the potential risk to health. However, although a substantial amount of research has been conducted in this area, there is no convincing evidence of risk to health from transmitting radio waves. Objectors were also concerned about the way in which the proposal was managed and that it may have damaged pastoral relationships between church and local residents. Chancellor makes reference to *Re St Alkmund, Duffield (2012)* and is satisfied that the petitioners have shown good reason. Faculty granted.

7 February	All Saints, Fooks Cray	Rochester	Gallagher
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Petitioner seeks a faculty for the erection of a monument in respect of her late brother. Despite having been given a copy of the Churchyard Rules, she engaged a person (not a monumental stonemason) to produce a stone which was laid without permission and without informing the rector. The memorial was not in keeping with Churchyard Regulations and so faculty was denied.

27 February                      Re: Mrs K Wilkes                      Bradford                      Walford

Petition for the exhumation of her husband's cremated remain from Bradford for re-interment in Bridlington Cemetery because the family is moving to Bridlington and wish to take him with them. The presumption is that the burial of human remains in consecrated ground is permanent and the reason given for exhumation is expressly rejected. Faculty denied.

1 March                      St Mary the Virgin, Selling                      Canterbury                      Ellis

A resident of Selling became a midshipman in the Navy and served at the Battle of Trafalgar. Two flags that were flown at the battle were given to him and later gifted to the church of St Mary where they hung in the memorial chapel. In 1994 the flags went to a conservator in Sandwich and then were moved to Canterbury Cathedral Treasury in 2010/11. The conservator concluded that they could not be displayed safely in the church considering their value and environmental requirements. Consideration was given to selling the flags at their current estimated value of £100,000-£150,000 and notices of this intent displayed which drew forth many objections. One objector suggested the flags being housed at the National Maritime Museum or the Royal Naval Museum. A petition, supported by the PCC, was then presented for the sale of the flags to the National Maritime Museum, a suggestion which is supported by the descendants of the Hilton family who wish the flags to be properly cared for and displayed. With the money from the sale, a charity will be set up geared towards the benefit of young people of Selling and the historical education concerned with the Battle of Trafalgar. Faculty granted.

21 March                      St Peter, Guestwick                      Norwich                      Arlow

Petition to fell five ash trees and to reduce seven others within the churchyard of St Peter. Objections to the felling of 5 trees but not the reduction of the other seven for which a faculty was granted. There were concerns that the root systems were threatening the stability of the western wall of the church and that the volume of seed cases and seedlings have caused gutter and downpipe blockages. After discussions with objectors, the petitioners wish to fell only three trees (where there is more than one tree growing from a single root system) and pollard the other two. Faculty granted for the felling of three trees.

22 March                      St Stephen, Selly Park                      Birmingham                      Powell

Re-ordering of this Victorian church in two phases. This petition deals with phase one for exterior works including construction of a new foyer linking the proposed new parish centre to the church, insertion of double doors to the new foyer and removal of the stone font. There was considerable debate about the foyer as the petition was for construction of an octagonal one although planning consent had been granted for a circular design. Until this is clarified, a faculty will be granted for the construction of the new parish centre. This is an interim judgment.

28 March                      Holy Trinity, Folkestone                      Canterbury                      Ellis

Introduction of six new stained glass windows in the south porch of this Grade II listed church. The PCC was left the sum of £30,000 by a parishioner for the purpose of providing a permanent memorial to her late husband. The PCC decided that the money would enable the construction of a memorial in the form of stained glass with an appropriate inscription.

Many of the stained glass windows are Victorian with the exception of the post war ones, replacing those damaged during WWII. Modern stained glass would reflect the continuous progress of maintaining and improving the church. The artist chosen submitted designs representing the six days of creation with a dedication to the parishioner's late husband in the central panels. There were no objections from the various societies consulted. Faculty granted.

2 April                                      St Augustine, Kilburn                                      London                                      Seed

Installation of nine mobile telephone antennas in the bell chamber of the church tower and replacement of oak louvres with glass reinforced plastic louvres. After consultation, EH and VS were happy with the proposals. There was one objection which arrived on time regarding health concerns but such matters have been fully litigated in the secular courts. Other objections on the same theme arrived after the consultation date which bore the hallmarks of a local campaign, the result of which was that Westminster City Council lodged an objection to the proceedings. Accepting that the notification procedures were all carried out in accordance with the Faculty Jurisdiction Rules, a Faculty is issued.

