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CONSISTORY COURT CASES 2003

<u>Date</u>	<u>Church</u>	<u>Diocese</u>	<u>Chancellor</u>	<u>Subject</u>
Jan 6	St Laudus, Mabe	Truro		Headstone, kerbs and cover slab on grave. Kerbs not permitted under Diocesan Churchyard Regulations. Principles to be applied in deciding whether to grant faculty. Faculty granted for headstone, ledger or stone border demarcating the grave provided they are laid flush with the ground.
Jan 14	St Mary & All Saints Trentham	Lichfield	Shand	Removal of pews to be replaced by movable chairs. Two interim judgments in attempt to deal with poor presentation of petition concerning Grade II church by Sir Charles Barry. Concerns expressed by CCC and Victorian Society. Bishopsgate questions. Failure of Petitioners to address those concerns. Petition dismissed.
Jan 21	St Lawrence, North Wingfield	Derby	Bullimore	Declaration that kerbs, chippings and vases in area of grave placed without lawful be applied. Directions regarding future management of churchyard.

Jan 21	St Mary & All Saints Willoughby –on-the-wolds	Southwell	Shand	Faculty for new floor in spire and weatherproof bell-chamber windows. English Heritage claims installation of platform would involve damage and/or loss of historical fabric. Also some confusion as to purpose of installation. Chancellor satisfied that new floor is required to reduce need for maintenance, facilitate a sound control system and provide a safe working platform. Faculty granted.
Feb 2	St Michael, Stanwix	Carlisle	Spedding	Removal of pews for chairs and other re-ordering. Creation of turning space for vehicles. Grade II church. Bishopsgate questions. Application of Disablement Discrimination Act 1995. Faculty granted
Feb 4	St Nicholas, Arundel	Chichester	Hill	Reduction in size of altar and its removal to side chapel, introduction of stations of the cross, removal of pews, introduction of Taize cross. Alleged bias of Chancellor. Liability of objector who behaved “unreasonably” to pay contribution to court fees. Faculty granted, objector to pay two-thirds of court fees.
Feb 11	St Clement, Sandwich	Canterbury	Walker	New stained glass in Great West Window. Grade I church. DAC in favour but CCC opposed. Bishopsgate questions. Meaning of “necessity” in context of new stained glass. Adverse effect on character of church outweighs PCC’s wish to install this particular glass. Petition dismissed.

Mar 4	St Clement, Leysdown	Canterbury	Walker	Exhumation. Body buried in 1983. Church declared redundant in 1988 and subsequently demolished. Churchyard remains open for burials. Petitioner's concern at "gradual deterioration in state of churchyard" and has difficulty in walking to grave because of her age (86) due to unevenness of ground. Petitioner had moved and would "like him to be nearer". Alsager and Blagdon guidelines considered. Petition dismissed.
Mar 11	All Saints, Branksome Park	Salisbury	Wiggs	New drive in churchyard, extension of porch including disabled toilet. Faculty granted.
Mar 17	St Peter & St Paul, Uplyme	Exeter	Calcutt	New stained glass windows. Objections on grounds that stained glass would darken interior of church and also as to Design. Faculty granted.
Mar 17	St Sampson, Cricklade	Bristol	Calcutt	New toilet and kitchenette in south east corner of church. Faculty granted.
Mar 19	Trysull Churchyard	Lichfield	Shand	Petition for outline of dog's head to be etched on her husband's memorial. Although the symbol is outside Diocesan guidelines, it is not considered inappropriate or offensive, therefore Faculty Granted.
Mar 19	Kinver New churchyard	Lichfield	Shand	Petition to reinstate kerbstones at parents' grave. opposed by Parish as long established policy in place. After careful consideration on its merits, petition was dismissed

Mar 22	St Peter, Stoke on Tern	Lichfield	Shand	Petition for reordering and replacement of the heating System in Grade II listed Victorian church. Reservations expressed by the Victorian Society. Faculty granted for installation of sound system and audio loop, and for replacement of heating system. Faculty withheld for rest of reordering until detailed plans submitted.
Mar 28	St Mary, Eaton Constantine	Lichfield	Shand	Sale of plate from the redundant church of St Andrew, Wroxeter. Although traditionally should be heard in open court, decision made on basis of written submissions. Money needed to be raised to fund the repair of the churchyard wall of a redundant church. Plate is of no historic value. Tredington guidelines. Faculty Granted.
Apr 2	St Michael, Beer	Exeter	Calcutt	Stone memorial in church to church treasurer of 22 years. Respected and admired member of community. Service to church was “exceptional”. Moving High Altar forward for westward facing celebration of Holy Communion. Faculty granted.
Apr 6	St Mary, Shortlands	Rochester	Goodman	Portable table font. Whether there can be two fonts in a church. Whether there can be a baptismal tank for adult baptism. “Response by House of Bishops to some questions raised by Diocesan Chancellors: 1922” Faculty granted.

