Neutral Citation Number: [2026] ECC Oxf 15

Faculty *– Churchyard — Petitioners (mother and adult son) seeking separate faculties for reservation of two adjoining full body, double grave spaces for 25 years for (1) the mother (aged 63) and father (aged 64) and (2) their two disabled adult sons (aged 28 and 30) — Principles relevant to grant of such faculties — Relevance of very limited burial space (some 5 years) remaining available within the churchyard — Relevance of petitioners' reasonable belief that the grave spaces had already been reserved and then discovering that the parish had never completed all the necessary paperwork — Whether exceptional circumstances justifying reservation — Whether faculty to be granted*

Petition Nos: 11184 & 11185

IN THE CONSISTORY COURT

OF THE DIOCESE OF OXFORD

Date: Thursday, 15 October 2026

Before:

THE WORSHIPFUL DAVID HODGE KC,

CHANCELLOR

In the matter of:

St Mary the Virgin, Greenham

THE PETITIONS OF

(1) Mr CHARLIE DRESS and **(2) Mrs KATHERINE DRESS**

Unopposed petitions determined on the papers and without a hearing.

The following cases are referred to in this Judgment:

Re St. Botolph, Newbold-on-Avon [2026] ECC Cov 1
Re St John, Stockcross [2023] ECC Oxf 8
Re St Leodegar, Hunston [2023] ECC Chi 1
Re St Mary, Haversham [2025] ECC Oxf 2

Re St Mary, Thame [2022] ECC Oxf 2, (2023) 25 Ecc LJ 114, [2026] PTSR 15
Re St. Michael, Horton [2026] ECC Oxf 6
Re St Peter, Hilton [2024] ECC Yor 1

JUDGMENT

Introduction

1. This my judgment on two separate, but related, private faculty petitions, both dated 29 July 2026, presented by (1) Mr Charlie Jack Shindler Dress and (2) his mother, Mrs Katherine Dress, seeking to reserve two adjoining, double-depth, full body grave spaces in the churchyard of the Grade II* listed church of St Mary the Virgin, Greenham, which lies to the south-east of Newbury, in the Archdeaconry of Berkshire. Mrs Katherine Dress seeks to reserve a grave plot for herself (aged 63) and her husband (aged 64). Mr Charlie Dress seeks to reserve a grave plot for himself (aged 28) and his brother (aged 30). Both brothers are disabled. In a joint covering letter, dated 31 July 2026, the petitioners explain that their "*whole family has been buried in St Mary's Churchyard, and it is our sincere wish that we are able to be buried there as well*". These petitions raise, yet again, the vexed question of how to dispose of grave reservation petitions where the reservations would extend far beyond the point in time (in this case, some five years) after which the churchyard will be full. Both petitions have the full support of the incumbent minister, the two churchwardens, and the Parochial Church Council (the **PCC**).

2. When these two petitions were first referred to me together on 12 August 2026, I directed the Registry to write to both petitioners enclosing a copy of my judgment in *Re St Mary, Thame* [2022] ECC Oxf 2, (2023) 25 Ecc LJ 114, [2026] PTSR 15, explaining that, given the limited existing capacity of the churchyard, the court would normally not grant any reservation for a period in excess of a maximum of five years. I invited the petitioners to submit any written evidence and representations to support any case that there are exceptional circumstances which would justify the court in taking an exceptional course in the case of their petitions. I also directed that the Registry should explain that I would propose dealing with these petitions by way of written representations, rather than at a hearing; and I invited the petitioners to submit any representations against such a course. In the meantime, I directed that the usual public notices should be displayed in relation to both petitions. I indicated that I would not propose to deal with these petitions until these notices had expired. On 14 August 2026, both petitioners confirmed by email that they are content for their petitions to be determined on the basis of written representations and supporting evidence, and without the need for a hearing.