2 April                                      St George, Benenden                                      Canterbury                                      Ellis

The bell tower in this twelfth century church is reached by narrow, uneven steps and in 2011 a handrail was installed by the Tower Captain. A Faculty was not sought at the time and the handrail was deemed to breach health and safety rules, it not being securely fixed to the wall. There was much dissension and debate regarding this unlawful handrail and in 2012 the PCC enquired about having it removed. They were advised that a Faculty would be required to remove it but when one of the fixings became loose rendering it dangerous, the DAC indicated that they would have no objections to the handrail being removed immediately and authorisation was given by the Court. In late 2012 the PCC petitioned for a handrail made of polypropylene with an outer rope covering to be fixed on the tower stair between the ground floor and the ringing floor. The petition was not supported by the church architect and also attracted one objector who thought the plastic rail was ugly, gave no sense of security as it flexes and is too close to the wall causing knuckles to be scraped and generally preferred the metal rail designed by the church architect. After a site visit and taking everything into consideration, Chancellor granted a Faculty.

3 April                                      Re: John McGarry, deceased                                      Manchester                                      Tattersall

Petition to exhume the cremated remains of his father from St Paul's, Peel for re-interment in Christ Church, Harwood where the cremated remains of his mother are interred. His mother's ashes were originally going to be interred at St Paul's but the family was unhappy with the state of the grave because the stone was leaning at an angle and the casket was in view. At the time the casket was interred, the Petitioner felt the grave was too shallow and although he has received assurances that the problem would be sorted out, it has not. Chancellor is satisfied that exhumation is sought so that the remains of the deceased and his widow be together in a family grave. Faculty granted.

3 April                                      Re: Doreen Payne, deceased                                      Manchester                                      Tattersall  
Christ Church, Bacup

Petition to exhume the cremated remains of his sister and parents from Christ Church, which has recently closed, for re-interment in a family grave in Bacup Cemetery. The

Petitioner, his sister and brother all agree that as Christ Church has closed and it's future uncertain, the family's final resting place should be in the family grave in Bacup. Chancellor is satisfied that there are sufficient special circumstances, namely the desire to re-inter in a family grave, to grant permission. Faculty granted.

17 April                      St Mary, Washington                      Chichester                      Hill

Following a faculty granted in March 2012 for the removal of pews and replacement with loose chairs, the Parish Council object to the removal of all the pews. The Council maintains it was given the assurance that the Victorian pews would be retained and was disappointed that this has been disregarded. Notification of the petition was widely advertised to the local community and no comments were received by the deadline. The Parish Council failed to write to the registry with its concerns, the DAC had no objections to the removal of the pews and the Victorian Society approved of the petition. The petitioners did, however, introduce chairs in breach of an express term of the faculty for which they have apologised. Although the DAC favoured the chairs and the CBC did not, had the Chancellor's permission been sought it would have been granted. The Court gives approval retrospectively.

24 April                      Royal burial ground, Windsor      Oxford                      Bursell

The Ambassador of the Embassy of the Republic of Serbia petitions for permission to exhume the remains of HM Queen Maria of Yugoslavia from the Royal burial ground, Frogmore where she was buried in 1961 to be re-interred in the royal mausoleum in St George's Church, Oplenac, Topola, Serbia with the remains of other members of the Royal House of Karadjordjevic. HM Queen Elizabeth II, the Dean of Windsor, Crown Prince Alexander of Yugoslavia and other surviving relatives have all given their consent. It had not been possible for a petition to be lodged earlier as the family had to wait for a favourable decision by the Government of Serbia. This has now been made. Although St George's Church has no doubt been consecrated according to the Orthodox rites, it is not the same as the consecration required by the Burial Act 1857 as the Act only applies to this country. Therefore a faculty is granted for the disinterment of the remains.

7 May                      St Herbert, Braithwaite                      Carlisle                      Tattersall

St Herbert is the daughter church of St Mary Thornthwaite and was built in 1900. The PCC agreed that St Mary be maintained as a traditional church and St Herbert developed as a contemporary community building which would involve significant re-ordering. This would include a new vestry, new storage area, toilet, enlarged kitchen, upgraded heating and lighting. A faculty is also sought for the installation of three church leaded windows and stone surrounds, one in the new vestry and the other two into the front wall of the church hall. There were objections to their being French doors of glass from the church hall to the playground, allowing public access directly to the playground. Further objections were to the levelling of the floor, removal of pews and the store room, giving the feeling that the church will become another hall. PCC addressed all such concerns and a Faculty was granted.

21 May                      St Mary, Kenardington                      Chichester                      Ellis

Construction of extension to link nave and tower, a new single storey building in the churchyard to house toilet facilities and provision of electricity. As planning permission was granted and approval gained from the DAC, work had already begun before a Faculty was sought. In conclusion, a Faculty is granted for work to continue on the toilet block but that

no further work is to be undertaken on the link from nave to tower and that a report of the archaeological excavations be prepared.

