Neutral Citation Number: [2026] ECC Oxf 14

Faculty application *— Churchyard memorial — Applicant seeking a faculty for an upright memorial to commemorate her late husband — Memorial falling outside the Diocesan and Supplemental Churchyard Regulations in respect of material, colour of lettering, and finish (polished, dark grey granite with an inscription in gold lettering) — Proposed inscription referring to the family relationships of the deceased in informal terms that had not conventionally been authorised in this historic old churchyard and are contrary to the recently promulgated Supplemental Churchyard Regulations — PCC (with the full support of the Rector) considering the proposed memorial to be unsuitable for the churchyard and unanimously resolving to encourage the Chancellor to refuse to grant a faculty for its introduction — Rector also questioning whether the proposed inscription is consonant with the doctrines of the Church of England — DAC not recommending memorial for approval by reason of its design and appearance — DAC also concerned that the language of the proposed inscription would be overly informal in style and not consistent with the character of the churchyard — Six objections received but only one parishioner electing to become a party opponent — Whether faculty to be granted permitting departure from recently introduced Supplemental Churchyard Regulations*

Petition No: 11132

IN THE CONSISTORY COURT

OF THE DIOCESE OF OXFORD

Date: Wednesday, 14 October 2026

Before:

THE WORSHIPFUL DAVID HODGE KC,

CHANCELLOR

In the matter of:

St Helen, Benson

Between:

Mrs Mary Cole

Petitioner

and

Mr Russell Jack Steele Baker

Party Opponent

Formally opposed application determined on the papers and without a hearing.
The Diocesan Advisory Committee does not recommend the proposal for approval by the court.

The following cases are referred to in the judgment:

Re Christ Church, Harwood [2002] 1 WLR 2055

Re St Giles, Exhall [2021] EACC 1, [2021] PTSR 1622

Re St Mary, Great Chart [2022] ECC Can 2

Re St Peter Woolhampton [2026] ECC Oxf 7

JUDGMENT

Introduction

1. St Helen, Benson is a Grade II* listed church in the Archdeaconry of Dorchester, in South Oxfordshire, to the north-east of Wallingford, and near to the north bank of the River Thames. By this private faculty application, dated 11 November 2025, Mrs Mary Cole seeks to introduce a memorial into its historic churchyard to commemorate her late husband, Mr John Eric Cole, who died on 31 October 2022 and was buried on 24 November 2022. In determining this petition, the court is required to weigh, on the one hand, the wishes of the bereaved family to commemorate the deceased's memory in a way they consider to be both meaningful and authentic to those who knew and loved him against the competing wishes of the Rector and the Parochial Church Council (the **PCC**) to preserve the appearance, the character and the setting of this historic churchyard, and to compel adherence to the applicable churchyard regulations, and also of the objectors to this petition, who reiterate the same wishes, but also emphasise that the underlying purpose of those regulations is to promote fairness and consistency of treatment, and to minimise the risk of distress towards all bereaved relatives. The court must also decide whether to permit a departure from recently introduced, supplemental churchyard regulations, promulgated at the express request of the parish, which restrict the authority delegated to the minister to approve, without a faculty, the materials of monuments introduced into the old churchyard, and also the inscriptions to be included on all new monuments and ledger stones.

The petition

2. As originally formulated, Mrs Cole's proposal was to commemorate her late husband by way of a polished, dark grey granite, upright headstone, with an inscription in gold lettering. Objections to that aspect of her proposal were raised by the Rector, the PCC, the Diocesan Advisory Committee (the **DAC**), and all six objectors. In light of those objections, Mrs Cole and her family have decided to compromise, and to adhere to the regulations regarding the headstone

itself, but not the proposed inscription. In place of polished, dark grey granite, with an inscription in gold lettering, Mrs Cole now seeks a headstone composed of honed Nabresina limestone, with an ogee top and black lettering. This complies with both the diocesan and the supplemental churchy rd regulations. I have no doubt that it was sensible of Mrs Cole to make these concessions; and she is to be commended for doing so. It enables the court to focus upon the real issue in this case, which is the inscription, including the description of the deceased.

