

Neutral Citation Number: [2026] ECC Gui 2

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 86

JUDGMENT

Petition

1. Jeffrey West (aged 75) and Kathleen West (aged 74) have petitioned for a reserved double depth grave space. They have lived in the parish of St Peter, Wrecclesham for 40 years and Mrs West's parents are buried in the churchyard. The Petitioners subscribe to parish funds and attend the church. 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 Mr and Mrs West.
5. The Petitioners first approached the then incumbent in January 2022.

6. On 19 July 2023, the PCC noted that a request to reserve a plot for a couple (who were not named in the Minutes, but were Mr and Mrs West) had been received and the PCC “agreed unanimously”.
7. Mr and Mrs West then paid the required fee and were provided with markers identifying and reserving the plot. It appears that they were not told that the Petition would be referred to the Consistory Court. Instead, they were 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 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 Petitioners 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. Mr and Mrs West have lived in the parish for 40 years and have a right to be buried in the churchyard. Mrs West's parents are buried there and Mr and Mrs West subscribe to parish funds and worship in the church. 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.
15. In the light of the unhappy history, and as a very small gesture, I do not order that the Petitioners make any contribution to the PCC churchyard maintenance fund.

Apology

16. Mr and Mrs West have 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 and for that the Church must, and does, offer an unreserved and sincere apology.

Revd HHJ Sarah Whitehouse KC

Deputy Chancellor

14 July 2026