23 May                                      St Mary, Tharston                                      Norwich                                      Arlow

Petition seeking a confirmatory faculty for the replacement of drain runs and creation of new drain runs. The PCC failed to apply for a faculty believing the work did not need one and gave the go-ahead for someone to undertake the works in the churchyard to include lifting and replacement of drain runs but also reconstruction of a new soakaway and inspection pit. Alarming, the parish architect was not consulted or made aware of the works. As the DAC has reviewed the works and approved a faculty will be granted on the proviso that an architect should inspect the works and ensure all is in order.

28 May                                      Streatham Park Cemetery                                      Southwark                                      Petchey

Petition by South London Crematorium which owns Streatham Park Cemetery, to exhume the remains of May Robertson from one grave to another within the Cemetery. In 1980 her remains were interred, by mistake, in a double plot containing the remains of Mrs Adeshiyan which was bought by Mr Adeshiyan. He has now died and on the morning of his burial, the mistake was uncovered. Mrs Robertson, therefore, needs to be exhumed and re-interred in the correct plot before Mr Adeshiyan can be interred with his wife. Faculty granted.

1 June                                      Holy Trinity, Eccleshall                                      Lichfield                                      Eyre

Within the churchyard of this Grade I listed church, there is a grave containing the remains of the Machin family. The father, a designer and engraver, the mother a painter and the son an architect. The son's wife wishes to erect memorial formed of a pedestal surmounted by an urn. Three of the sides are to bear the names of the parents and son along with their professions and the fourth side to bear an extract from a poem written by the son. The DAC had some concerns regarding the design which have been resolved but otherwise supported the petition. There were two objectors suggesting the memorial should comply with Churchyard Regulations and thus be more in keeping with the churchyard. Chancellor is satisfied the memorial will be of a quality appropriate to the churchyard and with a degree of individuality, therefore a sufficient reason for going outside the scope of the Regulations has been shown. Faculty granted.

3 June                                      All Saints, Standon                                      Lichfield                                      Eyre

The Clapham family wish to erect a memorial for their father who was a distinctive character who contributed generously to the local community. The memorial itself is wholly acceptable but the wording the petitioners wish to use is causing problems with the DAC who does not consider "fell off his perch" nor "it's only rock and roll" acceptable. Inscriptions should be consonant with orthodox Christian belief, their message conveying hope and faith but that does not mean they need to be characterless. Individuality is to be encouraged but must not be seen to be inconsistent with the Church's message. While a faculty cannot be granted for this petition, the petitioners are encouraged to submit wording that conveys something of their father's character without being inconsistent with the Christian Gospel.

5 June                                      St Mary, Kenardington                                      Chichester                                      Ellis

With reference to the judgment given on 21<sup>st</sup> May, a Faculty shall be issued in respect of works already begun on the link between the existing church building and the proposed addition which will serve as a refectory. Chancellor is satisfied that the demolition is necessary for the purpose of the alteration of the church and will not be likely to affect the character of the church as the work comprises merely the unblocking of apertures which at some stage must have been open. The archaeological report that was requested concludes that there would be no impact on archaeological deposits or historic fabric.

18 June                                      St Peter, Hedenham                                      Norwich                                      Arlow

Removal of fixed pews and replacement of the existing raised wooden pew platform with a new wooden floor flush with the surrounding area. EH supportive but have reservations about whether the floor should be wooden or more appropriately stone or tiles. Chancellor refers to Re: St Alkmund, Duffield and is satisfied that the work, nor the use of wood rather than stone, will result in harm to the significance of the church as a building of special architectural or historic interest. Faculty granted.

19 June                                      West Lane Cemetery,  
Horsham St Faith                                      Norwich                                      Arlow

West Lane Cemetery is nearly full, having space for approximately two more years of burials. There are three petitions for the reservation of double depth grave space, all supported by the PCC although it has resolved not to support any further reservations unless a compelling case could be made. The petitioners are three married couples with strong and long-standing links with the parish and the cemetery and seek to reserve grave space alongside family members. A new burial ground has been created within the parish that will provide burial space for a further 47 years therefore the Chancellor does not hesitate to grant faculty for this petition.

9 July                                      St Giles, Chesterton                                      Coventry                                      Eyre

Petition to carry out repairs to the west tower where louvres have fallen out. Unanimously supported by the PCC and DAC. One letter of objection concerned with the lack of publicity and a clear demonstration of how the interventions will blend in sensitively with the existing structures. Here concerns were prompted by her perception of the poor quality of work recently carried out on the churchyard wall leaving her with reservations about the operation of the faculty system itself. Chancellor is satisfied the works are needed and the proposed manner of performing them appropriate. Faculty granted.

