

special circumstances which warranted an exhumation in this case, namely the premature death of the two brothers in such tragic and unexpected circumstances and the fact that a restriction on the number of cremated remains in plots in the cemetery in which the deceased was buried had prevented the family members being buried together, which could not reasonably have been foreseen at the time of the interment of the deceased's remains. [RA]

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### **Re St Andrew, Sutton-in-the-Isle**

Ely Consistory Court: Gage Ch, January 2010

*Memorial – churchyard regulations*

The petitioners applied for a faculty for the erection of a memorial to their parents, consisting of a heart-shaped black polished granite stone with motifs of roses, a praying angel and (on the back) a picture of their parent's house. To this would be added kerbs with vases in each corner and white granite chip-pings within the kerbs. They also sought to erect a smaller version on the grave of their sister, but with motifs of roses and a fairy girl. The proposal fell well outside the churchyard regulations, and was not supported by the PCC (11 members voting against it and one abstaining) or the DAC. The petitioners argued that there were many breaches of the regulations, in design, materials and kerbs within the churchyard already, and pointed out that the churchyard was nearly full and that the position of their parents' grave was such that the kerbs would not prove to be a trip hazard. The chancellor noted the numerous breaches of the regulations. He granted a faculty for the erection of the heart-shaped granite stones, without the picture of the house (which he considered to be of no Christian significance) and without the kerbs. His stated reasoning for not allowing the kerbs was that they would prove to be a long-term drain on maintenance resources, rather than that they would be a potential hazard. [WA]

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### **Re St Mary and St Hugh, Harlow**

Chelmsford Consistory Court: Pulman Ch, January 2010

*Re-ordering – statement of significance – café church*

The petitioners sought to reorder the parish church, including the removal of the font and pews (retaining some pews in the south aisle) and installing a

wooden floor. The purpose was to facilitate a wider range of uses of the building for the purposes of mission and outreach, and in particular for a Café Church initiative in which worshippers sit at round tables. The Victorian Society objected and, in particular, criticised as wholly inadequate the Statement of Significance prepared by the petitioners. This statement had failed adequately to note the significance of the work of the Victorian architect Henry Woodyer in the reordering of the church in 1872. The chancellor was satisfied that, whilst the statement was inadequate, it had not affected the decision of the DAC to recommend the works proposed, and that it had been replaced with a satisfactory statement prior to the hearing. The chancellor considered the *Bishopsgate* questions. He followed the decisions in *Re St Mary the Virgin Essendon* (2001) 6 Ecc LJ 415 and *Re Holy Cross, Pershore* [2002] Fam 1 in holding that outreach and mission are important considerations. He permitted the replacement of the pews with chairs, holding that the necessity outweighed the effect on the character of the building and permitted the installation of a wooden floor as being a visual and practical improvement on the current tiled floor. He refused to permit the removal of the font, which dates from medieval times and was altered by Woodyer in 1872, as its retention would have marginal negative impact on the proposed future use of the building. [WA]

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### **Re St Bartholomew, Horley**

Southwark Consistory Court: Petchey Dep Ch, February 2010  
*Exhumation – special circumstances*

The deceased's cremated remains were buried some 90 yards from the grave of his wife who had died very unexpectedly 13 months after the death of the deceased. Their four children sought the exhumation of the deceased's remains for their reinterment in his wife's grave. Given his wife's expressed desire to be buried, rather than cremated, it had not been possible to bury the wife's remains together with those of the deceased in the garden of remembrance. The petition was supported by the incumbent and the archdeacon. The chancellor considered the guidance of the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299. He noted that the proposed reinterment was expressive of family unity and also freed up a space in the garden of remembrance. He noted the very short period between the death of the deceased and that of his wife and commented that the petition would have had much less weight had a period of ten years elapsed between the two deaths. The chancellor categorised the decision to inter the deceased's remains in the garden of remembrance as a