3. With her letter to the Registry dated 13 August 2026, Mrs Cole encloses three alternative designs for the headstone. They differ only in that one has no image, the second has the image of a single spoked cycle wheel at the top, and the third depicts a single male cyclist in racing attire cycling furiously across the top of the headstone towards the right. Each of the two images would appear to cover no more than one-fifth of the surface of the headstone. The image of the cyclist would seem to "*depict an individual*", and thus falls foul of regulation 33 b of the diocesan churchyard regulations. I consider that it is inappropriate in an historic churchyard. I would not authorise a headstone bearing such an image. But I can see no similar objection to the image of a wheel, which is a simple design and modest in size. Provided this image is a black, white or uncoloured etching or carving, it would comply with regulation 33. I would approve the inclusion on the headstone of an image in this form.

4. The proposed inscription now reads:

Treasured Memories
JOHN ERIC COLE
Fell asleep 31-10-2022
Aged 79 years
Loving Husband, Dad, Grampy
& Brother

[Space is then left to commemorate a second interment]

Those we love dont go away
They walk beside us every day
Unseen, unheard, but always near
Still loved, still missed, we shed a tear

5. In a message addressed to the Chancellor which accompanies her petition, Mrs Cole explains that her husband, John,

> *… passed away suddenly in his sleep on 31st October 2022. His death was entirely unexpected and has left an irreplaceable void in our lives. In the time since his passing, I have been in discussions with the parish vicar concerning the headstone we wish to place on his grave, in line with John's own expressed wishes during his lifetime.*"

Having addressed her husband's wish for a black granite headstone, Mrs Cole turns to the proposed inscription. Mrs Cole continues:

> *I was deeply saddened to be informed that our preferred inscription — 'Loving Husband, Dad and Grampy' — would not be allowed. The vicar advised that, under diocesan guidelines, we must instead use the more formal terms: 'Father' and 'Grandfather'. While I understand the intention behind maintaining certain standards, I must stress that these titles do not reflect who John was to our family. He was never referred to as 'Father' or 'Grandfather' by those*

> *who loved him. To us, he was always 'Dad' and 'Grampy John', and that is how we wish him to be remembered.*
>
> *We have reviewed the Oxfordshire Diocese Churchyard Regulations (2023) and do not find anything that absolutely prohibits our preferred wording. It appears that much of the enforcement lies in the interpretation of individual clergy, and we are not alone in facing such difficulties; others in the village have also encountered similar issues.*
>
> *Our family has lived in the Benson parish for over 60 years, and we are disheartened by the idea that the current vicar's preferences might override the deeply personal and heartfelt choices of bereaved families. A simple walk through the churchyard — and the one across the road — demonstrates that previous requests for black granite and non-standard inscriptions have been granted in the past.*

Mrs Cole goes on to explain that the proposed wording

> *… carries profound personal meaning and emotional resonance for the deceased's family. The words 'Dad' and 'Grampy' are not casual choices — they are essential parts of John's identity as remembered by his children and grandchildren.*

The petitioner concludes her letter thus:

> *It is causing me great distress that I am unable, at present, to honour John's memory in a way that is both meaningful and authentic to those who knew and loved him. We simply want to lay him to rest with the dignity and love he deserves, and to be able to visit his grave knowing that it reflects the man he truly was.*

The views of the Rector and the PCC

6. The Rector and the PCC were firmly opposed to the petitioner's original proposals. Their objections principally focussed upon the now abandoned proposal for a polished dark grey granite headstone, with an inscription in gold lettering. They provided cogent reasons for resisting this proposal. But their objections also extend to the proposed inscription. The PCC resolution unanimously considering the proposed memorial to be unsuitable for this historic churchyard, and encouraging the Chancellor to refuse to grant a faculty for its introduction, cites the proposed inscription as referring to

> *… the family relationships of the deceased in terms that have not been conventionally authorized in the historic churchyard.*

7. The Rector makes the following comments in relation to the proposed inscription:

(1) The supplemental regulations (which codify a convention regarding inscriptions followed by the Rector and his predecessors in Benson since at least the 1990s) allow inscriptions referring to relationships only when those relationships are referred to in full, rather than by pet names, such as '*Father*' and '*Grandfather*', rather than '*Dad*' and '*Grampy*', as here. Multiple applicants for memorials, including several placed very close to the grave in question, have accepted this convention, even though it would not have been their first choice or instinct. The Rector would imagine those other applicants would feel it unfair if this inscription were permitted when theirs were not.