10 July                                      St Stephen, Walbrook                                      London                                      Seed

Proposed sale of painting by Benjamin West, opposed by the DAC, Georgian Group and the CBC. Painting was removed to storage during a period of re-ordering 1978-1987 and petitioners believe it would not be aesthetically satisfactory to re-introduce it into the re-ordered church. DAC argue that the painting was commissioned as an altarpiece and that its subject being St Stephen, it should remain in the church. It was established that the painting was introduced into the church without a faculty and subsequently removed from the church without a faculty; that its introduction severely compromised the integrity of the Wren building in scale, visual appearance and by damage to the original fabric in taking out

and bricking up the East window. As well, Chancellor is satisfied the petitioners have made out the necessary financial need to dispose of this painting to the Museum of Fine Arts in Boston. Faculty granted.

12 July St Stephen, Selly Park Birmingham Powell

Following an interim judgment in March, this is a petition to demolish the existing church hall and build a two storey extension as a parish centre, to construct a glazed circular foyer with two sets of glazed double doors, to clean exterior stone work and install new paving and rough planting. There was a desire for an octagonal foyer which would replicate the octagonal design of the chancel but the Planning Authority indicated that a full Planning Application would be needed for that. The Victorian Society believes a foyer is unnecessary but it will provide a level access for disabled people to both church and parish rooms. Access to the foyer is to be by two sets of double doors under the west window and stretching the width of this window. Proposal to replace the asphalt of the hard standing area with tegula bricks is not welcomed by the DAC. Chancellor grants a faculty for foyer, doors and for relaying the hard surface so much as is necessary for the installation of the foyer. The rest of the hard standing should be looked at later and liaison with the DAC made.

26 July St Mary and St Thomas of Norwich Arlow  
Canterbury, Wymondham

Proposals for an extension and reordering works to this 12<sup>th</sup> century church built as a priory (later becoming an abbey), and funded by a Heritage Lottery Fund grant of £1.5 million. It is of national and international significance with 20,000 visitors a year and a growing role as a cultural centre. No objections but some reservations from EH, SPAB and the CBC. The parish has listened to the advice of experts and has scaled down the size of the south extension and significantly reduced the proposed works to the east tower and has been granted planning permission. Proposal for two single storey extensions, one on the north side and the other on the south side to provide toilets, kitchen, display area, clergy vestry, archive reading room and store room; a pathway to link the two; relocation of the shop and creation of a herb garden. Objections are to the larger extension to the south side concerned with its size and design, which is mainly of glass. It is believed that some of the required accommodation can be achieved within the existing church building. Petitioners argue that this seems to counter the parish's intention of opening up the body of the church for worshippers and visitors alike. Faculty granted.

31 July St Peter, Dunchurch Coventry Eyre

A petition to exhume the body of Mr Porter-Williams for re-interment in the same cemetery. After Mr P-W was buried in plot 25, his widow was granted a faculty for the reservation of plot 26 for herself. The paper records recording this reservation were damaged and thus were not transferred to a database resulting in the grave space being used by an unrelated person. This petition requests the exhumation of Mr P-W from plot 25 to plot 20 and the reservation of plot 21 for his widow. Faculty to be granted on the understanding that information be sought as to the condition of the coffin, requiring it to be in such a condition as to permit a seemly exhumation.

3 August                      St Bartholomew, Binley                      Coventry                      Eyre

Installation of a fixed projector and screen for use in services. The projector will be in a box fixed to the underside of the balcony and the screen in a box running across the archway to the sanctuary. The Georgian Society objected to the screen box across the archway on the grounds that it would be damaging to the special character of the church. Chancellor agrees with the DAC and English Heritage that the box will not harm the character of the church and agrees with the petitioners that a good reason has been shown for such a change. Faculty granted.

5 August                      St Francis of Assisi, Meir Heath                      Lichfield                      Eyre

Vicar and churchwardens petition for the installation of 40 black photovoltaic solar panels on south roof of the church in order to help with heating costs and reduce their carbon footprint. The roof is not readily visible other than to the occupants of the vicarage who are in support of the application. DAC is objecting to the proposal based on its assessment of the likely visual effect of the panels on this architecturally significant building. Chancellor concludes that the benefits outweigh any potential harmful impact. Faculty granted.

9 August                      St Clement, East Cheap                      London                      Gau

Major re-ordering to add offices with kitchen and toilets and access for disabled requiring excavations to be undertaken, during which human remains were discovered. An inspection concluded that the remains were extremely antique and that there would be no possibility of contacting descendants, therefore they should be removed and stored reverently in the same container that other human bones previously discovered within the church are kept. At a convenient time, all the remains are to be reinterred within the church where the first bones were discovered.