3. Since this is an unopposed faculty petition, and the petitioners consent to this course, I am satisfied that it is expedient, in the interests of justice, and in furtherance of the overriding objective of the Faculty Jurisdiction Rules 2015 (as amended) of dealing with this case justly, cost-effectively, proportionately, expeditiously and fairly, for me to determine these two petitions without any hearing, and on the basis of the written materials that have been presented to the court.

4. The public notices were first displayed on 20 August 2026 and have now expired. No objections have been received to either petition.

The petitioners' case

5. Mrs Katherine Dress currently resides in the parish. She has lived there all her life. Her father (who died in February 1996) is buried in the churchyard. Mrs Dress and her husband were

married in the church in 1996. She seeks to reserve grave plot number 2003/299. Mr Charlie Dress and his elder brother, Harry, have lived in the parish all their lives. Their grandfather is buried in the churchyard. They seek to reserve the adjoining grave plot number 2003/304.

6. In a covering letter that accompanied these two petitions, dated 31 July 2026, Katherine and Charlie Dress explain as follows:

> *Our whole family has been buried in the churchyard of St Mary the Virgin, Greenham and it is our sincere wish that we are able to be buried there as well.*
>
> *We would like to reserve two adjoining double-depth grave spaces at St Mary's churchyard: one double-depth grave for our parents and one double-depth grave for my brother and me. As we are both disabled, it is very unlikely that either of us will have partners or children of our own. Our parents are the people who have always been there for us, and it means a great deal to us to know that, when the time comes, our parents can be laid to rest together, with my brother and me buried together in the adjoining grave. Having our final resting places beside one another would bring us and our family great comfort.*
>
> *We would also like to explain that this matter was originally dealt with over three years ago. Unfortunately, the paperwork was misplaced by St Mary's Church, as is recorded in the church minutes, which we are enclosing with this application.*
>
> *At the time, we were advised that the two adjoining double-depth grave spaces had been reserved for us, and it has only recently come to light that the paperwork was lost. As you can imagine, this has caused our family considerable distress and uncertainty.*
>
> *For ease of reference, we have also enclosed a plan of the churchyard together with photographs showing the location of the two plots that the church has identified as the spaces intended for our family.*
>
> *We would be extremely grateful if our application could be considered sympathetically in light of these circumstances, the previous advice we received from St Mary's Church, and our family's long- standing connection with St Mary's Churchyard.*

7. Recognising that his application might be turned down, in a later email, sent on 31 July 2026, Charlie Dress invited the Registry Clerk to pass the following information on to the person who should make the final decision:

> *Our whole family are buried in the churchyard and it is our wishes that we are buried there too.*
>
> *The reason myself and my brother wish to be buried next to our parents is because we are disabled and are very unlikely to have partners.*
>
> *Therefore we wish to be buried next to our parents as they are the only people we have, and all our wishes are that our final resting places can be beside each other please.*
>
> *We would also like to add that this was originally sorted out over three years ago, however the paperwork went missing from St Mary's church at the time, shown in the minutes that we are sending in with the application.*
>
> *At the time we were advised that the graves were reserved for us, it's only recently that we found out that the paperwork went missing.*

As you can imagine this has caused a lot of distress to our family.

8. In response to the Registry's invitation (referenced above) for the petitioners to submit any written evidence and representations to support any case that there are exceptional circumstances which would justify the court in taking the exceptional course of grant a reservation for a period in excess of the churchyard's anticipated five years' remaining burial space, Charlie and his mother, Katherine, submitted the following joint written representations, by email dated 14 August 2026, as follows:

> *Thank you for your letter dated 14 August 2026 inviting written representations in support of our petition to reserve gravespaces. We are grateful that you are willing to consider whether exceptional circumstances exist to justify our application.*
>
> *We respectfully submit that our circumstances are exceptional for the following reasons.*
>
> *Our family has a longstanding and continuous connection with St Mary the Virgin, Greenham, extending over several generations. Our grandparents (Katherine's father), great-grandparents (Katherine's grandparents) and other close family members are buried within the churchyard, and our grandmother (Katherine's mother) will, in the near future, be buried in the same grave as our late grandfather.*
>
> *Our family has lived within the parish throughout our lives, and St Mary's has always been our family church.*
>
> *Our parents, Katherine and Paul, also have a particularly longstanding connection with St Mary's. They were married at St Mary the Virgin, Greenham, in 1996.*
>
> *The church therefore holds significance not only as the place where several generations of our family are buried, but also as the church in which our parents began their married life.*
>
> *Our wish is not simply to reserve graves, but to continue our family's long-established pattern of burial and to keep our immediate family together. We wish to be buried in the family graves, next to our parents, Katherine and Paul, when the time comes, so that our immediate family may remain together in the churchyard alongside previous generations.*
>
> *There is also an important reason why it is particularly significant to us that our parents should be able to be buried alongside us. Both of us have significant disabilities. Harry George Shindler Dress has severe learning disabilities and is particularly vulnerable. Charlie J. Shindler Dress has autism and Complex Regional Pain Syndrome (CRPS), a permanent and life-changing condition.*
>
> *Our parents, Katherine and Paul, have provided and continue to provide significant support and care to us throughout our lives.*
>
> *Our disabilities also mean that it is unlikely that either of us will marry or have children of our own. We therefore do not expect to establish separate families of our own in the way that might ordinarily create another generation of descendants and family burial arrangements.*
>
> *Our immediate family unit, consisting of ourselves and our parents, is consequently particularly important to us.*
>
> *Because of our disabilities and vulnerabilities, our parents are an especially important source of stability, security and support to us. The prospect of our family remaining together after*

death is therefore deeply important to all of us. It gives our family reassurance to know that, when the time comes, Katherine and Paul can be buried alongside their disabled children, just as we wish to remain alongside them and the generations of our family who are already buried at St Mary's.

This is not simply a matter of personal preference or convenience. The close family relationship and continuing support between our parents and their disabled children make it particularly important that our family should remain together in the same churchyard. Our parents have devoted much of their lives to caring for and supporting us, and it is our family's strongly held wish that this close family bond should continue to be reflected in our burial arrangements.

A particularly significant feature of this case is that our family understood, for many years, that our graves had already been reserved. We were informed that they had been reserved under the previous 25-year reservation scheme and reasonably believed, on the basis of what we had been told, that the reservation had been properly secured.

The Church Council minutes previously submitted with our petition demonstrate that the failure to complete the reservation arose from an error on the church's side, rather than from any failure or omission by our family. The minutes record the circumstances surrounding the reservation and also demonstrate that the Parochial Church Council supports our application.

We respectfully ask the Court to attach particular weight to this evidence. Our family acted entirely in good faith and relied upon the information provided to us by the church. Had we known that the reservation had not in fact been completed, we would have taken immediate steps to rectify the position. We could not reasonably have been expected to do so when we had been led to believe that the reservation had already been made.

The present situation has therefore arisen through an administrative error on the church's side, as evidenced by the church's own records, and not through any failure on the part of our family. Furthermore, the fact that the Parochial Church Council has considered the matter and supports our application provides additional confirmation that the circumstances are recognised by the church itself as deserving of consideration.

We respectfully submit that it would be particularly just for the Court to take these circumstances into account when considering whether exceptional circumstances exist. Our family should not be disadvantaged by an administrative error for which we were not responsible, particularly where the church's own minutes establish the circumstances and the Parochial Church Council supports the requested reservations.

We fully appreciate the pressure on the remaining burial space within the churchyard and understand why reservations are generally restricted. However, we respectfully submit that this case is exceptional because of the combination of:

- Our family's lifelong connection with the parish;

- Our parents' longstanding personal connection with St Mary's, including their marriage there in 1996;

- The burial of several generations of our family in St Mary's churchyard;

- Our grandmother's forthcoming burial alongside our grandfather;

- Our significant disabilities and vulnerability;

- The lifelong care and support provided by our parents, Katherine and Paul;

- The particular importance to our disabled family members of remaining together with their parents;

- The fact that, because of our disabilities, it is unlikely that either of us will marry or have children of our own, making the preservation of our immediate family unit particularly significant;

- Our wish that Katherine and Paul should ultimately be buried alongside their disabled children, rather than the family being separated between different parts of the churchyard or elsewhere;

- The evidence in the Church Council minutes that the failure to complete the previous reservation arose from an error on the church's side;

- The fact that our family reasonably relied upon being told that the graves had already been reserved;

- The fact that the situation therefore arose through no fault or omission on our part; and

- The support of the Parochial Church Council for our application.

