

In the matter of St Mary Great Chart, Ashford

Petition for replacement memorial

1. The petitioner, Mr Nigel Champion, petitions for faculty for a replacement memorial to his late parents, Frederick Edward Champion and Doreen Patricia Champion, who were buried in the churchyard at Great Chart, Ashford, in 1972 and 2020 respectively.
2. As I understand it, an existing headstone, together with kerbstones, has been removed – possibly around the time of Doreen Champion’s burial in September 2020. The position as regards authorisation for that removal is not clear from the papers before me, but the current petition in any event seeks to regularise the position as regards a memorial for this double grave: the present petition in effect seeks confirmatory faculty for that removal together with faculty for the proposed headstone.
3. Mr Champion proposes a double headstone in honed light grey granite, the proportions of which accord with the Churchyard Regulations issued for this Diocese in 2015. The proposed lettering is engraved and incised dark grey painted Helvetica font. The design, as appended to the petition, includes two small engraved pictorial images (a dove and a stairway to heaven) in the upper part, neither of which has raised any objection. Nor is there any objection to the proposed inclusion of the name by which Doreen Champion went, namely “Pat”.
4. Two elements of the proposed design are, however, raised in the objection that has been put before the Court by Mrs Susan Varnals. These are:
 - (i) A pair of carved swans that take up approximately the bottom half of the proposed headstone. Mr Champion says the swan design is proposed because swans were a favourite of his mother’s. Mrs Varnals objects that they are too big and are of no spiritual significance.

- (ii) The proposed memorial inscription contains a verse of poetry, as follows:
“White dove an image of purity, Purity attained from pure love, A shepherd during hardship, A shoulder to lean on, with you as my Shepherd of pure love. x”. Mr Champion explains that the text comes from a poem written by his daughter for his mother’s funeral, that the dove and shepherd references are significant symbols (Holy Spirit; Jesus Christ) of the Christian faith that was so important to his mother, including in sustaining her in periods of grief in her life. Mrs Varnals objects to the “letter” style in which the proposed inscription is written, including the “x” (kiss) symbol at the end.
5. More broadly, Mrs Varnals objects that the proposed headstone is not in keeping with that part of the churchyard at Great Chart where it will be located, and that this may set a precedent for future headstones with designs that are out of kilter with that section of the churchyard.
6. The PCC is supportive of this petition, as is the incumbent.
7. The DAC has also recommended this petition for approval, save that it has not recommended the “x”, which it felt was out of place. The DAC has taken into account the importance of the proposed headstone design to Mr Champion and his family, the support of the PCC, the fact that this churchyard contains another headstone of similar design (specifically as regards the swan motif) and the fact that the proposed headstone would be sited a sufficient distance from the church itself so as not to have an adverse effect on the church’s immediate setting. The DAC was initially under the impression that this headstone would be sited in the extension to the churchyard rather than the main churchyard. In fact, the headstone would be within the main churchyard, albeit approximately 45m from the church and towards the boundary wall with the extension. The DAC has confirmed that, with this clarification in mind, it maintains its original recommendation to the Court.
8. Given that the DAC does not support the proposed inclusion of the “x” kiss symbol, to which Mrs Varnals also objects, I sought Mr Champion’s views on this aspect of his proposal. It is worth observing that, as I understand the background, Mr Champion has been receptive to dialogue and has shown a willingness to compromise, for example in

amending his design proposals prior to submitting this petition. As regards the kiss symbol, Mr Champion has again sought to be accommodating. He has explained that he would prefer it to be included, and points out that there is another headstone in this churchyard that includes this symbol, but he adds that *“this is not something which is of such significance and if it is the difference between the petition being approved or rejected, then without question I would be prepared for the “x” to be removed”* (Mr Champion’s email of 3 November 2022).

9. Mr Champion has also been extremely helpful in response to a number of questions posed in directions from the Court aimed at enabling me better to understand the position of the proposed headstone in location to the church and to the range of other headstones nearby, a number of which Mr Champion cites as examples in keeping with his proposal. Mr Champion has provided numerous photographs and a short video, for which I am grateful. These materials show, *inter alia*, that (as mentioned above) the proposed headstone would sit around 45m from the church and near to the boundary wall with the extension to the churchyard, and that this churchyard includes a great variety of styles of headstone. I accept that some bear comparison with Mr Champion’s proposed design: there is another headstone with a similar swan motif around 20m away, and there are a number of headstones featuring pictorial images chosen for their resonance with the deceased rather than their Christian connotations. Such images include a hockey player (also in the main churchyard) and musical notes (also in the main churchyard, and closer to the church than this proposed headstone).
10. I remind myself of the relevant provisions of the Churchyard Regulations for the Diocese of Canterbury, and in particular Regulation 3:
 - (i) Regulation 3(h) provides that moulded figure work is not permitted. It seems to me that the swan relief Mr Champion proposed would or arguably would constitute moulded figurework, but it is in any event open to the Court to grant faculty if I am satisfied that this design is appropriate in all the circumstances.
 - (ii) Regulation 3(j) provides that the words to be inscribed on a memorial or any emblem, badge or other design, must be appropriate in the opinion of the Minister. Regulation 3(l) provides that all words inscribed must, in the opinion

of the Minister, be clearly legible and the overall layout and design set out suitably. As indicated above, the incumbent is satisfied in these respects, for reasons that include the diversity of headstones to be found in this churchyard.