(2) The proposed inscription at the base of the memorial, which states that the dead "*walk beside us every day/Unseen, unheard, but always near*" does not seem to the Rector to be consonant with the

doctrine of the Church of England, nor with the Christian belief in a resurrection that is to come in the future. Had this inscription come to the Rector via the usual avenue, he would have declined to authorize it.

(3) The Rector also draws attention to the fact that an apostrophe is missing from the word '*don't*'.

The Rector concludes thus:

> *It is my view … that you should not grant the faculty for the following reason. If this faculty is granted, it effectively means that there is no way the Supplemental Regulation handed down in September* [2025] *can ever be realistically enforced: not only will a precedent have been set from the get-go that the Supplemental Regulations (and indeed the Diocesan Regulations) as well as the PCC's advice can be overridden simply if an applicant pays the necessary fee for a private faculty, but there will also be a stone in situ to which any future applicant can point as justifying the authorization of future memorials that fall outwith the Regulations.*

The Supplemental and Diocesan Regulations

8. I should explain the reference to "*the Supplemental Regulations handed down in September*" 2025. These were formulated at the request of the Rector and the PCC. At that time, I had been alerted to the fact that this faculty application was '*in the offing*', where the family were wanting to use informal descriptions in their proposed memorial inscription, such as *'Dad*' and '*Grampy*'. It was as a result of this that, after consulting with the PCC, the Rector had wished to expand the scope of the supplementary regulations beyond the original intention that they should merely regulate the materials to be used as memorials so as to limit inscriptions to formal names, such as son, daughter, grandson, granddaughter, etc by providing that only formal descriptions are to be used. It was with this potential faculty application in mind that I included an explanatory note at the end of the Regulations.

9. The Regulations were made on 22 September 2025 and came into operation on that date. They provide as follows:

SUPPLEMENTAL REGULATIONS FOR THE OLD CHURCHYARD OF ST HELEN, BENSON dated 22 September 2025

Whereas:-

(1) the Rector of the Benefice of Benson with Ewelme has applied to the Chancellor (with the full support of the Parochial Church Council) for supplemental regulations for the old churchyard on the north side of Church Road so as to restrict the authority delegated to the minister to approve, without a faculty, the materials of monuments introduced into the old churchyard and the inscriptions to be included on all new monuments and ledger stones; and

(2) the Chancellor has consulted the Archdeacon and the Diocesan Advisory Committee before making make the supplemental regulations that follow:

The Chancellor now makes the following special regulations for the old churchyard of St Helen, Benson on the north side of Church Road, as shown edged green on the attached plan:

1. The Churchyard Regulations 2016 made by the Chancellor for the Diocese of Oxford on 8 November 2016 ('**the Diocesan Regulations**') are to have effect in

relation to the old churchyard of St Helen, Benson on the north side of Church Road, as shown edged green on the attached plan, subject to the following modifications.

2. All new monuments introduced into the old churchyard are to:

a. be made only of either York sandstone, or of Purbeck, or of Portland, or of Nabresina stone, of a type to be approved in advance, and in writing, by the minister;

b. be fixed in place under the surface, and are not to include a 'lawn-style' base; and

c. otherwise conform entirely to the Diocesan Regulations.

3. All inscriptions to be included on all new monuments and ledger stones introduced into the old churchyard are to use only formal descriptions for family relationships of the deceased (such as 'mother', 'father', 'daughter', 'son', 'granddaughter', 'grandfather', 'great-grandmother', 'great-grandfather', and so forth) rather than abbreviations, pet names or terms, or familial terms of endearment.

4. The Diocesan Regulations are to continue to have full force and effect in relation to the new churchyard of St Helen, Benson on the south side of Church Road, as shown edged red on the attached plan.

