

Neutral Citation Number: [2023] ECC She 1

DIOCESE OF SHEFFIELD

In the Consistory Court

Her Honour Judge Sarah Singleton KC

Chancellor

**In the Matter of
ST THOMAS, KILNHURST
PETITION FOR RESERVATION OF GRAVE SPACE
JUDGMENT**

Background

1. On 10th January 2022 Bradley Lewis Hardy, then aged only 28 years, was tragically killed in an accident. His remains are buried in the Churchyard at St Thomas Kilnhurst. He did not live in the parish or attend the church but had strong connections with the parish and the church yard. Both sets of his grandparents lived in the parish throughout their lives and three of them have their remains buried there. His mother and other family members were born and brought up in the parish and attended the church primary school.
2. Bradley's family consisting of his mother Mrs. Tracy Hardy, his sister and brother-in-law, Mrs Christina and Mr John Darker (aged 33 and 37 years respectively) and his brother Morgan Hardy, (aged 26 years) wish to reserve the grave space next to where his remains are buried. Mrs Hardy is the Petitioner.
3. The grave space where Bradley is buried has been dug to a double depth and can accommodate another set of remains and several sets of additional cremated remains. The incumbent advises that the usual practice in this churchyard is for such spaces to be dug generously. The family want to reserve the adjacent plot for the remains of those of the family whose remains are not able to be buried in the space where Bradley's remains lie.

4. The other family members' remains which are buried in the churchyard are located in different parts of the churchyard and their grave spaces are also likely to have capacity for further burials of remains or cremated remains.
5. The churchyard is capacious and unlikely to be full for many years. Reservation to secure a space in the churchyard is thought by the incumbent to be unnecessary given the extent of the remaining spaces.
6. The family request for reservation was considered at the PCC meeting of the Parish on 21st March 2022. The PCC voted not to support the request by 12 votes to 2 abstentions. At the same meeting the PCC voted unanimously to accept the family's request to install a bench close to the grave space with a memorial inscription for Bradley. The PCC were anxious that acceding to the request would set a difficult precedent for managing the churchyard in the future. The incumbent has explained the approach of the PCC to the Petitioner and her family.
7. This Petition was presented to me by the previous Registrar in June 2022 in the weeks leading up to her retirement from that role and the appointment of our present Registrar with the consequent move of the Registry to different offices. Not all of the facts I have set out in the preceding paragraphs were obvious from the documents I was originally sent and I asked a number of questions forwarded to the previous Registrar. Those questions were helpfully answered by the incumbent a little while after. Unfortunately, the change of Registry office delayed those answers being referred to me and that has caused delay in this matter which the Petitioner has recently had to chase. I am sorry that there has been a delay in this matter for a family no doubt still reeling from the shock of a sudden bereavement upon the accidental death of a young person.

Decision and Reasons

8. Whilst I am acutely sympathetic with the Petitioner and her family upon the devastating and sudden loss of a son and brother, I am unable to grant a faculty to reserve the space next to her son's grave space as she wishes for the following reasons.
 - a. The grave space where Bradley Hardy's remains are buried has capacity for another set of remains to be buried there together with the potential, in addition, for several sets of cremated remains. The entirely understandable wish of the family for proximity with him is therefore capable of being fulfilled without the reservation requested.

- b. The remains of other family members which are buried in the church yard are sited in different locations from those of Bradley Hardy.
- c. It is likely that there will continue to be capacity to bury remains in this churchyard, without a prior reservation, for years to come.
- d. The reservation requested in this case, even in these difficult circumstances would set a precedent that would hamper the fair management of the churchyard over years to come particularly given the relative youth of Bradley Hardy's sister and brother and brother-in-law.
- e. I have sought to balance the family's understandable wish for a guarantee of proximity against the difficulties their request would cause over many years and consider that the result of such balancing exercise is clearly against this petition succeeding.

9. I direct that the Petition be dismissed.

Sarah L Singleton KC

Chancellor of the Diocese of Sheffield

5th February 2023