We respectfully ask the Court to exercise its discretion and grant the faculty to reserve the requested gravespaces. We believe this would recognise our family's unique and longstanding connection with St Mary's, preserve the ability of our immediate family to remain together in the churchyard, and rectify a situation that arose through no fault of our own.

For our family, the requested reservations would provide considerable reassurance. They would ensure that our parents, Katherine and Paul, can ultimately be laid to rest alongside their disabled children, Harry and Charlie, and that our family can remain together alongside our parents' parents and previous generations who are already buried at St Mary's.

We believe that the combination of our family's longstanding connection with St Mary's, our parents' marriage at the church in 1996, the burial of multiple generations within the churchyard, our parents' lifelong role in supporting their disabled children, the importance of keeping our immediate family together, the particular circumstances arising from our disabilities, the church's own records confirming that the previous reservation failed because of an error on the church's side, and the Parochial Church Council's support for our application provides a compelling set of exceptional circumstances.

We confirm that we are content for our petition to be determined on the basis of the written representations and supporting evidence without the need for a hearing.

Thank you for your consideration of our representations.

As for additional evidence, the petitioners asked for the PCC minutes to be re-submitted "*as this shows that we were previously informed that we had grave spaces reserved and that it was a result of an error by the church that this was not done*".

9. Having reviewed these representations, on 17 August 2026 I directed the Registry to email the petitioners to thank them for their representations, and to ask whether there was any reason why there is a need for two separate grave plots. I inquired whether it would be practicable for the

cremated remains of the two brothers to be interred in their parents' grave plot should they be successful in their reservation application. The immediate response was as follows:

> *The reason we would require two grave plots is because my family have always been buried and we do not wish to be cremated for personal reasons.*

The PCC resolution

10. The minutes of a meeting of the PCC held on 9 July 2026 record as follows:

> *6.2 Graveyard - Reservation Request*
>
> *Wendy Sanders read the Reverend Gail Minter's email regarding a local family's application to reserve two double grave plots.*
>
> *I have received a formal application from a local family (Dress) to reserve two double grave spaces. They had applied during the vacancy (September 2023) and PCC had voted to approve their application but the paperwork was never completed our end for various reasons.*
>
> *I think it would be good practice for the PCC to vote again; 2023 was a long time ago and at the time there was no formal application so I don't believe it would actually have been valid. The Chancellor will want to know what the PCC think and it needs to be a formal resolution.*
>
> *My opinion is that for pastoral reasons we should support the application; for 3 years a whole extended family have believed that they have a place of rest and had proper procedure been followed they would have reserved plots. The maternal grandfather is already in the graveyard and maternal grandmother is approaching death so we will have that funeral to take.*
>
> ***Decision:** Proposal approved unanimously. It was clarified that the reservation would remain valid for 25 years.*
>
> *6.3 Graveyard Capacity & Reordering (Option 3)*
>
> *Paul Davey presented analysis. Current burial stock less than 5 years; reordering would extend capacity by 25 - 30 years. As we have got less than five years' stock, opening that up would give us another twenty-five to thirty years' worth of stock.*
>
> *Sections involved: 1902, 1922, 1943. Mapping work ongoing. Recommendation to cease new grave reservations except the two approved.*
>
> ***Decision:** Proposal approved unanimously.*

