

**In the Consistory Court of the Diocese of Worcester**

**Archdeaconry of Worcester: Parish of Badsey: Church of St James:**

**Faculty petition 08-22 relating to proposed headstone: T J Heydon**

## **Judgment**

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### *Background*

1. This petition is for the erection of a headstone over the grave of the late Mr Terry John Heydon in the Churchyard of St James's Church, Badsey. The petitioner is his widow, Mrs Gillian Margaret Heydon. The proposed headstone is supported by Mr and Mrs Heydon's two sons and by Mr Heydon's sister. However, it is opposed both by the Parochial Church Council ("PCC") and by the Diocesan Advisory Committee ("DAC").
2. In those circumstances, I visited the Churchyard in the company of the Petitioner, the Incumbent and the two churchwardens, and the Chairman and Secretary of the DAC. I am grateful to all concerned for making this possible.

### *The Churchyard*

3. St James's Church, Badsey is an attractive building, medieval in origin – dating in part back to 1100. It was listed as a building of special architectural or historic interest, Grade II\*, by the Secretary of State in 1959. The *Worcestershire Village Book*<sup>1</sup> notes that "the most central building of all [in Badsey] is the lovely old church of St James, with its pretty churchyard and lychgate, recently the object of a restoration appeal. Its churchyard records generations past who loved and cared for the village."

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<sup>1</sup> Countryside Books, Newbury, 1988.

4. The church is set in the middle of an attractive and very well-kept churchyard, through which runs a path apparently much used by local people as a short-cut from High Street to Chapel Street.
5. There are a number older monuments recording burials over the generations, generally to the west and south of the church. As is usual, most of these are in the form of vertical slabs, bearing the names and details of the deceased; and, as would be expected, some are more elaborate and decorated than others. There are a few wholly individual monuments. And there are a small but significant number of monuments that are in the form of free-standing crosses, supported on a pyramidal base consisting of two, three or four steps, with the inscription carved on the risers of the steps. The general impression is of a pleasing harmony of design.
6. The eastern area of the churchyard, adjacent to Chapel Street, was added after the war, and was used for burials in the period c.1950-1970. The monuments there are almost without exception in the form of simple vertical slabs, generally of paler stone. Each is broadly rectangular in shape, although some have straight tops, some curved. Most of these contain inscriptions in black lettering, in a few cases surmounted by a cross or some other decorative device. There is in this area only one free-standing cross, in a badly weathered yellow sandstone, which is noticeably different from all those that surround it.
7. To the north of the church is further area of more recent burials, from the period c.1970-2004. These are similar to those in the eastern area – generally simple slabs, of paler stone. There appear to be no free-standing crosses in this area. And between that area and the eastern extension there are two rows, being used for current burials, beneath a large copper beach. There are few memorials in this area as yet; but those that are there are generally of traditional design, although there is starting to be a trend towards darker stone, with golden lettering. It is in this area that Mr Heydon has been buried.

### *The proposal*

8. The design chosen for the headstone over Mr Heydon's grave is described by the manufacturer as "a traditional Celtic wheel style headstone cross", 1 metre (39 inches) high. As I have noted above, most headstones in the form of a cross take the form of a free-standing cross on a base of a few steps, with the inscription carved on the steps. The stone proposed in this instance, by contrast, comprises a vertical slab, on which would be the inscription, above which is a Celtic cross – or at least most of one, with the outer part of the lower arm subsumed into the slab containing the name. It is thus neither a traditional rectangular or near-rectangular slab, nor a free-standing cross, but a combination of the two. The material selected is "lunar [pale] grey" granite. The name slab would have a slightly polished finish, giving it a somewhat darker appearance. The inscription is to be "in loving memory of Terry John Heydon; 21.2.1938 to 27.5.2007; always in our thoughts". She also wanted a dove etched in the circle at the centre of the cross.
  
9. Mrs Heydon has written a series of helpful letters in which she has articulated the reasons for her choice of design. She explained that her husband discussed the matter with her two days before he died, and told her that he did not want an elaborate headstone, just a cross. She subsequently selected her chosen design from a catalogue shown to her by two local funeral directors. In support of her design, she drew attention to the number of other crosses within the churchyard – when standing by her husband's grave, she could see eighteen, some small and some quite large. She also explained that she particularly wanted a Celtic cross partly to recognise her husband's Celtic ancestry, and partly because the circle round the cross seemed to symbolise his occupation – he had been a driving instructor for many years.

