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CONSISTORY COURT CASES 2004

<u>DATE</u>	<u>PLACE</u>	<u>DIOCESE</u>	<u>CHANCELLOR</u>
No date	St Cuthbert, Beltingham	Newcastle	McClean

Petition to remove kerb-stones from 12 graves in older part of churchyard to come into line with the other 45 graves without kerbs and so make maintenance easier. Relatives of some of the graves contacted but no objections. Objections however from three other parishioners concerned that most of the kerbs are in good repair, that maintenance has not been a problem in the past and that there are kerbs in the new part of the churchyard. Also that one of the graves has an inscription on the kerb-stones. Faculty granted to remove all kerb-stones except the one with inscription.

16 Jan	St Bartholomew, Crewkerne	Bath & Wells	Briden
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Replacement of existing floodlighting system with a more sophisticated one. Supported by PCC and DAC but 8 objections including one from Campaign to Protect Rural England. Formal objections from Campaign for Dark Skies regarding light pollution, irresponsible energy wastage and disturbance of wildlife, including bats. Permutations of switching system and alignment of lights will be addressed. Faculty granted for installation provided there is an archaeological assessment submitted and consultation with Parties Opponent. System may be used for a trial period of 12 months subject to certain conditions.

20 Jan	St Mary, Slaugham	Chichester	Hill
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Petition for construction of a toilet extension as a first phase to re-order this Grade I listed church. Plans have been revised on recommendation of DAC, EH and CCC, and planning permission has been obtained. 21 letters of objection received and a petition with 107 signatures asking for further negotiations on the location of the toilet facilities. Many of the objections had already been considered by the planning authority and should not therefore be raised again in consistory court (King's Worthy) Objection as to location was considered. Faculty granted.

21 Jan St Mary the Virgin, Ninfield Chichester Hill

Petition for removal of three pews and introduction of a digital organ. Also electrical works including installation of two speakers in the minstrels' gallery. One written objection as to positioning of organ between an antique clock and an historic font but work will lead to the area being opened up with better views for parishioners. Faculty granted.

23 Jan St John the Divine, Pemberton Liverpool Hedley

Five petitions for disinterment to be heard together. Mr. Webster's ashes interred in churchyard of St John the Divine near public entrance. His widow unhappy with position and would not have agreed if she had realised and wishes re interment in her parents family grave. Faculty granted.

Mr. Molyneux interred in St Anne's Rainhill in existing grave although graveyard now closed. Dispute from relative of another who lies in same grave. Proposal for Mr. M to be reburied in St Helen's graveyard. Petition adjourned while authorisation for reburial is obtained.

Mrs. Bich Phuong Lieu interred in Everton Cemetery. Family moved to London and widower buried in East London Cemetery as no room left in Everton. Family purchased adjoining grave in London and wish Mrs L to be reburied there, so they can meet their religious obligations and rituals throughout the year. Faculty denied

Mr. Wilson's cremated remains interred in St Michael and All Angels. His widow wishes them to be re interred in a plot close by purchased for her own burial. At the time of his death from Motor Neurone she had not known how to obtain a family grave. Faculty granted.

Mr. Jones interred in St Peter's, Formby. Widow wishes them re interred in Thornton Garden of Rest as she does not think the graveyard is properly looked after. Faculty denied.

29 Jan Christ Church, Timperley Chester Turner

Petition to introduce a black granite vase tablet to which will be attached a ceramic photographic plaque with a informal photograph of the deceased. Objection to the photographic plaque by the PCC and DAC referring to Diocesan Churchyard Regulations. Also concerns as to durability of photograph and encouragement of others to pursue similar requests. Although much sympathy with the family and their grieving process, Faculty denied.

1 Feb St. Andrew, Hexham Newcastle McClean

Choir stalls dating from 1991 are frequently moved to allow for concerts. They consist of a front desk, a bench and a base. The base is cumbersome to move so they have been using the stalls without and now wish to make that permanent along with lowering the benches themselves. One written objection suggesting fitting castors and other modifications. It is not clear whether the petitioner wishes to lower the kneelers or remove them altogether. Consideration adjourned until petitioner submits a more detailed proposal with drawings.

