

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

In the matter of the Church of St James, Alveston

Re : Diane Avril Minor, deceased.

(and of William and Nora Greenall, deceased)

Private Petition for erection of Headstone in Churchyard

& for shortening and laying flat of existing headstone

C6652/2021

Judgment

1. By a petition dated 6th March 2021, Keith Greenall seeks a faculty for the introduction of a memorial into the Churchyard of St James in Alveston near Stratford-Upon-Avon. It is to mark the grave in which are interred the remains of Diane Avril Minor, née Greenall. The deceased was aged 72 when she died in August 2017. However, the grave also holds the interred remains of William (Bill) Greenall and his relict, Nora Greenall (the parents of Diane Avril Minor) in memory of whom there is already a honed grey granite headstone upon a granite plinth/base. The petition also seeks to remove the existing memorial from its base, dispose of the base, remove the curved upper edge of the granite headstone and lay it flat upon the grave at the foot of the proposed new headstone.

The proposed memorial

2. Although originally a new headstone in grey granite was anticipated, in the petition the proposed memorial is described as being fabricated from honed

Westmorland, Lake District, natural green Slate, with light grey lettering. The proposed new headstone would be 18” in height, 21” broad and 2” deep. There would be no base and no flower holders

The proposed inscription and embellishment

3. On the obverse of the new upright headstone it is proposed there be inscribed the following text in Roman Classic lettering :-

“Diane Avril Minor
Nee Greenall
17th April 1945 ~ 6th August 2017
She brought happiness to us all
R.I.P.”

The proposed lettering would be 1” in height for the name and ¾” in height for the remaining lettering.

The original planned inscription, as described by the monumental masons, had the lettering in capital letters with an accent over the first ‘e’ in Née.

The Parochial Church Council

4. At a meeting of the Parochial Church Council sometime before 22nd May 2021 the proposal was discussed by the members present. The Parochial Church Council Secretary has confirmed that the Parochial Church Council members felt unable to support the faculty sought for two specific reasons:
 - (1) The green slate is the wrong colour and completely out of character with the area; and
 - (2) The cutting up of the original monument and laying it flat is not something we could support.

Diocesan Advisory Committee advice

5. On 10th June 2021 the petition was considered by the members of the Diocesan Advisory Committee. A notification of advice was issued on 15th June 2021 whereby it was indicated that the Committee did not recommend the proposed works. The reasons for giving a not recommended certificate were specified as follows : (1) It does not conform with the Churchyard Regulations due to the type of stone and it was considered not to be fitting with the area of the churchyard where there are no similar memorials; and (2) The Committee objected to the existing memorial being dismantled, modified and laid flat. Instead the new stone should be installed flat and the existing stone left intact. The Committee was also concerned about the precedent this intervention would set.

Public Notice

6. Following receipt of the advice of the Diocesan Advisory Committee the Petitioner still sought that a public notice concerning the Petition be displayed. This was duly displayed on a noticeboard outside and on the principal door at St James' Church from 27th June to 15th August 2021 No objections have arisen following the display of that notice.
7. The Petitioner had provided very little information in the written petition concerning why it was sought to dismantle, alter and lay flat the existing memorial and to raise a new memorial in a non-local stone. He had not specified whether there were any remaining close relatives of William and Nora Greenall (who might potentially want to object to the proposal) nor did he indicate that he was the heir in title to their estate and thus the current owner of the headstone he intended to dismantle. Given these omissions I made directions that he should be invited to submit any further information or evidence, including written comment upon the observations of both the

Parochial Church Council and the Diocesan Advisory Committee. He was also invited to consider whether an amendment to the proposal in the petition could be considered (vis, different stone, laying flat of the new memorial or even a new memorial incorporating details of all previous interments). The response was due no later than 24th September 2021. As of 29th September 2021 no response has been received at the Diocesan Registry. Consequently I must decide this petition on the limited information provided thus far. There has been no request made for an oral hearing so I have determined it is expedient to proceed on written representations only.

The Churchyard Memorials Regulations

8. On All Souls Day 2020 the previous Chancellor issued regulations for Memorials in Churchyards within the Diocese of Coventry (subsequently amended in part only in June 2021). The regulations state that a memorial should be no more than 4 feet high, no more than 3 feet wide, no more than 6 inches thick (and no less than 3 inches thick unless made of slate). The dimensions of the proposed headstone are smaller than the maximum height and width requirements.

9. As regards the proposed material to be used, the regulations state, under the heading 'suitable stone types' :-

The choice of suitable material will depend on the locality within the Diocese. The aim should be to achieve harmony with what is already there so that the new monument integrates successfully into its setting. Geology, colour and texture are all a part of this.