The legal framework

11. In my judgment in *Re St Mary, Thame* [2022] ECC Oxf 2, (2023) 25 Ecc LJ 114, [2026] PTSR 15, handed down on 28 April 2022, I had occasion, as the Chancellor of this diocese, to consider the principles upon which a petition to reserve a grave space should be determined where there was only sufficient space remaining within the churchyard for another seven to ten years of burials. The petitioner wished to reserve a double gravespace for herself and her partner. The petitioner had been resident in the parish until 2013, the remains of her father and her stillborn child were buried in the churchyard, and all her immediate family still lived in the area. The normal period allowed for the reservation of a gravespace in the diocese of Oxford is 25 years, but the

evidence suggested that there was only room for further burials within the churchyard for another seven to 10 years. I granted a faculty; but I limited it to 10 years, giving permission for the petitioner to apply for an extension within six months of the expiry of that 10 year period. My judgment contains a review of previous decisions relating to grave reservations by other Chancellors, including cases where the relevant PCC had adopted a policy of not supporting grave reservations. At paragraph 27 of my judgment, I set out the following statement of the applicable legal principles:

> *From this review of the authorities, I derive the following propositions (which are not intended to be exhaustive):*
>
> *(1) The reservation of a grave space is entirely within the discretion of the consistory court, to be exercised having regard to the particular circumstances of the case.*
>
> *(2) The court will be more inclined to grant a faculty to a petitioner with the right to be buried in the churchyard than to one without such an entitlement. Those who have such a right are the persons living within the parish, and those on the electoral roll of the parish church.*
>
> *(3) The court may nevertheless grant a faculty to a petitioner with no right to be buried in the churchyard where they can demonstrate a personal, or a substantial family, connection to the church and/or its churchyard, or some other good and sufficient reason to be buried there.*
>
> *(4) Where there is sufficient space within the churchyard, and the incumbent minister gives their consent, the court may well grant a faculty to such a petitioner, unless the Parochial Church Council have a policy of opposing the reservation of grave spaces.*
>
> *(5) Such a policy cannot be conclusive, and it cannot remove the court's overarching discretion; but where the PCC have adopted a policy that is considered, reasonable and fair, the court will only be justified in departing from that policy in exceptional circumstances; and anyone seeking to reserve a grave space in the face of such a policy will need to show that their case is markedly out of the ordinary.*
>
> *(6) Where, however, the remaining space within the churchyard is limited, then a faculty will not normally be granted, and the petitioner will have to demonstrate sufficient justification for the court to take the exceptional course of allowing a reservation in such circumstances, because of the risk that such a reservation will prejudice the rights of those parishioners or worshippers who would otherwise be entitled to be buried in the churchyard.*
>
> *(7) Even where such a justification is demonstrated, it will not usually be right to extend the duration of the faculty beyond the period for which the churchyard is likely to have space for burials, unless there are exceptional circumstances (including evidence of a particularly strong connection to the church and/or the churchyard) in favour of doing so.*
>
> *(8) Should a faculty for a grave space reservation be granted for a limited duration, it remains open to the petitioner to apply for an extension of the period of its validity. Whether or not any extension is to be granted will depend upon the prevailing circumstances, including: (1) the petitioner's personal circumstances; (2) whether arrangements have been made to provide additional space for burials, whether by the acquisition of further land, or the re-use of parts of the churchyard, or otherwise; (3) the views of the incumbent minister; and (4) any current policy of the PCC towards the reservation of grave spaces.*

At paragraph 30, I concluded that:

> *Even though the petitioner has shown sufficient justification for the grant of a faculty for the reservation of a grave space in the churchyard, however, it would not be right to extend the initial period of duration of that faculty beyond the time during which the churchyard is likely to have sufficient space available for future burials.*