22 August                      St Lawrence, Wootton St Lawrence                      Winchester                      Clark

An armet, a spiked metal helmet with visor, has been on loan to the Armouries at the Tower of London and then in a store room at the Royal Armouries Museum in Leeds. In 2010 a Faculty was granted for its sale subject to a satisfactory offer being first made by the Royal Armouries or another British museum or institution. Chancellor readily admits he failed to consult the CBC regarding the sale as the armet had been in storage for over 40 years. No satisfactory offer was forthcoming from the Royal Armouries so the armet was sold at a public auction. Consequently the CBC expressed some concern at the sale stating that the armet was part of the funerary monument to Sir Thomas Hooke and as such it was necessary to obtain the consent of any living heirs of Hooke. Thus the Faculty was set aside and the matter reviewed. Two living heirs were traced, one of whom transferred his ownership to Wootton St Lawrence in exchange for the PCC undertaking to maintain the tomb of Sir Thomas Hooke, and the other heir agreed to the sale on condition that he receive half the price obtained. Chancellor is satisfied that the Petitioners have proved their case such as to justify an order for sale of the armet. Faculty granted.

24 August                      St Peter, Wolverhampton                      Lichfield                      Eyre

Petition to remove the current electronic organ and one set of pews and install a Bevington pipe organ in their place. The Bevington is currently in a former Wesleyan chapel and has been offered to St Peter's for free. A replacement electronic organ would cost in the region



of £30,000. The DAC, EH and VS all expressed concern that the Bevington is too large both in size and musically and would have a negative impact on the appearance of the chancel. Chancellor agrees that the impact would be grave and would materially detract from the beauty of the chancel, therefore the benefits would not justify the intention. Faculty denied.

2 September                      Re: Frank Oliver, deceased                      Bradford                      Walford  
Bowling Cemetery

It was the intention of the family to bury Mr Oliver in a plot at the top of the cemetery where there were existing family graves. Mrs Oliver was unhappy with the plot chosen by the funeral director which was much further away even though she found out later that there were suitable plots in the area she preferred. On the evidence offered, Chancellor is satisfied that there was an error in administration and grants a faculty for exhumation and re-interment in the preferred area.

3 September                      St Andrew's Churchyard,                      Leicester                      Blackett-Ord  
Thringstone

When their son was buried in the churchyard, the Dicksons applied for a faculty to reserve a double grave space beside him which was granted. Sadly this was not recorded on the churchyard plan and consequently a Mr Garrett was buried there. Both the Garretts and the Dicksons were understandably upset. The Dicksons believe that Mr Garrett should be exhumed as he is mistakenly buried in their reserved space whereas the Garretts hold to the Christian belief that once buried in consecrated ground, it should be the final resting place. Chancellor directs that the remains of Mr Garrett be exhumed for re-interment in the grave space immediately adjoining and that any future faculty orders reserving grave space should clearly state that the obligation to mark a reserved spot lies with the PCC or incumbent, not the petitioners. Faculty granted.

7 September                      St Peter, Prestbury                      Chester                      Turner

To build an extension at north east corner of the church, new pathways to the churchyard and demolition of a 19<sup>th</sup> century clergy vestry. Proposal has generated a lot of interest both for and opposition to the project resulting in opponent parties to the Petition who suggested that other buildings such as the Norman Chapel and the Hearse House could be adapted to meet the current church needs. EH VS and CBC had no objections while SPAB declined to support the project as it had not been consulted at the early stages. Petitioners argue that their needs include toilet & baby changing facilities, kitchen facilities, flexible meeting space, and areas for education, teaching, a crèche, youth activities, office space and storage. Chancellor did not agree with objectors that these needs could be easily accommodated in the Norman Chapel and Hearse House and that the proposed works will not result in harm to the significance of the church as a building of special architectural or historic interest. Faculty granted.

13 September                      St Michael, Whichford                      Coventry                      Eyre

A petition seeking faculty for various works of replacement and repair to the exterior stone work of the church. EH expressed concern that the proposal was more restoration than conservation and wanted a more conservative approach, preserving more of the medieval fabric. SPAB declares that the stone works of the windows in question is repairable and that replacements are unnecessary and inappropriate. Petitioners argue that the decay on the

hood moulds and the reveals has gone beyond a stage where conservation can be achieved. The hood moulds are no longer performing their function which is to throw away water from the stone work and the reveals is so far perished as to no longer be present. Faculty granted.

18 September                      St Michael the archangel, Warfield                      Oxford                      Bursell

Major re-ordering of this Grade II listed church to include relocation of the font, removal of the west end gallery, the pews, the pulpit and the chancel screen. EH and the VS have become parties opponent to the petition in relation to the screen and pulpit, claiming that they were both introduced during Street's restoration in the 19<sup>th</sup> Century. The various parties reached a compromise that the pulpit be lowered in height and relocated to the north aisle and the chancel screen left in place. Chancellor agrees that the relocation of the pulpit will not cause harm to the significance of this church as a building of special architectural or historic interest. Faculty granted

19 September                      St Peter in the East, Oxford                      Oxford                      McGregor

Saint Edmund Hall, Oxford (the college) has use of the church for religious and educational life and has petitioned to carry out improvements in the churchyard including replacement of existing structures with new gardener's office, greenhouse, cold frames, store rooms and bicycle racks. In order to comply with the Disused Burial Grounds Act 1884 the structures should not resemble a building as such and need to be temporary rather than permanent. Also the relocation of six monuments. Reasonable efforts must be made to find the owners or decedents of the monuments to seek permission for their removal. Advertising elicited no response. Chancellor believes many of the buildings proposed clearly infringe the 1884 Act and therefore denied permission for the greenhouse, gardener's office, tool shed and one of the stores but grants a faculty for bicycle racks, cold frames, the second store and removal of monuments.

