

Re St John the Baptist, Barlaston

Lichfield Consistory Court: Eyre Ch, 29 December 2017

[2017] ECC Lic 7

Reservation of grave space – PCC policy

Miss Winnett petitioned for the reservation of a grave space in the churchyard, which would be full in the next 20 to 25 years. Prior to her application the Parochial Church Council (PCC) had adopted a policy against reservations on the basis of the limited space available in the churchyard. Miss Winnett argued that her petition should be granted despite the PCC policy on two grounds: first, that it was unfair that no advance notice had been given of the adoption of the PCC policy; and second, that her personal connection with the churchyard was such as to justify an exception to the policy. Miss Winnett had lived in a house overlooking the churchyard for 51 years; she regularly visited the grave of her mother there, with whom she had lived and for whom she had cared; her father's remains would be buried there in due course. The chancellor confirmed his earlier approach that such PCC policies would be given great weight if it could be shown, as here, that they were reasonable and had not been adopted to thwart a particular application. To have given advance notice of the adoption of the policy would have run the risk of a flurry of applications which would compound the problem which the policy was design to address. Although Miss Winnett undoubtedly had a close relationship with the churchyard, to grant her petition would be to cause distress to those who were turned away from the churchyard while empty reserved spaces remained available. The petition was refused. [RA]

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Re Romsey Abbey

Winchester Consistory Court: Ormondroyd Ch, 3 January 2018

[2018] ECC Win 1

Work of art – consultation – benefits outweighing status quo

Romsey Abbey is a Grade I listed church. St Etheldflaeda was the Abbess in around 1000 CE and is, along with the Blessed Virgin Mary, a patron saint of the abbey. In 2016 the abbey hosted an exhibition of paintings by Christopher Gollon, which included, as a bespoke addition, the diptych of St Ethelflaeda. The diptych is a piece of modern art, depicting the saint and a candle. According to the artist it is designed to be 'challenging and controversial' while inviting worshippers to contemplate the saint's serenity and to reflect on their own faith. It was designed to be hung against the backdrop of two

Norman arches by the door that the nuns of the community would have used to enter the church. At the conclusion of the exhibition the bespoke painting was offered to the church at a 'discounted' price of £6,000. The Parochial Church Council (PCC) voted by a majority to buy the painting as a permanent feature of the church, subject to obtaining a faculty. The decision was taken without prior consultation with the congregation, meaning that the notice for the faculty was the first notice to the wider congregation of the PCC's decision. The notice resulted in 15 letters of objection criticising the lack of consultation and process by which the PCC had made their decision. Other objections included the fact that the painting was disturbing, out of step with the historic nature of the church's architecture and detracted from the Abbey's beauty, and that the money could be better spent.

In applying the *Duffield* guidelines the chancellor found, based on evidence from the Diocesan Advisory Committee and the Church Buildings Council, that introducing the picture would not harm the architectural or historic significance of the abbey. Therefore the only question to address was whether the benefit of introducing the picture justified changing the status quo. The chancellor took seriously the objectors' view of the painting as so disturbing that it was an impediment to worship. Taking the matter as a whole, however, he found that the benefits seen by the PCC of commemorating the saint, adding to the liturgy and encouraging visitors outweighed the objections. A major factor was that the size of the abbey meant that those who were inspired by the picture could benefit from it while those who were not could avoid it. [Catherine Shelley]

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Re St Leonard, Birdingbury

Coventry Consistory Court: Eyre Ch, 4 February 2018

[2018] ECC Cov 1

Memorial – churchyard regulations

In considering a petition for a confirmatory faculty for a memorial, the chancellor surveyed a number of decided cases that considered the approach to be taken where a petition sought authority for a memorial that could not be authorised under the diocesan churchyard regulations. One line of authority – exemplified by *Re St John the Baptist, Adel* [2016] ECC Lee 8 – took the approach that a petitioner who sought authority for a memorial which fell outside the scope of the diocesan churchyard regulations was not subject to a special burden of establishing an exceptional case: assuming that what was proposed was not contrary to, or indicative of, a departure from the doctrine of the Church of England in any essential matter, the petition was simply to be determined on its own merits. Another line