

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]

doi:10.1017/S0956618X09990214

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]

doi:10.1017/S0956618X09990226

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

appear as an impartial judge's witness but rather as a party opponent with a potential liability for costs. English Heritage proposed that the existing nineteenth-century frame be repaired rather than replaced and adapted to accommodate the new bells. The petitioners held that this option was more costly than the replacement of the frame but the chancellor, weighing the figures before him, was not convinced. Accordingly the petition was dismissed and the faculty refused. [WA]

doi:10.1017/S0956618X09990238

Re St Mary and St David, Kilpeck

Hereford Consistory Court: Kaye Ch, February 2009

Memorial – artistic merit

The petitioner sought a faculty for the erection of a memorial stone in the churchyard in memory of his partner. The incumbent and PCC, supported by the Archdeacon, objected on the basis that the stone did not comply with the current Churchyard Regulations, was not in keeping with other memorials and would open the floodgates to further unwelcome applications. The Diocesan Advisory Committee supported the petition, stating that the memorial was 'imaginative and of artistic merit'. In granting the faculty, the chancellor recognised that the floodgates argument was 'of some weight, but only some'. He noted that the churchyard already had a diversity of headstones and observed that 'We are all human, all different, and all have different tastes'. He saw no reason why the deceased's unconventional and artistic lifestyle should not be reflected in her memorial. [RA]

doi:10.1017/S0956618X0999024X

Re Hudson (deceased)

Carlisle Consistory Court: Tattersall Ch, February 2009

Exhumation

The petitioner, daughter of the deceased, sought a faculty to enable the exhumation of the remains of her father for re-interment in consecrated ground in a gravespace previously purchased by the deceased for the burial of his remains and those of his first wife, the petitioner's mother. The deceased's widow, his second wife (now remarried), opposed the petition stating that it had been the wish of the deceased not to be buried in the grave reserved for him and his