5. These Regulations come into operation on the day on which they are made.

These Regulations are made on 22 September 2025

David Hodge KC

Chancellor

Explanatory Note

No one has the legal right to place any kind of memorial in any churchyard without the authority of a faculty. The Chancellor of the Diocese, however, delegates to the incumbent minister of each parish the power to authorize the introduction of any memorial that meets certain specified criteria. These are set out in the Churchyard Regulations for the Diocese of Oxford. The Rector and the Parochial Church Council have requested the Chancellor to make supplemental regulations for the old churchyard on the north side of Church Road so as to restrict the authority delegated to the minister to approve, without a faculty, the materials of monuments introduced into the old churchyard, and also the inscriptions to be included on all new monuments and ledger stones.

However, it will still be open to anyone seeking to introduce a monument or ledger stone into the old churchyard which does not comply with these supplemental regulations to apply to the Chancellor for a faculty to permit its introduction into the old churchyard. Equally, the minister may, in his or her discretion, continue to decline to authorise the introduction of a monument or ledger stone or inscription despite the fact that what is proposed complies with the provisions of the Diocesan Regulations and these supplemental regulations.

10. These regulations supplement the 2016 churchyard regulations for the Diocese of Oxford, which came into operation on 1 January 2017. So far as material to the present application, these provide as follows:

Design

32. A monument or ledger stone must not include –

a. a portrait, photograph or other image of an individual (whether of the person commemorated or any other person)

b. any other pictures or imagery except as permitted by regulation 33

c. any moulding

d. any video or sound recording

e. a QR code or other machine-readable label

f. kerbs or other fencing, railings or other demarcation

g. stone or glass chippings

33. A black, white or uncoloured etching or carving may be permitted provided that it–

a. is reverent and not indicative of beliefs contrary to the doctrine of the Church of England,

b. does not depict an individual, and

c. covers no more than one-fifth of the surface of the monument or ledger stone.

…

Materials

35. A monument or ledger stone must be made of natural stone or of hardwood.

36. The surface of the stone must not be made reflective by being polished or finely honed.

37. A monument or ledger stone is not permitted if it–

a. is black, blue, red or green (or appears to be any of those colours) or is otherwise brightly coloured,

b. is made of marble, synthetic stone or plastic, or

c. is painted.

Inscriptions

38. A monument or ledger stone may include an inscription provided it is simple, reverent and not contrary to the doctrine of the Church of England.

…

40. In addition to the formal names of the person commemorated, nicknames or other names by which the person was familiarly known may be included as part of the person's name, within brackets or inverted commas (subject to regulation 38).

41. An inscription must be incised or in relief and may be uncoloured, grey or black only; plastic, lead or other inserted lettering is not permitted.

The DAC's Notification of Advice

11. By a Notification of Advice, dated 9 January 2026, the DAC does **not recommend** this proposal for approval by the court for the following principal reasons:

> *The proposed memorial falls materially outside the diocesan Churchyard Regulations in respect of material, lettering, colour, and finish. The Committee considers that the proposal, by reason of its design and appearance, would not preserve the visual coherence and dignity of the churchyard as a whole, nor sit comfortably alongside existing memorials approved in accordance with the Regulations. The Committee also has concerns that the language proposed is overly informal in style and would not be consistent with the character of the churchyard as a whole.*

The objections

12. Six objections have been received; but only one of the objectors, Mr Russell Baker, has chosen to become a formal party to the proceedings by serving notice of objection in Form 5 on the petitioner. He is the husband of the late, Mrs Hilary Baker, who died in February 2022, some eight months before Mr Cole. Their two graves lie next to each other. The other five objectors simply wish to keep their letters on the court record. I have taken the grounds of their objections into account when determining this petition. Two of the objectors are the daughter and the granddaughter of Mrs Baker. A further objector is a close friend of hers. All of their objections draw heavily on how the arrangements for Mrs Baker's headstone had been addressed by the parish, and the relevance of the treatment of her memorial to Mrs Cole's application. Two other objectors are entirely independent. I see no reason to identify the five non-party objectors by name, although I am conscious that the names of those related to Mrs Baker are likely to be readily discernible by those living in the village. I deal first with the objections that do not draw on the experience of Mrs Baker's interment, then with Mr Baker's objection, and finally with the related objections.

