

Re Long Bennington Parish Church

Lincoln Consistory Court: Bishop Ch, January 2009

Reservation of gravespace – family grave

The petitioners were parishioners and respectively the partner of 25 years and daughter of the deceased. They sought a faculty for the reservation of gravespaces in order that they might be buried respectively with and alongside his remains. His three children by his former wife and his sister objected on the basis that it would be uncomfortable for them talking to him in his grave in the knowledge that the petitioners were also buried there. The chancellor noted the Christian belief that although mortal remains stay in the grave, the immortal soul of the person who has died is not there, but lives on in Christ. The faculty was granted. [RA]

doi:10.1017/S0956618X09990196

Re St Mary the Virgin, Bishops Lydeard

Bath and Wells Consistory Court: Briden Ch, January 2009

Lighting – confirmatory faculty

The parish had embarked upon a major programme of restoration of the Grade I listed building. This included the replacement of the electrical wiring, for which a faculty had been granted, but also the replacement of most of the lighting without faculty. The works included the removal of light fittings designed by Sir Ninian Comper. The Twentieth Century Society had objected to the new scheme but did not become a party opponent. The petitioners apologised for carrying out unlawful alterations and pointed out that they were mistaken in believing that a faculty had been granted for all of the proposed works. The chancellor had directed the petitioners to apply for a confirmatory faculty and pointed out that the court could order the removal or modification of the works that had been carried out without faculty. However, having regard to the quality of the new scheme and the prospective cost of restoring the old a confirmatory faculty was granted. [WA]

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Re Undercliffe Cemetery

Bradford Consistory Court: Walford Ch, January 2009

Exhumation – restriction in access to grave

The chancellor granted permission for the exhumation of the remains of the petitioners' son in circumstances where increasingly restrictive opening times

had been imposed at the cemetery where his remains were buried. The petitioners had initially chosen the burial site because it allowed them unrestricted access to their son's grave and they had gained huge comfort from the daily visits that they could no longer enjoy. The restrictions imposed had completely nullified the reasons for the petitioners' original choice of burial site. [RA]

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Re All Saints, Ockham

Guildford Consistory Court: Jordan Ch, January 2009

Extension – matters left to discretion of petitioners

The churchwardens and incumbent sought a faculty for the building of a small extension to the Grade I listed church to house a vestry and disabled WC. The Georgian Group objected strongly to the proposal. The Church Buildings Council and the Society for the Protection of Ancient Buildings offered a number of alternative proposals for consideration. The chancellor stated that it was not the function of the chancellor to make detailed aesthetic decisions about what are essentially matters of architectural detail, especially where the decision is the subject of widely differing views by professional bodies who hold legitimate views that cannot be classified as perverse or irrational. He held that, in such circumstances, the chancellor might properly regard some decisions as within the range of decisions that the petitioners might determine, assisted by professional advisers whose good faith cannot be challenged. In granting the faculty, the chancellor left a number of such details to the discretion of the petitioners, including the exact height of the extension, the manner in which the extension would be supported and the manner of rainwater disposal. [RA]

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Re Great Malvern Priory

Worcester Consistory Court: Mynors Ch, February 2009

Bells – party opponent

The petitioners sought to replace the bell frame in the tower of the Grade I listed church, re-hang the existing ring of eight bells and install two new bells. English Heritage objected to the proposal and asked to appear as judge's witness at the hearing. The chancellor ruled that, as they had formally objected, they could not