20 September                      Re: Ivy Brisbane, deceased                      Lincoln                      Bishop  
St Peter's Foston

Mrs Brisbane's ashes were interred in her parents' grave in St Peter's. The decision was made by Mrs Brisbane's sister as her husband was in no fit emotional state to make a considered decision. Mr Brisbane moved to Norfolk to be near his daughter and wished for his wife to be interred in a local cemetery. He has since died and is himself interred at All Saints', Norfolk. The family, including children and grandchildren now wish for Mrs Brisbane's ashes to join her husband's at All Saints. There are no objections. Chancellor is unable to permit this exhumation as Mrs Brisbane's ashes are already interred in a family grave and when Mr Brisbane died, there was an opportunity to unite his ashes with his wife in Foston. Faculty denied.

25 September                      Re: John Rober Smart,                      Lichfield                      Eyre  
Deceased. Holy Trinity, Dawley

Mr Smart's cremated remains were buried in his parents' grave in the churchyard where several generations of both Mr Smart's family and of his widow's are buried. His widow now wishes exhumation of her husband's remains for re-interment in a double plot in the same churchyard where, upon her death, she wishes to be buried. She claims that in her distressed state, she made a mistake in having his remains buried in that location and regrets it bitterly. Chancellor refers to Re Blagdon Cemetery. Faculty denied.

26 September                      Christchurch, Eccleston                      Liverpool                      Hedley

Reordering of this Grade II listed building to include partial removal of pews, under-floor heating, WC, tea and coffee facilities, relocation of font and creating of a meeting/crèche area. CBC and EH are most concerned about the removal of the pews and the heating. The pews are part of an almost complete unaltered set of early Victorian seating but their removal would give a greater degree of circulation for those with wheelchairs and push chairs. Chancellor directs that the pews be photographed and stored for at least 5 years so that they could be re-instated should the need arise. In order to accommodate under-floor heating, the pews need to be removed and the floor levelled. Faculty granted.

27 September                      St Margaret of Antioch,  
Thorpe Market                      Norwich                      Arlow

Petition for confirmatory faculty to remove kerbstones from certain graves in the churchyard of this Grade II listed church. After a health and safety review in the churchyard, it was decided there was a need to remove kerbstones where the length of grass and use of mowers makes it hazardous so notices were displayed and as many family members as possible contacted directly giving notification of intended works. Kerbstones were then removed from some 18 graves dating from 1917-1978 without the grant of a faculty and therefore illegally, causing great upset. With this in mind, a confirmatory faculty will be granted but with stringent conditions. Where family members have requested the reinstatement of kerbstones, the petitioners must replace them so they sit flush with the surrounding turf as must those containing inscriptions, with the inscriptions facing upwards.

1 October                      St Paul, Eastville                      Lincoln                      Bishop

This follows a provisional judgment concerning the demolition of this listed church as being necessary in the interests of safety or health for which there was insufficient time to obtain a faculty. Chancellor directs that his provisional judgment be submitted to the CBC and EH for them to make representations and directed that an engineer for EH and another engineer report on the dangers of imminent collapse of the church. They both agreed that the chancel arch needed to be propped up and a controlled demolition carried out under the guidance of a specialist engineer. In the light of these findings, Chancellor is not satisfied that it has been established that a demolition is necessary in the interests of safety or health and a plan should now be adopted for remedial measures and works of repair before a faculty application is submitted.

7 October                      St Stephen, Walbrook                      London                      Seed

Party Opponent has submitted a 105 paragraph Application for Leave to Appeal against a ruling in July 2013 allowing the sale of a painting. Chancellor has considered the entirety of the document and refused the application.

15 October                      Re: Percy Morphett, deceased  
St Margaret, Horsmonden                      Rochester                      Gallagher

Petitioner wishes the cremated remains of her father to be exhumed and re-interred with her mother who died recently and is buried in the same graveyard. She is also unhappy that the area in which her father was interred has not been well cared for. Chancellor refers to



of the interior while works are carried out. Chancellor is satisfied that a reputable contractor will be engaged, the insurance in order and the organ protected while work is ongoing. Faculty granted.