13. One of the objectors is a resident of the parish who has been an active member of the church for the past 30 years. His objection is advanced on the basis that the proposed design of the headstone does not adhere to the churchyard regulations for headstones, primarily in terms of materials; specifically, the use of dark grey, polished granite, with gold lettering. The materials proposed are said to be totally out of keeping with other headstones in the churchyard, and go against the intent of those regulations, which is to help to create a calm, contemplative and peaceful atmosphere, allowing people the opportunity to reflect, meditate, and pray as they are called. The materials proposed for Mr Cole's headstone are unfair on them and their families, all of whom have adhered to the churchyard regulations in good faith. The basis of this objection has since been overtaken by Mrs Cole's concession concerning the materials to be used for the headstone.

14. The other objector who is unconnected to Mrs Baker has lived in the village with her husband for nine years. They are both members of the church, and their names are entered on the church electoral roll. She describes the historical churchyard as a place of natural beauty, which offers a tranquil space for peace and quiet reflection. Home to a rich diversity of trees, plants, and animal life, it is a space to cherish and explore. The purpose of a churchyard is to provide a place for burial, mourning and reflection. They are peaceful havens in the heart of urban and rural communities to rest, explore, exercise, or just simply to sit and enjoy the fresh air and nature. Our churchyards are presented as precious places, not only because the remains of our loved ones are buried there, but also because they embody the history of our community. This means that everything in our churchyards, from the memorial stones to the trees and shrubs, should be a matter for consideration. This objector has great sympathy for Mrs Cole and her family, who desperately wish to have a memorial stone of their own choice, with their own wording in which

to remember their '*beloved*' family member. Her ground of objection is that the churchyard has regulations, which means that all, including the Cole family, need to abide by them. Furthermore, should Mrs Cole succeed in her wishes, that would be totally unfair to all those who have gone before, and who have abided by the rules of burial, even those who have wished, and applied previously, for a different memorial stone, which has been refused. This churchyard is looked after and maintained by a small, conscientious team of volunteers, who already often have a great deal of extra work when dealing with the mowing of the burial area, when families do not respect the rules and plant bulbs and plants, and position flower vases, all over the burial area, believing they own the whole area, which means the mowers cannot have a smooth, clear path to cut the grass area. The churchyard rules and regulations are displayed in the church porch for all to see and read. This objector believes that when booking a funeral and burial in the churchyard, the rules and regulations are made clear to all. I note that in his comments on this faculty application, the Rector responds to the question: '*Will this memorial hamper the cutting of grass or maintenance of the churchyard generally?*' thus:

> *It is marginally more annoying for the PCC's volunteers to cut grass where there are lawn-style bases, but they manage.*

15. In a handwritten letter of objection, dated 9 May 2026, Mr Russell Baker, a regular churchgoer at St Helen's, whose name is on the church electoral roll, explains that the discovery of Mrs Cole's faculty application had left him absolutely distraught. That is because Mrs Cole's proposed memorial would be adjacent to the grave of his late wife, who passed away on 22 February 2022, aged 78. Mr Baker explains that he would have liked a different colour stone and wording for the memorial to his late wife; but, after discussions with the Rector, he accepted that this was ruled out by the churchyard regulations.

16. Mr Baker's Form 5 notice of objection was submitted under cover of a letter from his solicitors, Stone King LLP, which they have asked to be placed before the Chancellor with the Form 5. By way of brief context, this letter states that Mr Baker's objection focuses on three interrelated departures from the Diocesan churchyard regulations:

(1) the proposed use of polished dark granite;

(2) the use of gold (gilded) lettering; and

(3) the proposed informal wording.

