

In the matter of All Saints, Broughton

Judgment

1. This petition concerns a memorial which was unlawfully introduced into the churchyard of All Saints, Broughton on a date unknown in December 2025.
2. It is brought in the name of Mrs Janet Watson, widow of Mr Ian Watson over whose grave the memorial was erected. However, the *de facto* petitioner is Ms Susan Smith trading as Brook Smiths Funeral Directors in Skipton.
3. Initially Ms Smith was somewhat reluctant to concede that her actions had been unlawful, and she evinced a degree of hostility towards both the incumbent and the court. I am however pleased to record that she has now withdrawn her criticism of the incumbent, when she had styled Mr Findlow's actions as "pretty pathetic".
4. Ms Smith duly filed a petition and made written representations to the Court in the form of an email dated 29 January 2026. In her email she 'admits that the headstone should not have been fixed without [Mr Findlow's] permission'.
5. In considering whether the Court should direct the issuing of a confirmatory faculty after works have already been undertaken without permission, several issues need to be addressed. They include:
 - i. the reason why works were undertaken without prior permission and therefore unlawfully;
 - ii. the likelihood of a repetition of the unlawful works in the future; and
 - iii. whether permission would have been forthcoming had permission been sought prospectively.
6. I propose to take each in turn.

Justification

7. Ms Smith clearly knew that prior permission was required because she completed the standard application seeking it. In her written evidence to the Court dated 12 February 2026, she states: "I truly was not aware that it was an unlawful practice to install a headstone without permission" I find this to be wholly unconvincing. She claims to be familiar with the Churchyard Regulations for the Diocese of Leeds. They could not be more clear. Paragraph 5 begins: "It is unlawful for a headstone to be introduced into a churchyard without permission".
8. The only matter offered by Ms Smith by way of explanation is the following: "I was just trying to do something decent for a lady who had lost her husband so that she could see the headstone in place at Christmas". This is entirely misplaced. Whatever sympathy one may feel for an individual, this can be no justification for carrying out an unauthorised act. Indeed, had Ms Smith paused for objective reflection, she would have realised that acting unlawfully

would render the memorial likely to be removed, or at least require court proceedings seeking retrospective consent.

9. I imagine that Mrs Watson has been caused considerable avoidable anxiety and distress in consequence of Ms Smith proceeding to introduce the memorial without permission, well knowing the concerns expressed in email by Mr Findlow. Her action appears ill-thought through and somewhat reckless. Although Ms Smith asserts she was acting with the best of intentions, I can find no objective and reasonable justification for Ms Smith causing or permitting the headstone to be introduced without authority.

Likelihood of repetition

10. I am far from confident that there will be no repetition. Ms Smith's email shows a very shallow understanding of the faculty jurisdiction of the Church of England as it applies in churchyards. At various times she refers to "the Anglican regulations" or "the Church of England regulations" or elsewhere "individual parish rules". In her written evidence to the Court dated 12 February 2026, she seems to imply that she had really intended to refer to the Churchyard Regulations for the Diocese of Leeds.
11. I remain concerned that Ms Smith's lack of knowledge, and her apparent indifference to their importance, make a repetition of this unfortunate situation not merely possible but likely. I do not wish another family member to be put through the same distress as Ms Smith's action has occasioned to Mrs Watson. In her evidence she indicates that "the lesson has been learned, fully" and I really hope that it has, notwithstanding my reservations.

Prospective permission

12. Should permission have been given prospectively? Mr Findlow has raised genuine concerns as to the compatibility of the proposed headstone with the Churchyard Regulations for the Diocese of Leeds. They concern (i) the fixture of the memorial, a matter never satisfactorily addressed by Ms Smith and (ii) its height above the surrounding ground surface: it is suggested that the top of this memorial falls half an inch short of the minimum prescribed in the Churchyard Regulations.
13. Regrettably, Ms Smith elected not to adduce evidence in reply to the statement of Mr Findlow. The Court must therefore accept his evidence as unchallenged. As Ms Smith had proved to be somewhat uncommunicative, Mr Findlow has undertaken considerable research of his own with the publications of professional bodies for Memorial Masons (NAMM and BRAMM). His evidence, which I accept, is that the headstone is one inch shorter than the minimum height above ground prescribed in the Churchyard Regulations. Ms Smith suggests that the ground will settle to such an extent that in due course the required height will effectively be recovered.
14. Mr Findlow points to two other headstones introduced into the churchyard by Ms Smith in the recent past (Cameron and Hale) and indicates with a photograph that the latter is already leaning forward. The Court cannot be satisfied that the Watson, Cameron and Hale headstones have been safely erected. The concern is heightened by the fact that Ms Smith chose not to challenge or respond to Mr Findlow's evidence on this.

Determination

15. I have considered convening a hearing or at least a site visit so the abiding concerns can be fully investigated. I have also considered directing the Archdeacon to investigate these matters fully. However, I have concluded that such action would be unduly costly and disproportionate.
16. However, I do consider that an independent memorial mason should inspect all three headstones (at the expense of Ms Smith) and certify whether they are safe and whether their installation is in accordance with industry standards as recommended by NAMM and BRAMM, including but not limited to BS 8415. In the event that any issues are raised, the matter should be referred to me for further directions.
17. I therefore direct:
 - (1) That a confirmatory faculty may issue in respect of the headstone unlawfully erected by Ms Smith over the grave of Mr Ian Watson.
 - (2) Such faculty will not issue until:
 - (a) an independent memorial mason has certified the safe and competent erection of headstones over the Watson, Cameron and Hale graves. I direct the Archdeacon is to oversee the certification process, the costs of which are to be borne by Ms Smith; and
 - (b) the costs of and occasioned by these proceedings are paid in full by Ms Smith.
 - (3) In the event that items (a) and (b) are not completed within 28 days, the Watson headstone is to be removed.
18. For present purposes I do not propose prohibiting Ms Smith from undertaking work in consecrated burial grounds in the Diocese of Leeds. I believe she has learned a salutary lesson from these events. But I reserve the right to revisit this conclusion should the certification process reveal matters of concern.

The Worshipful Mark Hill KC
Chancellor

7 April 2026