### *The objections*

10. Mr Court, the Vicar of Badsey, explained to Mrs Heydon that the diocesan guidelines do not include free-standing crosses, and that he was therefore not allowed to authorise a stone of the kind she wanted; I consider that further below. But he also explained in a letter to her that the reason for that was because the proposed design, due to its design and size, were very different to those of other memorials erected in the churchyard in

recent years. The PCC subsequently voted on the proposal, with nine votes against, none in favour, and three abstentions. The Churchwardens explained at my visit that the parish had always sought to impose some degree of uniformity in relation to the designs of new memorials, to avoid a profusion of different patterns, sizes and materials.

11. The DAC also declined to support the proposal, following visits to the Churchyard by the Chairman and the Secretary. The latter, in a letter to the Registrar, explained that “though there is a variety of style of memorial in the churchyard, the more unusual ones appear to be older stones, and the newer stones appear to be largely in accordance with the requirements of the graveyard rules of the diocese. In the DAC’s view, it is considered that the shape of the proposed memorial, with an incomplete Celtic wheel cross above a stone slab, are not appropriate for the churchyard.”
12. There is thus no objection to the wording of the inscription proposed; and although the DAC initially raised an objection to the colour of the stone, it seems from the discussion on the occasion of my site inspection that this related more to the apparent “two-tone” effect of the part polishing, rather than the colour itself. As I have noted, most of the more recent stones in the churchyard are generally relatively pale stone – there are surprisingly few darker stones of the kind so often found in some churchyards; and the stone proposed accords with that pattern.
13. It follows that the only objection is in essence to the design of the stone, including its height.

*The Diocesan Guidelines and related guidance*

14. In an instrument dated 1 January 2004, annexed to *The Care of Churchyards: a Guide for Parishes*, I authorised incumbents and certain other ministers in the Diocese to carry out or approve certain works in churchyards without the need for a faculty to be sought. In paragraph 3 of that instrument, I authorised ministers to approve, following the burial of a body, the erection of a memorial at the site, provided that it was in accordance with

the churchyard guidelines applying specifically to the churchyard in question, where they existed, or in other cases the diocesan guidelines – but not where the minister considered that the memorial would be controversial for some reason, or in any way inappropriate.

15. The *Diocesan Guidelines for the Erection of Memorials* currently in force in this diocese were also issued on 1 January 2004. They are very similar to those – sometimes called “rules” or “regulations” – in use in other dioceses throughout England. They authorised the minister to approve various types of memorial, provided that, amongst other things, the memorial in question was in the form of a vertical headstone, a vertical headstone on a horizontal stone base, a horizontal stone slab, or a simple timber cross. Mr Court was therefore quite correct in his statement that the diocesan guidelines do not include free-standing crosses, and that he was therefore not allowed to authorise a stone of the kind she wanted. However, as he also pointed out, any other memorial may be introduced into a churchyard with the authority of a faculty.
  
16. The third document I issued in 2004 was *Churchyard Memorials: A Guide for the Bereaved*. This drew attention to three principles:
  - a memorial should respect its surroundings;
  - a memorial should not impose an unreasonable burden on future generations;  
and
  - the inscription on a memorial should be the most appropriate in all the circumstances.

The second and third of these are not relevant in the present context.

17. In relation to the first, I stated as follows:

“Churchyards are, usually, full of character. But, like people, they are all different. Just as a memorial that might be entirely suitable for one person would be altogether wrong for someone else, so a headstone that is appropriate for one churchyard may be unsuitable for another. And the same is true in some cases as between different parts of the same churchyard. So the first principle is that **a memorial should respect its surroundings.**”

A memorial should thus be in harmony with those round about, and with the churchyard as a whole; and the appearance of the churchyard should harmonise with that of the surrounding village or town. This does not mean that there has to be strict uniformity. Indeed, some churchyards are, rightly, criticised for being too uniform – which leads to them being bland and dull. But a memorial should not stick out like a sore thumb. The reason for this is that the churchyard will last for many years to come; and its character depends on that of all the memorials within it. No one of those should spoil that general appearance.