In light of Mrs Cole's concession concerning the first two of these departures, I will try to focus upon the third of these objections. This is not altogether easy because the objections are to some extent inter-linked. Stone King LLP emphasise that the churchyard regulations exist to achieve a balance between individual wishes and the needs of the churchyard as a shared and enduring setting. In particular, they aim to ensure consistency of appearance, a sense of reverence and restraint, and to avoid the introduction of memorials which stand apart in a way that may cause distress to others. Where any proposal departs from those regulations, the starting point is that a faculty will not ordinarily be granted without a clear and convincing justification. Stone King LLP submit that on the material before the court, the justification advanced appears to rest primarily on personal preference, and reference to other memorials said to be present in the churchyard. The proposed material and finish would be notably more reflective and visually prominent than that contemplated by the regulations, and - particularly in combination with the proposed lettering and wording - would lead to a memorial which sits out of keeping with its immediate surroundings. The solicitors also note:

(a) the absence of incumbent and PCC support; and

(b) the lack of any clearly identified justification beyond mere preference.

Stone King LLP explain that Mr Baker's objection sets out, in straightforward terms, the effect which this proposal would have on him, as the owner of an immediately adjacent grave. His position is described as illustrating the underlying purpose of the regulations: to promote fairness and consistency, and to minimise the risk of distress to others. In all the circumstances, Stone King LLP submit that the case for any departure from the regulations has not been made out.

17. Mr Baker's Form 5 summarises the grounds of his objection as follows:

(1) The personal impact on Mr Baker and his family;

(2) The stone, lettering and wording proposed;

(3) The effect on the character of the churchyard; and

(4) The lack of clarity and parish support.

Mr Baker elaborates upon these objections in his accompanying statement of particulars. I will try to focus upon those which relate to the proposal as it is now formulated, avoiding any unnecessary repetition. But, as previously explained, this is not altogether easy because the objections are to some extent inter-linked.

18. Mr Baker seeks to explain the personal impact of this proposal upon himself and his family. His late wife is buried immediately next to the grave plot in question. Mr Baker visits her grave almost every Sunday after church; and it remains a very important place for Mr Baker. When he arranged his late wife's memorial, he followed the churchyard regulations, and he accepted the limits they set, both in terms of the type of stone and what could be written upon it. Mr Baker did so on the understanding that the same rules applied to everyone. Mr Baker believes that he would find it very difficult to come to terms with a polished dark granite stone with gold lettering being placed directly beside his wife's grave. It would stand out straight away from the other stones, and he would see it every time he visited. Mr Baker feels that it would take away from what is now a quiet and peaceful place for remembering his late wife. What makes this harder is that when his wife's memorial was arranged, he had asked to include the words '*Mum*' and '*Nanny*'; but he was told that this was not allowed, and he had to use more formal wording instead. Mr Baker accepted what he had been told, and opted for a design in keeping with what was permitted, because he understood that the regulations had to be followed. Taken together, the proposed memorial design, and informal, familial wording, represent a clear departure from what is normally permitted, and from what others and Mr Baker have had to follow. A particular concern for Mr Baker is the proposed wording. Terms such as '*Dad*' and '*Grampy*' are informal and personal, and are not consistent with the tone used on other memorials in the churchyard. These familial terms have not been permitted elsewhere (including on Mr Baker's own late wife's memorial); and no compelling reason appears to have been given for an exception in this instance. Mr Baker observes that:

> *Those of us who have complied with the Regulations have done so on the understanding that they apply equally to everyone.*

19. Turning to the inscription, Mr Baker explains that his understanding of the regulations is that churchyard inscriptions should reflect the Christian understanding of death and the hope of resurrection, and should be appropriate for a setting intended to endure over generations. The proposed inscription appears informal and familial in tone, and does not seem to reflect this in the

usual way. Mr Baker understands that the incumbent has concerns in this respect; and Mr Baker defers to his judgment on whether the wording is sufficiently reverent and appropriate.

20. Whilst Mr Baker understands that exceptions to the churchyard regulations can sometimes be made, he says that in this case no clear reason has been put forward beyond personal preference. Whilst he appreciates those wishes, he does not believe that they justify any departure from the approach that applies to everyone else. Nor should the existence of any past non-compliance be any reason to allow any further departures from the rules, or from the standards that apply to everyone else. Mr Baker also understands that the proposal is not supported by the incumbent or by the PCC. This also causes him concern, as they are best placed to consider what is appropriate for this particular churchyard, and the sensitivities involved.