5 Feb Holy Trinity, Hurst Green Chichester Hill

Petition to reduce and grass over the surrounding area of land for two combined grave sites. There were initially 177 objections and 9 written letters of support. Plot in question is at foot of a tree erected in memory of a local doctor. A memorial for the interred (Mrs Potter) was erected without any written consent in evidence followed by plants and stone edging extending beyond the allotted space. Problem has been the subject of discussion between PCC and Mr. Potter for a number of years when a second memorial was erected without permission commemorating Mrs. Potter's mother although she was not interred there. Several letters sent to Mr. Potter asking him to remove plants and return plot to grassy area and reduce the size. Mr. Potter argued that he thought he had permission from a previous vicar and that he has already reduced the plot after disagreement. Chancellor grants leave for the memorials to remain and for the flowers to remain but the plot to be reduced to no more than 4' x 3'

11 Feb Wraxall Churchyard Bath & Wells Briden

Trustees of Mr William Gibbs settled land for extension of the churchyard by conveyances in 1923 and 1933. Present Lord Wraxall proposes to release part of plot for extension while seeking reservation by faculty of an area at the northern end. Another petition by a parishioner to reserve a double depth grave space has not been supported by the PCC because of the small number of spaces remaining and that it will set a precedent leading to further applications. Faculty granted due to exceptional nature of the case.

20 February St Michael the Archangel, Emley Wakefield Collier

Petition for re-ordering including removal of pews and replacement with chairs; removal of organ and replacement with digital organ; moving of the choir screen; installation of a ringing floor; creation of wheelchair access toilet and a new floor with under-floor heating. A number of objections were received. Faculty granted for all works of re-ordering and for the new floor on subject to detailed proposals being worked up.

1 March St Michael, Honiton Exeter Calcutt

Petition to remove fluted kerb stones and chippings, placed without permission, from grave and restore grass. Existing memorial was embellished (after 15 years) by the deceased's daughter without informing anyone of her intentions. She was advised to seek a confirmatory faculty but no petition was forthcoming. She is now objecting to this petition to remove kerb stones but PCC acting on diocesan churchyard regulations. Faculty granted.

2 March St Edburga, Leigh Worcester Mynors

Petition to carry out works to the chancel to alleviate effect of earlier works done without faculty. Earlier works consisted of moving choir stalls, moving chancel step, re-tiling chancel with new tiles and insertion of communion rail. The new works will re-align the chancel step, re-tile the chancel in re-used quarry tiles, and create a new communion rail using new oak. There were two objections on the basis of expense and an extravagance for merely cosmetic changes. It was noted that the nature of the earlier works undoubtedly affected the character of the church as a building of special architectural or historic interest. It was further pointed out that works must only be carried out following the formal issue of a faculty. Bishopsgate questions asked. Faculty granted for further works and confirmatory faculty for retention of earlier works.

5 March St Peter, Norton juxta Malton York Coningsby

Petition for installation of three glazed screens, sanding and sealing wooden floors and replacing the original wooden chairs with 200 wooden upholstered chairs for the nave and 200 metal framed chairs for the side aisles and memorial chapel. The attraction of metal framed chairs is that they are stackable. One objection to the metal framed chairs as being out of keeping with the wooden ones and that they might be left stacked in unsightly positions. Faculty granted with conditions as to the stacking of new chairs and sale of old.

11 March St Petroc's, Inwardleigh Exeter Briden

Petition for a new stained glass window in the south wall. Petition is unsupported by the DAC objecting to excessive blockage of light, blockage of the view previously visible through existing clear glass and the design of the stained glass itself including the cutting of the Celtic cross by two vertical mullions. Faculty not granted until the design is modified making the sky lighter and omitting the birds, trees, hedgerows and animals which overloads an already complex picture.

30 March St Mark, Talbot Village Salisbury Wiggs

Petition to install a telecommunications antenna on the roof of the church tower, concealed inside a flagpole and for the use of T-Mobile. A fee of £5500 per annum to be paid to the PCC and 75% of costs of re-leading tower roof. Press notice in local newspaper for any objections to be lodged. Five letters of objection received complaining of possible health hazard as antenna close to the primary school. Faculty granted.

