

**In the Consistory Court of the Diocese of Durham**  
**Re the Churchyard of Fatfield St George**  
**And Re the Petition of John and Phyllis Goundry**

Judgment

1. By a petition dated 16 June 2021 John and Phyllis Goundry seek a faculty for the reservation of a double grave space in the churchyard of St George, Fatfield.
2. The petition has the support of the PCC, which on 29 June 2021 unanimously voted in favour. There are 18 members of the PCC. The petition states that on 4 June 2019 the PCC had previously unanimously passed a resolution to support the reservation of grave spaces by faculty, declaring “We agree that this option is open to all within the parish”.
3. Public notice of the petition was duly given, and it is unopposed.
4. In answer to the standard questions set out in the petition, the petitioners have disclosed that they are not parishioners, do not regularly worship at the church and do not provide towards the church’s funds. As the petition stated that the PCC was in favour of the reservation of grave spaces for “all within the parish” I suspected that the petitioners might have made an error when stating that they were not parishioners, so I asked for clarification. In response to my enquiry, the parish administrator confirmed that the petitioners were not parishioners.
5. I therefore wished to know if the PCC realised that Mr and Mrs Goundry were not parishioners when deciding to support the petition, and if so, why the PCC supported it. The parish administrator replied: “At the PCC meeting held on the 5<sup>th</sup> November the plot reservation for Goundry was on the agenda and again approved by the members of the PCC and [they] were aware that the petitioners lived outside the parish. The petitioners did at one time live in the parish then moved to their current home, they have several family members buried in St Georges Churchyard”.
6. Further enquiries with Mr Goundry have revealed that he was born in the parish and lived in Fatfield until he married in 1970, at which time Mr and Mrs Goundry set up home outside the parish in nearby Penshaw. Mr and Mrs Goundry then lived in Penshaw for 4 years before moving not far away to Biddick village in Washington. Mrs Goundry has never lived in the parish.
7. Mr Goundry’s younger sister Isabel died in a car accident at the age of 11, and her remains are buried in St George’s churchyard. The remains of his grandparents Edward Goundry and Isabella are also buried in the churchyard, as are the remains of Isabella’s second husband Cornelius Purvis and their daughter Violet (Isabella survived Edward

Goundry and remarried). The ashes of Mr Goundry's brother, Stephen, are interred in the Garden of Remembrance within the churchyard.

8. There is only a limited number of grave spaces left in St George's churchyard.
9. The law relating to the granting of faculties for the reservation of grave spaces was recently succinctly summarised by HH Peter Collier QC Diocesan Chancellor for York in the case of *St Augustine, Kirkby-in-Cleveland* [2021] ECC Yor 5:

*“The reservation of grave spaces is always a difficult matter. The matter is entirely within the discretion of the consistory court. The principles that are generally applied include the court being more inclined to grant a faculty in respect of a person with the right to be buried in the churchyard than in respect of one without such an entitlement. Those who have such a right are the persons living within the parish and those on the electoral roll of the parish church. The Court also has to be satisfied that the parishioners' rights will not be prejudiced.*

*It is very rare, in my experience, to allow a reservation of a plot, by someone who does not have a right of burial.”*

10. Mr Goundry has links with the parish, having lived there (albeit he moved out over 50 years ago), and also because he has a number of close relatives whose remains are buried in the churchyard. Mrs Goundry's links with the parish are only through her husband. Neither of them has the right in law to be buried in St George's churchyard. If Mr and Mrs Goundry were granted a faculty for the reservation of a double grave space, it would necessarily mean there would be at least one space less for parishioners; with only limited grave spaces left in St George's churchyard, the rights of parishioners would therefore be prejudiced.
11. A faculty will not therefore be granted, and the petition is dismissed. I realise this will be disappointing to Mr and Mrs Goundry, but it would not be appropriate in this case to override the rights in law of parishioners.

Adrian Iles, Chancellor

3 December 2021