21. In conclusion, Mr Baker takes no issue with the desire to commemorate a loved one, but only with the form that has been proposed. In particular (so far as is still relevant), the wording would be inconsistent with what has been permitted in the past; and would cause real and ongoing distress to Mr Baker and his family when visiting his late wife's grave. Mr Baker makes this objection reluctantly, and with sympathy; but he feels strongly that the regulations should be applied consistently for the sake of everyone. For these reasons, he respectfully asks that this application is refused.

22. Mr Baker's daughter formally objects in the strongest possible terms to the proposed memorial for Mr Cole. She says that she first became aware of this proposal after seeing the public notice displayed at the church on 3 May 2026. Since that moment, she has experienced considerable distress, shock, and disbelief that permission could potentially be granted for a memorial which appears to depart significantly from the churchyard regulations that other grieving families, including her own, were expected to follow, without exception. This matter has caused enormous upset to this objector and her family because it raises serious concerns regarding fairness, consistency, equal treatment, and respect for the regulations that govern the historic churchyard at St Helen's. She believes that these concerns deserve careful, and proper, consideration before any decision is reached. Mrs Baker's daughter refers to the passing of her late mother, in February 2022, after a long and difficult battle with cancer. Her illness had been incredibly hard for her family to witness, and her passing left an enormous void in their lives. She also references a meeting with the Rector at which the family explained the type of memorial they hoped to have for their relative. Their requests were neither extravagant nor unreasonable, from a personal family perspective. The most important things for the family were that the headstone should reflect who Mrs Baker was to them as a family. They wished for the inscriptions '*Mum*' and '*Nanny*' to appear because those were the roles she cherished most in life. The family also hoped to have a black granite memorial, with gold lettering, believing that this would create a dignified and lasting tribute to Mrs Baker's memory. However, during that meeting, the family were informed that these wishes did not comply with the churchyard regulations and therefore would not be permitted. This was deeply upsetting for them. At a time when the family were already grieving and emotionally vulnerable, they felt distressed at having to compromise on something so personal and meaningful. Nevertheless, despite their disappointment, the family accepted the church's authority, and complied fully with the regulations that had been explained to them. They did not argue aggressively, seek special treatment, or ask for exceptions to be made. They accepted that the regulations existed for a reason, and trusted that those rules were being applied fairly and consistently to all families equally. The family therefore altered their plans, and they arranged for a memorial that complied with the regulations, despite it not being what they had originally wished for Mrs Baker. It is for this reason that the current proposal has caused such significant upset and

distress. The proposed memorial for Mr Cole appears to differ substantially from the standards and restrictions that were rigidly enforced in the case of Mrs Baker. This is said to raise a fundamental issue of fairness. If Mrs Baker's family was expected to comply strictly with the regulations, despite the emotional pain this caused them, how can it now be considered acceptable for another family to receive approval for what appears to be a clear departure from those same regulations?

23. Mrs Baker's daughter fully appreciates that every family experiences grief differently, and wishes to honour loved ones in personal ways. She has sympathy for the Cole family in their loss, and genuinely does not wish to cause them additional upset. However, the issue here is not about one family being more deserving than another. The issue is whether the churchyard regulations are being applied consistently and fairly to everyone. Rules and regulations only retain meaning and integrity if they are enforced equally. Once exceptions begin to be made selectively, confidence in the fairness of the entire process is undermined. This proposal also creates serious concerns regarding precedent. If permission is granted for a memorial that exceeds or departs from existing regulations, it risks undermining confidence in the fairness and consistency of the rules that other families have been expected to follow. Families who accepted restrictions placed upon them during deeply emotional circumstances may understandably feel distressed and disadvantaged if exceptions are now permitted. Churchyard regulations exist to preserve harmony, dignity, and visual consistency within a sacred and historic environment. They are intended not only to govern individual memorials, but also to protect the collective appearance and atmosphere of the churchyard for all families and future generations. The older part of St Helen's churchyard possesses a traditional and peaceful character which many families value deeply. Memorials within that section generally reflect a degree of uniformity in scale, style, and appearance. This contributes greatly to the calm and respectful setting that grieving families rely upon for comfort and reflection. This proposed memorial would appear visually dominant, and out of keeping with the surrounding graves in this older section of the churchyard. Because it would be situated immediately adjacent to Mrs Baker's grave, its impact on her family would be particularly profound. If this proposal were to be approved, Mrs Baker's daughter genuinely fears that visiting her mother's grave would become emotionally distressing, rather than comforting. Each visit would serve as a painful reminder that her family complied fully with restrictions placed upon themselves, whilst another memorial, beside her own mother's, was apparently permitted to exceed those same standards. That sense of inequality and unfairness would be extremely difficult to live with.