14 April St John, Whitchurch Hill Oxford Bursell

Petition for permission to place a black polished granite kerb around grave of parents. Not supported by the PCC as kerb stones make mowing difficult and black granite not in keeping although existing headstone is in black granite. Faculty denied.

15 May St Mary, Warwick Coventry Gage

Churchwardens seek a faculty to install a mobile telecommunications facility in the church tower raising just one objection by English Heritage. The installation would be housed on the first floor with wires rising through the bell-chamber to attach to the antennae. For the antennae to function properly the present wooden louvres will need to be replaced, the new ones being constructed of glass fibre which can be made to look like the original. This along with other replacement of authentic materials with synthetic, gave rise to the objection. The churchwardens expressed a pressing need to augment the church's income by way of annual payments from telecommunications companies in order to help with the upkeep of the church. Faculty granted.

8 June St Peter's Churchyard, Limpsfield Petchey

Petition by Jeanne Morris for authorisation for erection of a monument in churchyard to commemorate her husband. Monument to be 6 feet high of green slate with inscription and carving of an owl. Two out of the ordinary points are the height of the monument (higher than others) and that it would not mark a grave (Mr Morris having been cremated) PCC voting was split so referred to the DAC who were concerned that it would set a precedent for headstones of equal height. Also concern over the erection of a memorial which looks like a headstone commemorating interred remains, but is not. Faculty denied.

21 June St Mary, Lastingham York Coningsby

Petition to remove 8 yew trees to the east of church because they have become unkempt making them aesthetically displeasing when viewed from the road and also that the roots were damaging the boundary wall of the churchyard. One objection saying they have taken over 100 years to grow and that the site would look bare without them. Petitioners also seek permission to remove selected trees but also to plant new trees so churchyard will not be without trees. Faculty granted

21 June Parish church, Sutton on the Forest York Coningsby

Petition to construct a free standing church hall made of wood with two rooms, lobby and WC large enough for wheelchair use. Hall to be in part of the vicarage garden where now stands a caravan which has been used for children's activities but is deemed too small and without toilet facilities. Eight letters of objection concerning unsuitability of building, need, cost and use. Petition supported by DAC and majority of PCC. Faculty granted

22 June St Luke, Grimethorpe Wakefield Collier

Faculty for substantial re-ordering of this unlisted parish church. Proposal to convert it into a church and parish centre with kitchen and toilet facilities, the two halves to be separated by a sliding screen. Also for the introduction of a further 3 floors above the parish hall. Fully supported by the DAC and the PCC. One written objection later withdrawn but matters raised in the objection were considered and a site visit made. Faculty granted.

22 June St Mary Magdalene, Mitford Newcastle McClean

Petition for installation of an overhead projection system comprising of a computer housed in a portable cabinet, a video camera, to be placed on top of a pillar, a projector on top of the organ screen and a screen above and behind the left hand side of the chancel. There were 13 letters of objection concerning aesthetics, location need, style of worship and cost. Chancellor happy that installation will not damage the fabric or appearance of the church. Costs, which were not in total a huge sum, were partly being met by bequests and gifts. The style of worship may be the heart of the matter in that there were objections to the "increase of the happy clappy brigade" and acknowledges that there is a need for sensitivity during a difficult period of change in a parish. Faculty granted.

12 July St Mary & All Saints, Trentham Lichfield Shand

Unauthorised work had been carried out in this Grade II listed building over a number of years including the re-positioning of the font and carpeting of the area where the font once stood resulting in a parish divided by this unlawful act. The incumbent apologises for his conduct but believed he was acting for the good of the parish. Chancellor must address the issue of how the incumbent's unlawful behaviour affects decision to grant faculty or make a restoration order. After much argument and deliberation it was decided that although the new position of the font was not ideal, it was the best available and that the carpet was necessary to protect the tiles from increased use. Faculty granted.

