

In the matter of St Thomas, Stanningley

## Judgment

1. This petition seeks a faculty authorising the removal of unauthorised items which have been placed on or near tablets over plots where cremated remains have been interred. These ornaments are not permitted under the Churchyard Regulations for the Diocese of Leeds, nor are they sanctioned under bespoke regulations
2. Public notice has elicited an objection from
  - i. Mandy Wainwright
  - ii. Dale Pearson
  - iii. Sarah Birkinshaw and Brian WainwrightNone of these individuals elected to become a party opponent, but I take the content of their correspondence fully into consideration in determining the petition, as is required under the Faculty Jurisdiction Rules. The petitioners have indicated their written consent to this matter being determined on written representations, and I have determined that it is in the interests of justice to do so. I have afforded the petitioners the opportunity of responding in writing to the objections, which they did, albeit in a somewhat piecemeal manner.
3. Taking the objections thematically, they can be fairly summarised as follows:
  - i. that when family members made arrangements for the ashes to be interred in a plot in the Garden of Remembrance, they were not informed of the existence, content or enforceability of the Regulations and, accordingly, they should not be bound by their contents;
  - ii. that had they been alerted to the restrictions in the Regulations in advance, they would have made alternative provision for the interment of the cremated remains in a burial ground with less restrictive provisions;
  - iii. that the plots (together with the ornaments) are carefully and lovingly maintained and are considered to be a beautiful tribute to much loved family members.
  - iv. that the younger generation of the bereaved derive considerable comfort from the various ornaments and decorations, a particular example being given of a four-year old girl laying flowers for a fondly remembered grandmother.
  - v. that a colourful graveyard is more welcoming and easier to visit.
4. Nothing in this judgment is intended to detract from the grief and genuine sense of loss experienced by the objecting family members nor to question the integrity and sincerity of their actions. I fully understand how they may well derive comfort from the items, objects and ornaments lovingly left on or near individual tablets. However, Churchyard Regulations exist to ensure consistent practice in the churchyard.
5. The main issue, as it seems to me, is whether the families concerned had notice in advance of the existence of the Regulations. They say they did not. The petitioners suggest otherwise. It is impossible to resolve this matter definitively without oral testimony and cross-examination

but I regard the convening of a hearing to be pastorally challenging and disproportionate to the resolving of the dispute.

6. Looking at all the surrounding circumstances, it appears uncontroversial that the Regulations were on the parish website from at least 2018. Their content was routinely brought to the attention to those seeking to inter the cremated remains of family members within the garden of remembrance, although it is possible that during the inter-regnum a couple of years ago when there was no incumbent in place, there may have been some neglect in the practice.
7. I am satisfied that the Regulations were sufficiently available even though in one or more instances express notification to the families did not take place. In the circumstances it seems to me that a faculty should properly be granted to authorise the removal of items which do not comply with the Regulations. I propose to authorise the issuance of such a faculty 21 days from now which will allow the families the opportunity to remove the items voluntarily.
8. I should add that to the extent that any of the families concerned would not have interred the cremated remains of a family member had the Regulations been expressly brought to their attention in advance, this may well be a basis upon which the remains might be exhumed and reburied in another Christian burial ground, as an exception to the presumption of permanence enunciated in *Re Blagdon Cemetery* [2002] Fam 299. A faculty would be required but I am content to indicate (i) that the Court is likely to look favourably on any petition and (ii) that the prescribed fees would be waived.
9. I trust this brings this unhappy saga to an end and that all concerned can reconcile themselves to the determination of the matter. The petitioners are to bear the costs of and occasioned by these proceedings.

The Worshipful Mark Hill KC  
Chancellor

5 May 2026