

IN THE CONSISTORY COURT AT LINCOLN

In the matter of the St Mary, Barnetby le Wold

Judgment

1. By a Petition dated 12th February 2021, the Petitioners seek a faculty for the further inscription on Jack Sweeney's grave stone memorial in respect of his wife Jean Marlene Sweeney who died in August 2019. Her grave is 18 inches to the right of her late husband's grave. In addition, they wish to centre the stone between the two graves and place it on a new base with 'Dad' and 'Mum' on the left and right sides respectively and the words 'together again' in the middle. The stone that is already in place is polished black granite and the new lettering will be in gold (the old lettering will be repainted). Additional side panels of polished black granite will be added to the existing memorial which will have coloured rose designs. A dragonfly will be inscribed on the bottom of the memorial below Mrs Sweeney's memorial words.
2. This falls a long way outside the Churchyard Regulations, and it was originally referred to me for a dispensation. However, the scope of the works required a full Faculty application so that I could receive the advice of the DAC and the Petition could be advertised to the wider public. This has been done.
3. The PCC support the proposal.
4. St Mary's Barnetby is grade 1 listed but is a redundant church in the care of the Churches Conservation Trust. The churchyard is used for

burials by St Barnabas, Barnetby (which has no churchyard) but is in the process of being closed.

5. From photographs it is clear that there are many memorials that are outside the Churchyard Regulations using polished black granite with gold lettering but also in the use of a double memorial stone for a husband and wife spreading over two graves that can only have been erected after 2013 given the dates on the stone. This would have been outside the Churchyard Regulations and I am not told by what authority it was erected. This memorial lies just in front of Mr Sweeney's existing memorial. Additionally, elsewhere in the churchyard I have been sent a photograph of a similar double memorial in polished black granite for Mr Stringfellow and his wife who died in 2009. Again, a memorial that was far outside the scope of the Churchyard Regulations: I do not know by what authority that was erected either.
6. The Petitioners rely upon the existence of these two 'double' memorials in particular as justifying them in their application for this memorial for their parents.
7. It is entirely understandable that if a family see other memorials far outside the Churchyard Regulations in the same churchyard as their parents are buried, which they would like to have erected for their loved ones, they will find it very difficult to understand why this should not be permitted.
8. In making a judgment in cases like this the views of the priest in charge (in this case the Rector) and the Parochial Church Council will be central to my consideration. The Parochial Church Council supported the application in a vote on 1st June 2020. The Revd Gabel refused permission as he was required to do under the Churchyard

Regulations, but in his letter dated 1st June 2020 he tells me that this is an old churchyard in which there are many monuments that would fall outside the Churchyard Regulations. The photographs bear that out.

9. The DAC have given me advice: they 'do not object' noting that the application falls outside the Churchyard Regulations in the use of polished black granite and it also spans two graves. However, they too note that there are already other memorials in the churchyard which are similar in style and material.
10. There have been no objections following advertisement of the Petition.
11. The purpose of the Churchyard Regulations is set out in the introductory paragraphs:

"3. Our churchyards, like our churches, form part of our heritage as a community of Christian people. We are trustees of what we have received from earlier generations. So it is our duty for the sake of generations to come, and for relatives of those who have died and who are buried in a churchyard, to preserve the churchyard's distinctive character as a resting place for the dead of the parish, and also as the setting for the physical presence of the church in the community.

4. The land which is used for burials in a churchyard has been consecrated by a Bishop. It thus has a special significance as a place 'set apart' for sacred use forever. The churchyard is rightly known as 'God's Acre'.

12. The Churchyard Regulations are designed to ensure, so far as possible, that the churchyard melds with the setting of the church and the landscape, and that there is a consistent approach through the diocese.

13. It is clear that this approach to the setting of a churchyard and the memorial stones within it, has passed this churchyard by. There are many memorials which could not have been permitted under the Churchyard Regulations. Given that this has happened, and that the churchyard will shortly be closed to new burials, I am satisfied that notwithstanding the lack of compliance with the Churchyard Regulations this Petition for a Faculty will be essentially allowed. There is an obvious pastoral need to do so given the other examples in the churchyard of designs which the Petitioners wish to emulate.

14. However, I am unable to agree to the side panels with the rose design. I see that this is what is on the Baker memorial in front of Mr Sweeney's current memorial stone, but the Baker memorial is a much softer coloured stone. I note that the Stringfellow double memorial which is in polished black granite does not have these side panels. In my judgment, having the polished black granite side panels will increase the mass of this memorial and overwhelm the other memorials amongst which it is set, to a greater extent than would be the case if the side panels were not included.

15. To this extent this Petition is allowed.

Revd HH Judge Mark Bishop

Chancellor

25th March 2021