12. In my later judgment in *Re St John, Stockcross* [2023] ECC Oxf 8 I confirmed, and applied, the (non-exhaustive) series of legal propositions I had set out in the *Thame* case. My most recent decision in this area of the law is *Re St Michael, Horton* [2026] ECC Oxf 6, which was decided on 28 April 2026. The petitioner and her adult daughter sought a faculty reserving a double-depth grave space for 25 years next to the grave of the petitioner's father in St Michael's churchyard. The petition was supported by the incumbent, the churchwardens, and the PCC. However, the churchyard had space remaining for only about six months of further burials, making the requested plot one of the last available spaces. The petitioners relied on their long-standing family connection with the parish, the presence of five generations of family members buried there, the daughter's severe epilepsy, autism and learning difficulties, and cultural beliefs within the traveller community favouring burial rather than cremation. I reviewed the principles governing grave-space reservations, particularly where burial space is scarce. I reiterated that, when churchyard capacity is very limited, reservations should only be granted in exceptional circumstances, because they may prejudice the burial rights of other parishioners. Whilst expressing considerable sympathy for the petitioner and her daughter, and acknowledging their strong family and cultural connections to the churchyard, I concluded that these factors did not amount to the exceptional circumstances required. A reservation of only six months' duration would serve no useful purpose. The petition was therefore dismissed.

13. This approach has been followed by consistory courts in other dioceses At the time of my decision in *Re St Michael, Horton* I was unaware of the earlier recent decision of Chancellor Samuel in *Re St Botolph, Newbold-on-Avon* [2026] ECC Cov 1. Although that case was decided on 29 January 2026, the decision was only circulated to diocesan chancellors on 23 July 2026. In that case, the Chancellor refused a faculty application to reserve a grave space for the petitioner and her husband. The petitioner's mother and sister were both buried in the churchyard; and the petitioner argued that being buried near to her sister was of profound emotional importance. The court noted that the churchyard had only 25 spaces remaining and, at the current burial rate, was likely to be full within four years. The petitioner was neither a parishioner nor on the church electoral roll, although the incumbent, the churchwardens and the PCC supported her application. Chancellor Samuel applied established ecclesiastical case law which decides that that where burial space is limited, grave reservations should only be granted in exceptional circumstances because they may prejudice the rights of parishioners who have a legal entitlement to burial. He referred to my decisions in *Re St Mary, Thame* and, more recently, in *Re St Mary, Haversham* [2025] ECC Oxf 2. The Chancellor also referred to decisions of Chancellor Hill KC in *Re St Leodegar, Hunston* [2023] ECC Chi 1 and of Chancellor Lyndsey de Mestre KC in *Re St Peter, Hilton* [2024] ECC Yor 1, where it was stated that, in order to demonstrate exceptional circumstances, a petitioner is required to show that their case is "*markedly out of the ordinary*". In the case before him, Chancellor Samuel emphasised that the petitioner bore the burden of proving such exceptional circumstances. He found that the emotional bond and mutual promises between the petitioner and her sister, while they were sincere and deeply felt, were not "*markedly out of the ordinary*", and did not justify the reservation of a grave space. The petition was therefore dismissed.

Conclusion

14. I bear firmly in mind that the burden of proving that this case is markedly out of the ordinary rests with the petitioners. I also remind myself of the basic principle of fairness that requires that like cases should receive similar outcomes.

15. I fear that the clear evidence in the PCC minutes that the failure to complete the previous reservation request arose from an error on the parish's side, and not through any fault or omission on the part of the petitioners, is of no real assistance to them on their present petitions, apart from the sympathy that is obviously evoked by the consideration that for some three years the petitioners had been labouring under the misapprehension that adjoining grave spaces had already been reserved for them. The PCC have no legal authority to reserve a grave space. Only the Chancellor (or their Deputy) can do so, through the grant of a faculty. Had the PCC completed the necessary paperwork, the matter would have come to me. I would have had to determine the reservation application by applying the principles already established by the case law authority of *Re St Mary, Thame*. The petitioners would have been in no different, and certainly no better, position than that in which they now find themselves.