11. In assessing the appropriateness of Mr Champion’s proposed design, in particular in light of the points of objection to that design, I derive assistance from the principles discussed in a number of other decisions of the Consistory Courts of other Dioceses. On a non-exhaustive basis, I highlight the following examples of such principles and decisions:

- (i) There is no right to erect a monument in a churchyard except by permission granted by a faculty (though this is often delegated to incumbent). Headstone wording and imagery must be consistent with the consecrated status of churchyards, and they must be appropriate not only from the perspective of petitioners, but also (as far as can reasonably be assessed) for future generations. In *Re Christ Church, Harwood* [2002] 1 W.L.R. 2055 at p.2056, Chancellor Holden put it this way:

“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.”

- (ii) I note also this passage from *Re St Leonard Alton with Bradley le Moors* [2019] ECC Lic 10 at [12]:

“Particular care is needed in the wording of inscriptions. It is important to bear in mind that the inscriptions will be read not just by those who knew the departed loved one but also by those who did not. The message sent to the latter is in some respects as important as that sent to the former. In those circumstances the message conveyed by an

inscription must be consistent with Christian belief and must be something more than an expression of loss no matter how deeply felt.”

- (iii) Where a proposed design is contrary to the applicable churchyard regulations, the fact that there are other memorial headstones in the same churchyard that are also contrary to those regulations will not be a sufficient justification without more: see e.g. *Re St. Andrew Great Staughton* [2021] ECC Ely 3 (concerning an image of a surfboard on a memorial headstone). On the other hand, the presence of other headstones that similarly fall outside the relevant regulations is a relevant consideration: see e.g. *Re St Mary Barnetby le Wold* [2021] ECC Lin 1.
 - (iv) It is appropriate to give weight not only to the views of the PCC and the incumbent, but also to pastoral considerations and to the strength of connection between the proposed content and the deceased: see e.g. *Re St. Margaret Northam* [2022] ECC Exe 2 (concerning an image of a trowel).
 - (v) Decisions of the Consistory Courts illustrate that the appropriateness of proposed wording and imagery entails a significant degree of judicial discretion within a range of reasonable views. See for example *Re St Andrew's Fairlight*, a decision of the Chancellor of the Diocese of Chichester dated 16th October 2014, where the two-word epitaph “free spirit” was not permitted, because, although the two words appeared together in various passages in the Bible, they “...do not convey anything of Christian belief nor the hope in the resurrection as is appropriate in a consecrated burial ground”. To take a different example, the decision in *Re St. Michael Rossington* [2021] ECC She 5 saw confirmatory faculty granted for an inscription including the words “Honey I missed you”, being a line from a song which the petitioner's father used to sing at his wife's grave: “*the inscription as it stands is neither offensive nor incompatible with the Christian faith*”.
12. Taking into account the circumstances of this case, including the points of objection, Mr Champion’s justification for the proposed content of the headstone, I have decided to grant faculty for the headstone design as detailed in Mr Champion’s petition, but with the omission of the “x” kiss symbol. While I accept that there is another headstone in this

churchyard containing that symbol, that is not of itself sufficient. My view, like that of the DAC and Mrs Varnals, is that this symbol is not appropriate. In my view, it conveys a tone that is loving, but excessively casual and informal; it befits transitory person-to-person communication, but not a permanent message on consecrated ground that serves future generations as well as the current one. I note Mr Champion's willingness to dispense with this aspect of his proposal if pressed.

13. I am otherwise content to grant faculty for this proposed design. In light of the principles apparent in my discussion of other decisions at paragraph 11 above, Mrs Varnals' objections are by no means unreasonable: her vigilance about the dignity and appropriateness of text and imagery in the context of a consecrated churchyard is understandable. I give weight to the points Mrs Varnals makes, and also to the fact that the swan design arguably entails a degree of moulded figurework that would not ordinarily accord with the Churchyard Regulations for this Diocese. On balance, however, I am satisfied that it is appropriate to grant faculty for this design (with the omission of the "x" kiss symbol), because:

- (i) While the swan imagery has no obvious Christian connotation, Mr Champion persuades me that they were sufficiently important to his mother as to be in some material way symbolic of her, in the eyes of her family. I also give weight to the fact that there is already another headstone in this churchyard using the same image.
- (ii) The proposed extract from the poem is unconventional for a headstone, but deploys Christian imagery and is again important to how Mr Champion and his family encapsulate the faith and outlook of the late Mrs Champion.
- (iii) The PCC, the incumbent and the DAC all support the proposal (though the DAC does not support the inclusion of the "x" symbol).
- (iv) While there clearly are some who consider this design to be inappropriate to its setting, I am satisfied that this headstone will sit sufficiently far away from the church building and will not unduly detract from the immediate setting of the church building.

(v) I give particular weight to the diversity of headstones in this churchyard, aided in particular by the images and video Mr Champion has provided to assist me in this respect. I am satisfied that the cumulative effect of a number of headstones erected in recent decades, many of which bear partial but significant comparison with this proposed headstone, is that Mr Champion's proposal will not cause material disharmony within this churchyard setting.

(vi) I do give weight to Mrs Varnals' concern about the risk of this faculty setting a precedent for others in this churchyard. However, as will be apparent from the analysis above, each petition for the introduction of a new or replacement headstone in this churchyard would be assessed on its own merits, including by reference to the proposed design and its positioning in relation to the church and to other headstones. The granting of this faculty does not mean that faculty would necessarily be granted for other comparable proposals in future.

14. I am therefore content to grant confirmatory faculty for the headstone and kerbstones previously removed from this site, and faculty for the headstone design as detailed in Mr Champion's petition, save that the "x" shall be omitted.

15. Costs to be paid by the petitioner.

ROBIN HOPKINS
Commissary General

13th December 2022