17 July Holy Saviour, Tynemouth Newcastle McClean

Petition to build a parish centre with meeting rooms linked to the north of the church. Parish has a Parish Hall but some distance from the church, therefore a need for facilities nearer the church for all to use. Planning permission granted, Victorian society broadly agrees with a few reservations about design. Nine letters of objection received relating to cost which is to be met by a bequest, appeals and grant-making bodies and to the design of the extension which would impede on a grass area. Faculty granted

17 July Gladys Rowntree (deceased) Newcastle McClean

Mrs Rowntree was cremated in 1994 and her ashes interred in the churchyard at Seaton Hirst. Her husband, shocked at the small casket containing his wife's remains, wished to be buried at Woodhorn, having taken a dislike to the plot at Seaton Hirst. He also expressed a desire that his remains be reunited with his wife's which would require exhumation. As there were no special circumstances to satisfy the legal requirements for exhumation, faculty was denied.

21 July St Mary the Virgin, Puddletown Salisbury Wiggs

The church has no facilities for meetings and no toilets at present. The Parish Centre (in need of a lot of repair) was sold in 2000 and sale proceeds intended to build a new room for meetings. English Heritage against a room within or attached to the church so decided on a spot beside the wall of extension to old churchyard. Ten grave stones and a yew tree would have to be removed. Planning permission was denied after local opposition but PCC won on appeal. However, opposition an issue so leave given to make objections out of time and 78 letters received. Objections to desecration of graves and the importance of the Thomas Hardy connection with the churchyard stressed. Need, cost, availability of other rooms and sites, and design was all considered and faculty granted.

8 September St John, Weston Rhyn Lichfield Shand

Petition for a radical re-ordering of this unlisted Victorian church to include installation of an altar table, baptismal pool and stained glass window as the focus of worship at the west end. Present chancel to be lowered and east end screened off to provide foyer area, meeting rooms and toilets. Three objectors consider the scheme utterly at odds with the present architectural integrity of the building. Chancellor satisfied that a powerful case for need has been presented therefore faculty granted.

9 September St Peter, Tollerton Lichfield Shand

Petition for the repair and limited extension of the drainage system in the churchyard. Objection from neighbour who owns adjacent Old Rectory concerned about discharge of water into drain on his property and any backup along his drain in event of heavy rain. Cites invasion under the European Convention of Human Rights but parochial church council is not a public authority within the Human Rights Act. Faculty will be issued subject to local authority permissions etc.

20 September St Barnabas, Heaton Bradford Walford

Petition for installation of telecommunications equipment in St Barnabas Church and a licence agreement for use of the church for telecommunication operation. Approved by DAC but a large number of objections received along with a petition signed by local residents. Hawes and Knaresborough referred to with regard to health issue. Objectors highlight reports of two studies on the health risks but accept that neither report concludes that there is real cause for concern. Also objection under moral issue in that the telecommunications company have a contract with Playboy so that images from Playboy can be accessed via mobile phone. However, all services offered by the company are legal and therefore should not affect any contract entered into with the church. Faculty granted.

30 September Locock, Henry Frederick, deceased Rochester Cameron, Collier, Wiggs

An appeal from decision of 19 November 2002. Faculty was sought to permit extraction of bone from remains of Henry Locock for DNA testing to establish whether he and his family are descended from Her Royal Highness Princess Louise. Counsel for the appellant cited Holy Trinity Bosham and St Nicholas, Sevenoaks. Although Counsel argued well and with clarity, the conclusion was that a case was not made out to the necessary standard that there is a real likelihood of a connection between Henry Locock and Princess Louise and therefore has failed to prove that an exception should be made to the presumption that a body once interred should remain undisturbed. Appeal dismissed

15 October In re Joanne Lyndsey Martin, deceased Manchester Tattersall

Petition for Mr and Mrs Martin to be buried in the same grave as the deceased but not in the grave in which she is presently buried. The new grave would be closer to that of Mrs Martin's aunt who died in 2003 and ultimately closer to that of her daughter who has a reserved space. No evidence to justify an exception to the general presumption of the permanence of Christian burial. Faculty denied.