29 October                      All Hallows, Hallerton                      Liverpool                      Hedley

Two petitions, one for re-ordering including removal of pews, carpeting, installation of sound system, screens and projectors, the second petition to introduce a circular votive candle stand. The wish is for an increase in the flow of movement within the church, room for those in wheelchairs or with pushchairs to congregate at the front of the church and room at the rear to enable catering to take place. There is already substantial carpeting in the church, more of which will be required once pews have been removed. Chancellor concludes that these changes will have only a minor impact on the significance of the church. Faculty granted for both petitions.

4 November                      St Lawrence, Wick                      Bath & Wells                      Briden

A petition to reserve a double depth grave space for his two sons and two daughters which is adjacent to another double depth space informally allocated to the Petitioner and his wife and in turn, next to the grave of his father who died in 2012. The PCC is against this reservation and so was invited, along with the Petitioner, to send letters setting out their reasons for and against. The Petitioner's family live in Kewstoke where the churchyard is no longer available for interments. As it formed a united benefice with Wick, the Petitioner's mother wrote to the incumbent asking for grave space to be reserved for herself and her husband. A gift of £100 was sent anonymously but which is believed to have emanated from the Petitioner's family. Although the two parishes are no longer a union, the PCC honoured the informal arrangement for the burial of the Petitioner's father in 2012 and for the reservation of the grave space for the Petitioner and his wife. As the family are not parishioners of Wick, faculty must be denied. However, this petition affords the opportunity to perfect the reservation of the plot for the Petitioner and his wife which currently lacks legal validity and a faculty is issued to that effect.

20 November                      St Margaret, Old Catton                      Norwich                      Arlow

Re-ordering to include removal of Victorian pews, provision of toilets and kitchen, replacement of porch doors and provision of a movable nave altar. VS and SPAB have some reservations regarding the pews and clergy stall. The church is described as "over-pewed" and their layout provides little or no view of the altar. It is proposed to dispose of the clergy stall apart from the panelling which is to be re-used to create a piece of furniture that can be used both as a pew frontal and as a communion rail when needed. Re St Alkmund, Duffield referred to. A faculty shall be granted subject to conditions.

22 November                      Wandsworth Cemetery                      Southwark                      Petchey

Petition to exhumate the remains of her stillborn son for re-interment in Magdalen Hill Cemetery. Mrs Rees had a live in job as a nanny, but, with her husband, were buying a home in Wandsworth to live in the future. Mrs Rees's first baby was still born and buried in Wandsworth Cemetery where they acquired the right of a "4 person" grave. The purchase of the house fell through and they could not find another at the price they could afford. Mrs Rees had two daughters and when her nanny job came to an end, they needed to buy a property and chose Winchester as a place they could afford, They have fully integrated into

church life in Winchester and feel very settled, but now want their first child's grave to be nearby. Because the Rees did not have a permanent home in Wandsworth at the time of their son's burial, Chancellor believes there is an exception to the norm and grants a faculty, but makes it clear that this does not make a precedent.

25 November                      Holy Trinity, Wandsworth                      Southwark                      Ellis

An amendment to a faculty issued in 2012 concerning the baptistery screen. Chancellor required the parish to seek the views of EH, VS and CBC as the amendment was significant enough to warrant it. None objected. On a site visit, the servery was under construction, but the top of the wooden structure had been constructed in a fixed manner, not in accordance with the faculty. The baptistery screen has been detached and the alternative proposal is to hang it on the eastern wall of the north transept. Chancellor satisfied that the amendment does not constitute a substantial change to the proposals already authorised by the faculty and that the integrity and safety of the screen would be better preserved than they would be under the current terms of the faculty. Order issued that the faculty be amended.

26 November                      St Margaret, Lowestoft                      Norwich                      Arlow

Removal of wooden and plastic kerbstones from around graves in the churchyard of this Grade I listed church, which had all been introduced without the proper authority. This has been unanimously voted for by the PCC. Public notices elicited a response in relation to the grave of Mr Nunn. His wife wonders why concerns are raised now after 25 years and the stress is impacting on her health. Her son asks that the kerbstones be allowed to remain until his mother's death. Allowing kerbstones to stay would create a justified sense of grievance for those who have applied and been refused permission for their introduction. Faculty will be granted subject to conditions. Families will have one year from display of public notices to remove kerbstones after which the PCC will do so. Chancellor is unable to make an exception with regards to the grave of Mr Nunn

29 November                      All Saints, Thornage                      Norwich                      Arlow

As a result of public notices displayed, there have been several objections to the conversion of the existing vestry into a toilet and tea-point and vestry facilities within the base of the tower of this Grade II listed church. While the members of one family do not object to the provision of facilities, they express concern about the risk of damage to a family grave that is close to the trench which is being dug to accommodate the drainage pipes. Another couple object to the changing the vestry, which was built in memory of those who lost their lives in the First World War, into a toilet. Chancellor is satisfied that the family grave will not be disturbed and that the benefits of the provision of facilities outweighs the concerns. Faculty granted.