May 17	St Nicholas, Kenilworth	Coventry	Gage	Faculty for alteration of a screen in the chancel arch of the Church which will be part of a wider scheme of re-ordering to provide for a nave alter. Opposition to alteration of the screen voiced by English Heritage and the Victorian Society. Concern that the screen would not withstand such alterations. St Luke, Maidstone guidelines. Faculty granted on condition that a scheme for recording, storing and maintaining the removed parts of the screen is approved by the DAC
May 21	St Margaret, Hawes & Holy Trinity, Knaresbr'	Ripon Leeds	Grenfell	Mobile phone antennae on tower. Emission of radiowaves and risk of harm to individuals. Medical evidence considered. Physical appearance of equipment. Need for public consultation. Faculties granted
May 22	St Peter, Tollerton	Southwell	Shand	Petition for lighting of the pathway of Grade II listed church. Confusion as to whether it is covered in planning permission already sought. Planning application was also for illumination of the porch/façade but this is not included in this judgment. Objections from the resident of the Old rectory on the grounds of impact on his property, but strong case for safety measures to protect walkers from falling. Faculty granted.
June	St Peter, Wrockwardine	Lichfield	Shand	Reservation of grave space which is in opposition to the PPC's policy. No date as to when policy made but evidence of its existence since 1980. West Pennard Churchyard cited. Petition dismissed.

June	St Peter, Stoke on Tern	Lichfield	Shand	To be read in conjunction with interim judgment of 22 March 2003. Detailed plans and drawings submitted. Continued opposition from Victorian Society and one member of DAC. Faculty granted for tower, resiting of font, removal of pews, portable nave altar and carpeting subject to carpet specimens submitted for approval
June	St Nicholas, Bishop-	Durham	Wearmouth	Petition for the removal of linked seats with kneelers in the Lady Chapel and introduction of free standing chairs. One objection on the grounds of no consultation removal will alter character of church and previous removals without faculties. Faculty granted on condition that faculty be sought for retrospective works.
June 6	St Hildeburgh, Hoylake	Chester	Turner	Petition for removal of various enhancements, including railings, kerbs and edgings, to certain memorial stones in the former parish church of Holy Trinity, Hoylake. Vicar made sure regulations known and understood and approached families of enhanced memorials. Petition issued to remove enhancements and public notices of the proposals posted. Seven formal objections received. Petition adjourned until 30 July 2004 (?) Faculty granted for removal of enhancements to graves where no response has been received. Faculty granted for removal of enhancements to new memorials and further enhancements to existing memorials introduced after hearing date.

June 19	St Laurence, Alvechurch	Worcester	Mynors	Extension to church to provide hall facilities. Grade II church. Bishopsgate questions. Whether adequate consultation. Faculty granted.
July 6	Lambeth cemetery, re: Miresse, deceased	Southwark	George	Exhumation. Body buried in consecrated ground in 1985, not intended to be permanent. Now wish to re inter in a mausoleum recently opened and of which a large number of the clientele are of Italian origin. Faculty granted
July 7	Re: BB deceased	Rochester	Goodman	Exhumation. Baby boy buried in consecrated ground. Parents wish to move to be nearer relatives because of mother's psychological and psychiatric health and so wish to re inter in cemetery near to new home. Blagdon guidelines considered. Faculty granted.
July 15	Holy Trinity, Forest Row	Chichester	Hill	Conversion of vestry to provide kitchen facilities and new internal disabled lavatory. One parishioner objected and asked for her letter to be taken into account (dated 16/3) Chancellor accepts good grounds for changes. Faculty Granted.
August 7	St Mary & St Peter, Wilminton	Chichester	Hill	Replacing organ, updating heating system, modifying seating arrangements. Grade I listed church. One objecter whose arguments in a letter were rejected. Faculty granted

September 17	St Mary the Virgin, Hayes	Rochester	Goodman	<p>Partial demolition of vestry block added to GradeII church in conservation area in 1963. Rebuilding and extending it further out into churchyard with pitched roof in place of existing flat roof. Object to accommodate Sunday School, groups and interviews, coffee after services, a parish office and WC for disabled. Objections by three parishioners on grounds that extension would be out of keeping and overbearing in relation to the church, that it would destroy meadow saxifrage which grows in the churchyard, that it would interfere with existing graves and that it would not be large enough for petitioners' purposes. Bishopsgate questions. Effect of planning permission on faculty proceedings. PCC's failure to follow guidance in "making changes to a listed church". Decision on written submissions. Finding that none of objectors' contentions had any foundation except fact that accommodation would be small. As no alternative site available, Faculty Granted.</p>
September 26	St Mary's, Great Sankey	Liverpool	Hedley	<p>Petition to remove pulpit in order to sell it and use the Proceeds for re-ordering of the interior of the church. Pulpit considered unnecessary as sermons, given size of church, could be delivered from Lectern or Chancel steps Fourteen church members have lodged complaints saying its removal would depreciate the beauty of the church and that the preacher may not been visual to everyone standing on the Chancel steps. Faculty granted.</p>