16. Had there been sufficient space remaining within this churchyard, I would have granted a reservation in favour of Mrs Dress and her husband for the standard period (in this Diocese) of 25 years. They are longstanding residents of the parish, with connections both to the church and to its churchyard. Their petition has the full support of the incumbent minister, the churchwardens, and the PCC. They are thoroughly deserving of a grave reservation within this churchyard, if space permits. Had there been sufficient space remaining within the churchyard, I might well have also granted a reservation in relation to the adjoining grave plot in favour of their two adult sons, because of their significant disabilities and vulnerabilities. That reservation would have been for the usual period of 25 years, but with the right to apply for a renewal towards the end of that period if the circumstances then existing should permit such a renewal. However, the limited space remaining within this churchyard must be borne in mind. It means that the petitioners must satisfy the burden of showing that exceptional circumstances apply if the court is to grant a reservation in excess of the remaining five years of estimated space for the burial of mortal remains. I bear firmly in mind the several special factors relied upon by the petitioners: (a) Their family's lifelong connection with the parish; (b) Their parents' longstanding personal connection with the church, including their marriage there in 1996; (c) The burial of several generations of their family in the churchyard; (d) Their grandmother's forthcoming burial alongside their grandfather; (e) The sons' significant disabilities and vulnerability; (f) The lifelong care and support provided by their parents, Katherine and Paul; (g) The particular importance to the disabled family members of remaining together with their parents; (h) The fact that, because of their disabilities, it is unlikely that either of the two sons will marry or have children of their own, making the preservation of their immediate family unit particularly significant; (i) The family's heartfelt wish that Katherine and Paul should ultimately be buried alongside their disabled children, rather than the family being separated between different parts of the churchyard, still less elsewhere; (j) The evidence in the PCC minutes that the failure to complete the previous reservation arose from an error on the parish's side; (k) The fact that the family reasonably relied upon being told that the graves had already been reserved; (l) The fact that the situation therefore arose through no fault or omission on the part of the family; and (m) The support of the incumbent minister, the two churchwardens, and the PCC for the two faculty petitions. I acknowledge that all of this constitutes a well-assembled, well-articulated, and impressive range of considerations. However, I fear that in my judgment, none of the special factors relied upon by the petitioners,

whether considered individually or in combination, operates to take the present situation sufficiently outside the normal range of cases so as to justify the reservation of two adjoining full body grave spaces for a period in excess of five years. With great regret, I cannot regard any of these considerations as amounting to the sort of exceptional circumstances that are required to justify an exception to the legal principles established in *Re St Mary, Thame* and related cases.

17. I have every sympathy for the position of the members of this hugely deserving family. This has been recognised by, and has found expression in, the support for these petitions of the incumbent minister, the two churchwardens, and the PCC. But this cannot be allowed to override the right of other residents of the parish to be buried in their parish churchyard which, sadly, is very nearly full. Cases like the present can be heartbreaking. But I must harden my heart to do right by all, and not just the present petitioners.

18. I note, from the PCC minutes (cited above) that the parish recognise that they have got less than five years' space available for future burials. They are sensibly exploring the possibility of reordering the churchyard so as to provide another 25 to 30 years' worth of burial spaces. In light of this, and even though they are presently only in their early to mid-60s, and so can be expected to survive for many years to come, I am prepared to reserve grave plot number 2003/299 for Mrs Katherine Dress and her husband for five years, with the right to apply by letter during the last year of the faculty for an extension for a further 20 years. If, by then, the parish have been able to secure another 25 to 30 years' worth of burial spaces, I would hope that my successor would feel able to grant such an extension. I would also hope that, in due course, Charlie and Harry may consider the possibility of giving instructions for their cremated remains to be laid to rest in their parents' grave plot, so that the family can achieve their understandable wish for their remains to be united in death. I note the family's response when I raised this possibility that their family members "*have always been buried and we do not wish to be cremated for personal reason*s". However, cremation is recognised as acceptable by the Church of England; and the lack of remaining capacity in this particular churchyard means that such personal preferences have to defer to the well-being of the entire parish.

19. For these reasons, on Mrs Dress's petition, I grant a reservation in relation to grave plot number 2003/299 for Mrs Katherine Dress and her husband, for a period of five years, with the right to apply by letter during the last year of the faculty for an extension for a further 20 years. I dismiss Charlie Dress's petition.

20. In the usual way I charge no fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge KC

15 October 2026