Generally, this will be a matter of selecting a stone which matches in colour and texture that used traditionally within the churchyard and its locality. The ideal is for a memorial to be of the same kind of stone as the church in whose churchyard the memorial is. The Coventry Diocese contains a wide range of

building stones from the darker red sandstones of the north to the light grey lias of the south. Even within deaneries many differing stones co-exist, so that the rule must be to study each parish separately and to reach individual conclusions for each churchyard.

The list below sets out types of stones which may be appropriate depending on their compatibility with the location and the material from which the church is built. It is intended for general guidance and is not exhaustive. Moreover, not all of these types will be appropriate in every churchyard.

The list that followed did include slate as a potentially acceptable material, subject to the caveats already expressed about suitability for the location.

10. The regulations have this to say about the wording of inscriptions :-

“Inscriptions are to be simple, reverent, and appropriate to a churchyard. They should commemorate accurately the life of the person who has died. They must also be consistent with orthodox Christian belief and should not be confined solely to expressions of personal loss or sorrow.

However, the inscription need not be confined to the name and the dates of birth and death of the person who has died. There does not have to be a characterless uniformity in the inscriptions in a churchyard. Human individuality and diversity – indeed human eccentricity and non-conformity – are gifts from God and are to be celebrated as such. Accordingly, individuality and diversity in churchyard inscriptions reflecting the diversity and different characters of those commemorated are to be encouraged. Very many churchyards are enhanced and their purpose reaffirmed by inscriptions which are varied (and often quirky or eccentric) and which convey something of the character or life of the departed person. The message that we are individuals and are loved by God as individuals with our God-given differences and eccentricities is an important part of the Christian message proclaimed in our church buildings and to which our churchyards should bear witness.

In short individuality, even quiriness, is to be encouraged in the inscriptions on memorials but what cannot be permitted is anything which can be seen as inconsistent with the Church's message. In addition there is a difference between quiriness and humour which are to be welcomed on memorials and flippancy and irreverence which would be impermissible."

The proposed inscription concerning Diane Avril Minor would not appear to offend against this guidance.

11. In a section of the regulations headed "The purpose of these regulations" it is stated: *"The purpose of these Regulations is to preserve and enhance the quality of our churchyards while minimising the scope for conflict and discord when decisions have to be made as to the form of memorials. The Regulations exist to create fairness, equality and consistency of treatment for all. They seek to promote peace, dignity and good order in churchyards where it is necessary to balance the concerns of the past, present and future and where there will, inevitably, be a spectrum of views about what is appropriate.*

The general approach is that each churchyard should be harmonious in appearance and that it should remain as a worthy setting for the church. Harmony does not mean uniformity but the design and choice of materials for a memorial and the choice of words and images for an inscription should seek to ensure that the memorial integrates into the established character of the churchyard.

These Regulations set out those matters which may and those which may not be authorised by a parish incumbent. Any proposed memorial or inscription which is not within the scope of these Regulations requires a faculty granted by the Chancellor."

Clearly the collective view of the members of both the Parochial Church Council and the Diocesan Advisory Committee was that the proposed natural green slate of the proposed memorial to Diane Avril Minor would not be harmonious in this particular Churchyard. I have seen photographs of the area

surrounding the current memorial to William and Nora Greenall and concur with that view. The headstone in natural green slate would very clearly stick out as completely different to the other memorials in that area.

12. The Churchyard regulations also deal with where there has been a further interment in a grave and a memorial to the additional person is also sought:
“Where there has been a further interment in a grave the incumbent may permit an additional inscription to be added to an existing memorial provided that the additional inscription is itself in acceptable terms and corresponds to the style and appearance of the existing inscription. Where there is no space on the existing memorial for an additional inscription commemorating a further person whose remains have been interred in a grave a faculty application will normally be required for an additional memorial on the same grave. However, in such cases the matter should be referred to the Chancellor to consider whether the incumbent can be authorised to permit the additional memorial without such an application.”

There is no room for a further inscription on the memorial to William and Nora Greenall. Clearly in this case the Churchyard Regulations would suggest that an additional memorial to Diane Avril Minor could be permitted, albeit the suggestion of the members of the Diocesan Advisory Committee that her memorial should be laid flat on the ground at the foot of the memorial to her parents is more what would be envisaged. The reverse proposal shown by this petition would need to be carefully and clearly explained and justified.