September 30	St Peter & St Paul, Long Compton	Coventry	Gage	Faculty to provide kitchen, toilet, store rooms and large meeting room; remove pews; erect a gallery for additional seating; sell 8 pews; treatment for timber infestation. CCC objected to the extent of the proposed work into the nave and south isle. Faculty granted on condition that scheme be referred back to DAC for final approval
October 12	St James, Norton	Sheffield	McClellan	Removal and pruning of trees in the churchyard particularly five yews bordering the main path, making it very narrow for funerals and mourners. Faculty granted
November 1	St John the Evangelist, Hoylandswaine	Wakefield	Collier	Petition to remove existing pipe organ and to restore a Wyvern Electronic Organ (Model B228) Significant alterations had been made to the existing organ but were considered the work of an amateur. Rebuilding the organ considered at a cost of £40,000 but replacement with a Wyvern would be around £13,000. Two objections on the grounds that the present organ could easily be repaired. faculty granted on grounds that restoration or repair would be too costly.
November 1	St Luke, Norland	Wakefield	Collier	Petition to remove and dispose of pews, pulpit and font, the re-ordering of which would be funded by local playgroup who wish to use the church to meet. Two objections concerned with altering the character of the church and use by playgroup which may “push the church out of its own premises”. Pews, pulpit and font of no historical value and use of church on a regular basis is consistent with pastoral outreach of the church. Faculty granted

November 1	St John the Baptist, Royston	Wakefield	Collier	Petition to dispose of various items which are redundant and of no special value. Approved by PCC and DAC but one written objection. Argued that the chairs had been in storage for last 20 years and were in a state of dis-repair. They were catalogue items and no older than Victorian. Fact that an item was gifted to the church does not prevent a disposal. Faculty granted for disposal and sale.
November 10	St Augustine, Scissett	Wakefield	Collier	Petition to remove choir stalls and pews and instal new chairs and carpet in this GradeII listed building. Replacement of pulpit with movable lectern. Also to lower timber floor to aisle level to enable disabled access and a flexible space for general worship. Victorian Society was consulted who asked for retention of two pews as an historical reference. Also three written objections from the public showing concern over the atmosphere of the church changing, and church being used as a youth club. Bishopsgate questions. Faculty granted subject to retention of two pews and that a photographic record of present layout of the church be made and kept in parish records.
November 29	St Michael, Tilehurst	Oxford	Bursell	Petition to place memorial stone on father's grave with wording that does not comply with regulations of the churchyard, although on other occasions this has been allowed to slip through. However, efforts now are being made to raise standards. While there was sympathy for the efforts that the incumbent was making to uphold diocesan regulations, inscription was allowed as long as it appeared in inverted commas. Faculty granted

December 2	Christ Church, Warminster	Salisbury	Wiggs	Petition for substantial re-ordering of Grade B listed church including new floor, offices, disabled lavatory, coffee bar and kitchen. Floor to be concrete with under floor heating and carpeting. Two new entrances in south wall and a dais built at entrance to chancel. Considerable negotiation with English Heritage and Victorian Society but no real dispute, although Victorian Society concerned about removal of pews, choir stalls, the introduction of carpeting and reduction in size of chancel screen. Faculty granted on condition that parts of the screen that are removed are kept in store in the church.
December 4	St Helen, Gumley	Leicester	Behrens	Petition to replace stained glass window with one by a modern artist in Grade II listed church. Supported by DAC but opposed by Council of the Care of Churches who say it will change the character of the church which is of special architectural and historical interest. Evidence given regarding artistic and theological significance of window. Examination of window showed man of the faces to have lost their detail and overall showed much decay. Two glass experts gave evidence as to cause of decay and illustrated methods of restoration. It was decided that restoration was not viable. The modern design for the new window was criticised by the art historian and dismissed. Bishopsgate questions. Faculty granted.

December 12 Holy Trinity, Bosham

Chichester Hill

To explore belief that the body of King Harold was buried underneath the church following the Battle of Hastings, a petition sought authority to carry out an archaeological investigation, open up a coffin believed to contain King Harold's remains and remove a sample of bone for DNA analysis and comparison with that of a living person believed to be a direct descendent. Chancellor did not accept on evidence that there was a realistic chance of finding the remains of King Harold under the floor of the church and that burial in Waltham Holy Cross was far more likely. Evidence did not lead court to believe that DNA analysis and comparison with persons alive today would substantiate claim that one of them was a direct descendent of the King. Archaeological evidence unlikely to produce anything of significance. Principles in *Re Blagdon Churchyard* [2002] Fam 299 applied. Burden of proof. Faculty denied.