16 October Peter Ronald Simpson, deceased Newcastle McClean

Petition to have cremated remains exhumed and scattered in the cemetery. Decisions in Re Christ Church Alsager and Re Blagdon Cemetery state once a body has been interred in consecrated ground there should be no disturbance save for good and proper reasons. Faculty denied.

1 November Ronald Probert, deceased Manchester Tattersall

Petition by widow of deceased to exhume casket containing cremated remains for scattering in the Medlock Valley. At the time of death, deceased's widow was very ill and made the decision for interment in the Columbarium prompted by a suggestion that the deceased's father was interred there. Access to the Columbarium is limited as it is inside the church and the church is often locked. The petitioner has now relinquished her "purchased" place next to the deceased's remains because of her desire to have his ashes scattered. Christ Church, Alsager and Blagdon Cemetery cited. Faculty denied.

4 November The Annunciation, Chislehurst Rochester Goodman

Faculty granted in 2003 for the installation of mobile telecommunications equipment subject to two conditions, one being that the four pinnacles of the tower which are to be replaced by hollow fibre glass replicas, should be safely stored to be put back when the telecommunications equipment is removed. There was some disagreement over the wording in the section 106 agreement with regard to the re-instatement of the pinnacles, should either the Council or the Court waive the requirement to re-instate.

5 November St Mary the Virgin, Far Cotton, Northampton Peterborough Coningsby

Petition for faculty to re-order the nave of the church, supported by PCC and DAC. To include re-arrangement of seating to face North instead of East, carpeting, replacement of existing chairs and introduction of an altar table. Twelve written objections concerning the focus of architecture, narrowness of the nave, facing North instead of East, and the cost. They wish a faculty to be granted only with “flexibility” so that the seating will not always be facing North but can be moved. However, permanency is what is desired by the petitioners. The objectors put forward suggestions for alternative re-ordering but was not deemed of sufficient improvement over the petitioners’ proposals. Faculty granted

6 November St John of Beverley Churchyard Newcastle McClean

Dispute in which two people each wish to erect a headstone over a grave. Original headstone erected by the deceased’s partner but indicated by the wording that she was his wife. The deceased actual wife objected and headstone was removed for amendment of wording. Two years later the headstone has not been re-erected because payment has not been made. Deceased’s wife seeks faculty to erect headstone of her own. Faculty granted.

12 November Frindsbury Churchyard Rochester Goodman
Anthony Williams, deceased

Petition by widow and daughter to erect a headstone and plinth (with two holes for vases) in granite with coloured engraving of a kingfisher and an inscription in gold lettering. Incumbent unable to authorise because it did not comply with the Regulations 1981. Argument that there are other headstones that do not comply with the Regulations but these were not granted permission by the present incumbent. Faculty issued for the use of honed grey granite for the headstone, site for one vase only, the full name of the deceased inscribed as well as a shortened version by which he was known and an uncoloured engraving of a kingfisher.

19 November St Mary the Virgin, Black Torrington Exeter Petchey

A portion of the Parish churchyard has been incorporated into the curtilage of the school to form a fenced off courtyard. Petition to now convert that courtyard into a covered area for early years learning and to extend a store room into the courtyard for use as a headmaster’s office. No objection from the public or DAC. Faculty granted on condition that the works are carried out under the supervision of an archaeologist and that any human remains found should be reburied in the churchyard.

21 November Speldhurst Churchyard
Francis Hare, deceased

Rochester

Goodman

Petition to erect a rough hewn light grey boulder in Cornish granite as a headstone for her husband which was his wish. Petition supported by the Rector but opposed by the DAC as it did not comply with the Regulations covering material and size. After a visit to the churchyard, the Chancellor granted faculty in this particular case.

22 November Church of the Blessed Virgin Mary, Batcombe Bath & Wells Briden

Petition by the minister and churchwardens for sale of a 17th century painting by Danedi of significant monetary value. Supported by PCC and DAC with no objections. Sale is not prompted by financial emergency but rather the unnecessary drain on resources and ministry if the picture were to be retained. There are no descendents of the original donor to take offence at the sale. Faculty granted.