Intention to dismount, modify and lay flat the existing headstone

13. As I have mentioned above, the headstone dedicated to William and Nora Greenall will undoubtedly now belong to their heirs at law (section 66(5)(b) of Ecclesiastical Jurisdiction and Care of Churches Measure 2018). It would be wrong of me to simply presume that the Petitioner is exclusively the ‘owner’ of that memorial and entitled to seek change to the stone. The measure does, of course, permit the Consistory Court deciding to authorise changes to or demolition of a headstone even without the consent of the owner, but there would need to be very good reason to stray from the usual assumption that a memorial will remain in place unless or until it becomes unsafe, unreadable or the grave space is reused. The Petitioner has not satisfied me that he is the sole owner of the current headstone (not least because he has stated ‘we would request’ in the petition without identifying who the other people are). The Petitioner has not satisfied me that there is good reason to dismount, crop and lay flat the existing memorial.

14. In this present matter I am particularly conscious that the elected representatives of this church community do not feel able to support the proposed memorial, nor the changes to the existing memorial. As has been frequently observed : *“The overall beauty and tranquillity of a churchyard is only as good as its constituent parts allow it to be. The rights and interests of private individuals, of the worshipping congregation, of all parishioners, of the local community, and of the Church and society at large all have to be considered in permitting a memorial, which is likely to last for ever, to be placed in a churchyard. There cannot be a carte blanche situation where a family of the deceased has the sole right to decide what is, and what is not, appropriate by way of memorial, not least because...the family do not own the land in which the remains are placed, or on which the memorial is meant to be*

placed.” (Taken from the judgment of Chancellor Holden in Re Christ Church, Harwood [2002] 1 W.L.R. 2055 at p.2056)

These words have been quoted in numerous subsequent judgments.

I am similarly concerned that the dedicated members of the Diocesan Advisory Committee also felt unable to support the proposed memorial and the proposed changes to the existing memorial.

15. The starting point for considering a petition for a faculty to issue for a memorial which appears to be outside the spirit and intent of the Churchyard Regulations is that permission will not ordinarily be given for such a memorial. A powerful reason must be shown before a faculty will be granted . In such matters I habitually have regard to the judgment of Chancellor Mynors in Re St Mary Kingswinford [2001] 1 WLR 927, wherein he summarised the circumstances in which such a faculty could (but need not necessarily) be given: *“However, at least some non-standard memorials will be approved. This is likely to be for one of four reasons. The first is where a proposal is for a specially designed memorial which may be non-standard, but which is a fine work of art in its own right. Such proposals are indeed to be positively encouraged. The second is where a proposal relates to a category of memorial that may be suitable in some churchyards but not in others, so that it would be inappropriate to issue a general authorisation. There are after all some variations between churchyards in different parts of the diocese and such regional variations are not to be either ignored or suppressed. The third situation where a non-standard memorial may be allowed is where there are so many examples in the churchyard concerned that it would be unconscionable to refuse consent for one more. The fourth reason for approval is where a stone might be aesthetically or otherwise unsatisfactory, but where there are compelling personal or other circumstances suggesting that a faculty should nevertheless be granted.”*

I cannot say that any of the four suggested grounds have been proved to apply to the proposals in this petition.

Decision

16. I have now to turn to my decision upon the petition. I am particularly mindful that all of the elected representatives of the Parish present at the Parochial Church Council meeting decided that they could not support the proposed memorial nor the dismantling, cropping and laying flat of the existing memorial. That same view was also expressed by the members of the Diocesan Advisory Committee present at the meeting in June. I have already mentioned above that the Petitioner has failed to satisfy me that he 'owns' the existing memorial. He was also given opportunity to provide further evidence or explanation for his proposals in the face of such opposition, but has failed to respond to that chance to bolster his case.

Choice of material

I am satisfied, from the photographs supplied and my previous experience of petitions arising from the churchyard of St James, that the proposed Westmorland natural green slate memorial would look out of place among the other memorials in the area where this grave is situated. I do not grant permission for a memorial made from that material in the area of the Churchyard with which we are concerned.

Text detailing life and death of Diane Avril Minor

There does not appear to me anything objectionable about the proposed wording for a memorial to Diane Avril Minor. The chosen wording would be permitted on a suitable memorial. Had the Petitioner sought to introduce a memorial to Diane Avril Minor bearing those words but upon a honed grey

granite stone laid flat upon the grave - as suggested by the Diocesan Advisory Committee - it is likely that would have been viewed favourably. The Petitioner was invited to consider amending his petition in line with that suggestion, but no such amendment has been received.

Proposal to dismount, modify and lay flat the existing memorial

As I have indicated above, no real evidence has been presented to show why such a change could be justified. I am also not satisfied that the petitioner is the owner, or sole owner, of the memorial he wishes to be changed so significantly. I do not grant permission for the proposals relating to the memorial to William and Nora Greenall.

17. By reason of the matters set out above, the faculty as requested will not be granted.

18. Save for the ordinary fees required in pursuing a private petition for erection of a memorial there shall be no additional order as to costs.

Glyn Ross Samuel
Chancellor
29th September 2021