3 December                      All Saints, Heathfield                      Chichester                      Hill

Petition by Mr V for reservation of grave space on behalf of his mother. His father died in 1964 while working in Nigeria and his remains returned to England and interred in the churchyard of All Saints. There is no marker or gravestone but his name is recorded in the Book of Remembrance. In 1963 a Garden of Remembrance was established and evidence suggests that it is more likely his cremated ashes were interred here. His mother moved to Eastbourne in 1973 but wishes to be reunited in death in the churchyard of All Saints. The incumbent and the PCC are opposed to the petition as there are only perhaps 4 or 5 grave

spaces remaining for use. As well, Mrs V has no legal right of burial in this churchyard as she is neither a parishioner nor on the electoral roll of the parish. Faculty denied.

3 December                      St Nicholas's Chapel, Kings Lynn                      Norwich                      Arlow

A faculty is sought for various works to this Grade I listed building including improved access within the chapelyard, rainwater and foul water drainage improvements and creation of a rubbish and recycling area. Only objection is to removal of modern metal security gates from entrance of south porch and their replacement with the original Victorian gates which previously hung there. The Chapel was declared redundant in 1992 and now hosts concerts and exhibitions. As such the Chapel is not subject to faculty jurisdiction and work on the building, including restoring the Victorian gates, needs only planning permission which has been granted. One objection was lodged regarding the deficiency in the display of public notices. However, Chancellor has decided to dispense with the need for further display of notices and faculty is granted.

4 December                      St Mary, Bourne Street                      London                      Gau

Sale of three High Mass sets of vestments which are described as "not in keeping with present vestments and generally regarded as mistakes". Given the limited finances of the church, Chancellor expressed surprise that such purchases were made "without sufficient consultation with the PCC" and regards the vestments as perfectly acceptable. However, as the law stands, there is no reason not to issue a faculty. Faculty granted.

9 December                      Marley Lane Cemetery                      Chichester                      Hill  
Battle

Petition for exhumation of her parents' cremated remains from consecrated ground in Marley Lane for re-interment in Petworth, nearer to her home. In re Blagdon Cemetery cited. No other ground than the portability concept is advanced, therefore there are no special or exceptional circumstances. Faculty denied.

11 December                      St Mary, Purton                      Bristol                      Gau

Application for the replacement and enhancement of a sound system and installation of a projector screen. Faculty is granted for replacement of six speakers with four placed in new locations. There were objections from SPAB and CBC regarding the fixed screen being attached to a boom mounted on the front north pillar at the crossing tower. When in use the High Altar and choir will be cut off from the rest of the church and its fixings would have a detrimental impact in such a sensitive location. They suggested the use of a floor mounted screen but petitioners argue this would be a physical obstacle for choir processions and those using High Altar. Chancellor referred to St Alkmund, Duffield and concluded that the benefits outweigh any harm that may be done. Faculty granted

16 December                      Selmeston Parish Church                      Chichester                      Hill

Removal of a wooden platform and four pews from the west end of this Grade II listed church to create space for storage of chairs etc. One objection regarding the works as unnecessary and wasteful. Statement of Need satisfied the Chancellor that the works are necessary. Faculty granted.

17 December

St Peter, Church Lawford

Coventry

Eyre

This somewhat isolated church has suffered several thefts of lead from the roof which has previously been replaced by terne-coated steel. The roof has also undergone a number of poorly performed repairs resulting in the ingress of rain. What remains of the original lead roof has been marked with Smartwater and there are infra-red beam alarms installed, but it is a matter of opinion if these work as a deterrent to a planned theft. A faculty is sought authorising the removal of roofing and its replacement with zinc at a cost of more than the proposed repairs but which would result in a roof with a life span of around 70 years. The DAC, VS and EH are against the proposal to use zinc rather than lead or terne-coated steel and in favour of carrying out more repairs. Chancellor agrees that the stage has not yet been reached when replacement rather than repair is appropriate. Petition dismissed. Faculty issued for repairs to be carried out.

31 December

St Saviour, Smallthorne

Lichfield

Eyre

The vicar with the support of the PCC wish to perform repairs to the stonework at the north and south doors and around the west window and to re-glaze the west window with glass from a disused church. Chancellor so directs that those works be undertaken. The contentious element of the proposals relates to the guarding of the new window against vandalism. At present it is guarded by wire mesh which the petitioners wish to replace with clear polycarbonate and to which the DAC objects on the grounds of its appearance, reflection, difficulty in cleaning, condensation and durability. The petitioners refer to the CBC's Guidance Note on the merits and defects of wire guards and polycarbonate. Chancellor concludes that the petitioners have justified the use of polycarbonate. Faculty granted