

Neutral Citation Number: [2026] ECC Gui 1

IN THE CONSISTORY COURT OF

THE DIOCESE OF GUILDFORD

HHJ Sarah Whitehouse KC, Deputy Chancellor

Date: 14 July 2026

Re. St Peter, Wrecclesham: Faculty application 85

JUDGMENT

Petition

1. Mrs Janet Clarke (aged 78) has petitioned for a reserved grave space. Mrs Clarke has lived in the parish of St Peter, Wrecclesham for almost 40 years. She attends the church occasionally. The application is supported by the PCC.
2. In a memorandum dated 31 January 2026, I gave a provisional decision that the Petition would not be granted. The reason was that the parish had informed the Registry that there were only eight grave spaces left in the churchyard and there had been a total of seven burials over the past three years. That indicated that the grave spaces would all be used within the next three years.
3. Since then, further information has been provided which is contrary to that which was provided to the Registry. It is now apparent that there are, in fact, 96 possible available grave spaces. That is a material change in circumstances.

History

4. The Petition has had a most unhappy history and, as a result, a great deal of distress has been caused to Mrs Clarke.
5. The Petitioner first approached the then incumbent some time ago: it is not entirely clear when, but it might have been as far back as January 2022.

6. On 19 July 2023, the PCC noted that a request to reserve a plot had been received: the person making the request was not named but, from other material, it is clear that it was Mrs Clarke's request. The Minutes note that the PCC "agreed unanimously".
7. Mrs Clarke then paid the required fee and was provided with markers identifying and reserving the plot. It seems highly likely that Mrs Clarke was not told that the Petition would be referred to the Consistory Court. Instead, she was given a clear and reasonable expectation that the plot had been approved.
8. The Petition was not lodged with the Registry until September 2025 and it was at that point that it was sent to the Chancellor and Deputy Chancellor. It has been impossible to establish why it took, possibly, as long as three years and nine months to reach that point. The parish is now in an interregnum and no correspondence has been made available to explain the delay.
9. The provisional decision to refuse the Petition was given in a Memorandum on 31 January 2026. That decision was made because, as a general principle, when the number of available grave spaces is very limited a faculty will not normally be granted unless the Petitioner can show that there is sufficient justification for the court to take an exceptional course. That is because there is a risk that the granting of a faculty would prejudice other residents or worshippers who would otherwise be entitled to be buried in the churchyard until such time as the churchyard is full.

Subsequent events

10. The Assistant Archdeacon of Dorking, Canon Robert Jenkins, visited the parish in April 2026 and was shown the churchyard, as well as a plan of the churchyard marking all the grave spaces, both occupied and those that are still available. The plan shows that, contrary to the information provided with the original Petition, there are potentially 96 available grave spaces.
11. I am told that the reason that the full number of vacant grave spaces was not provided at the time of the application is that the Incumbent and PCC intended to request closure of the graveyard when the eight spaces in the last row were filled. The burden of maintaining the graveyard is significant for a relatively small parish and the remaining unused area of the graveyard had become overgrown in parts.

Discussion and Decision

12. The revised information on the number of grave spaces available is a significant change in circumstance. While it is noted that the parish are considering requesting closure of the graveyard in the future, they have not yet done so. On current information, the graveyard will not be full for more than 30 years.
13. Mrs Clarke has lived in the parish for almost 40 years and has a right to be buried in the churchyard. The sole reason for the provisional decision to refuse the Petition was because the graveyard was said to have only eight spaces remaining.
14. Since it now transpires that there are up to 96 spaces, the Petition will be granted for 30 years. In view of the unhappy history of this application, I make no order for a contribution to churchyard maintenance.

Ancillary matters

15. Mrs Clarke has suffered very great distress in the process of making this Petition: the unexplained delay in progressing the Petition, the impression given that the parish had the power to grant the Petition, and had, indeed, granted it, and the provisional Consistory Court decision, based on erroneous information, have all combined to contribute to that distress.
16. The Church must, and does, offer an unreserved and sincere apology.

Revd HHJ Sarah Whitehouse KC

Deputy Chancellor

14 July 2026