In practice, this will mean that the choice of stone for a memorial, and its size, thickness, shape, and general design, should only be finalised after looking carefully at the churchyard as a whole, and in particular at the part of it containing the grave under consideration. Memorials that are much darker, lighter, taller, or smaller than those nearby, or which are of a completely different stone, are unlikely to fit in harmoniously. Nor are those which are in the form of a book, or an angel, or some other sculpture – unless there are many others of a similar character in the immediate vicinity.

Experience suggests that stones used in buildings nearby or traditional in the local area, or stones closely similar to them in colour and texture, are usually much more appropriate. Black stones, on the other hand, and most marbles and granites, and stones with a highly polished surface, are less likely to be suitable in most contexts; and memorials of synthetic stone or plastic are almost never likely to be. The choice of lettering, too, needs to be made in the light of what has been used nearby – in some churchyards, for example, gold lettering may be appropriate, but in most it will not; and plastic lettering will always be unsuitable. Photographs or portraits of the deceased are almost always inappropriate, as they would be totally out of character with an English churchyard.

The Vicar is only allowed to approve monuments which comply with the relevant Guidelines. These will be either guidelines applying specifically to the churchyard concerned or, if there are no such specific ones, the general guidelines applying throughout the Diocese. The Vicar (or someone in the parish to whom he or she has delegated this task) will be aware of the relevant Guidelines and, just as important, he or she will be familiar with the churchyard, and with the monuments in it; and able to guide you as to what would or would not be suitable in your particular case.”

18. Whilst that guidance is not directly applicable, in that it only applies directly to memorials authorised by incumbents under their delegated powers, the principles within it are clearly relevant to a petition for a non-standard memorial, such as this.

*Application to the present case*

19. In the churchyard at Badsey, as in so many others, there is a considerable variety of stones. But there is nevertheless a general harmony; few strike the onlooker as being wholly discordant. I have noted that throughout the churchyard the predominant

pattern, not surprisingly, is a vertical slab. And that is, with very few exceptions indeed, the almost universal pattern within the sections of the churchyard used for more recent burials. Thus whilst it is true that there are a number of free-standing crosses, as pointed out by Mrs Heydon, there are almost none within the more recently used areas. And even in the areas used for older burials, the crosses are mounted on steps, and are not of the composite form – part cross and part slab – of her chosen stone.

20. The pattern she has chosen is thus wholly without precedent at Badsey – indeed I do not recall having seen it in any churchyard in the Diocese, although it may have been used occasionally. The difficulty with a memorial in the shape of a cross is that there is nowhere to record the details of the deceased and any other inscription; hence the steps beneath the older cross-shaped memorials. The design chosen in this case solves that problem by having a conventional slab for the inscription, albeit slightly smaller than the standard, but in the process loses much of the lower part of the cross; in my view it is neither one nor the other.
21. As to the other argument raised by the parish – namely, that it would make it much more difficult for them to control other unsuitable headstones if this one were to be allowed – I consider that it does have some force. It is of course true that each proposal should be, and no doubt is, judged in its merits; but it is particularly difficult for an incumbent, in the circumstances of a recent bereavement, to resist a plea to allow another memorial similar to one that has only just been approved. And whilst the present proposal may not be by any means the most unsuitable memorial that could be devised – a glance at any municipal cemetery will show many designs that would be unthinkable in any churchyard – it could indeed pave the way for others that were much less suitable.
22. I therefore consider that the present proposal should not be approved, and I accordingly decline to grant a faculty.

23. Finally, I note that the DAC in its letter objecting to the memorial did also volunteer the comment:

“The DAC wonders therefore whether, as an alternative, consideration could be given to the carving of a Celtic cross design onto a stone of more conventional size, shape and colour. This would blend more harmoniously in with the other recent memorials in the churchyard, as well as reflecting the Celtic crosses elsewhere in the grounds in addition to the family’s choice of that symbol.”

This does indeed seem to me to be a sensible alternative, and would no doubt be readily authorised by the incumbent.

**CHARLES MYNORS**

Chancellor

19 July 2008