24. This objector considers that it is also important to recognise that this issue does not affect only Mrs Baker's family. Other families with loved ones buried nearby may similarly feel concerned about the changing appearance and character of the churchyard if regulations are relaxed or inconsistently applied. This objector invites the church authorities to consider carefully the broader implications of approving this application. This objector also believes that there is a wider principle at stake regarding public confidence in how churchyard regulations are administered. Families place trust in the church to act fairly, impartially, and consistently during some of the most emotionally vulnerable periods of their lives. Any perception that rules may be selectively enforced risks causing considerable upset, and undermining confidence in the process as a whole. Knowing that her mother rests in a place she loved and attended faithfully throughout her life has brought immense comfort to her daughter, and to the rest of her family. It has helped them to cope with their grief, and to maintain a sense of connection with her memory. For that reason, this proposal feels particularly painful and upsetting. Mrs Baker's daughter submits that approving a memorial which appears inconsistent with established regulations would not only cause ongoing distress to her family, but would also undermine the principles of fairness, consistency, and dignity that

churchyard regulations are intended to uphold. She wishes to reiterate that her objection is not motivated by hostility towards the Cole family personally. She sympathises with their loss entirely. However, sympathy for one grieving family should not result in unfairness or inconsistency towards another. Mrs Baker's daughter therefore respectfully urges the church authorities to refuse this application, and to uphold the existing churchyard regulations consistently, and fairly, for all families. At the very least, she strongly requests that the concerns of neighbouring families, particularly those directly affected by the placement and appearance of the proposed memorial, are fully considered before any final determination is made.

25. Mrs Baker's granddaughter raises similar objections. These are not only rooted in regulatory concerns, but also in the principle of fairness, which is fundamental to the proper administration of churchyard memorial applications. She refers to the deep distress that she and her family experienced, at a time of significant personal grief, when the memorial they had sought for her "*nanny*" was not permitted as it did not comply with the churchyard regulations. Being told that they could not proceed with the memorial they felt was most appropriate for Mrs Baker added an additional layer of distress at an already vulnerable time. Despite this, the family accepted the decision. They did so because they were expressly informed that the regulations existed for a reason, and that they were applied consistently, and equally, to all families. They respected that principle, even though it required the bereaved to compromise on something deeply personal. They trusted that fairness and uniformity were being upheld, and were told that no family would be treated differently from another. It is for this reason that the present application raises serious concerns. Allowing a memorial that appears to fall outside the same regulations that were strictly applied to the Baker family creates a clear inconsistency. It gives the impression that the rules are not being applied equally, and that exceptions may now be granted in circumstances where they were previously refused. This is not merely a procedural issue; it is a matter of principle. Fairness must lie at the heart of decisions of this nature. Families who are recently bereaved are particularly vulnerable; and they rely on the assurance that decisions are made consistently, transparently, and without favour. If that assurance is undermined, it risks causing not only distress, but also a loss of confidence in the integrity of the system as a whole. There is also a wider concern regarding precedent. If this application were to be approved, it is highly likely that it would encourage further requests for similar departures from the regulations. Each approved exception inevitably becomes a reference point for future applications, making it increasingly difficult to maintain consistent standards. Over time, this incremental process risks fundamentally altering the character of the churchyard in a way that was never intended or envisaged by the regulations. Although Mrs Baker's granddaughter does not reside in Benson, she has a strong and enduring connection to the village, and to the church where she was christened. She spent a significant part of her childhood there with her nanny; and it remains a place deeply associated with personal and family memories. As such, the churchyard holds profound personal significance for her. It is not simply a place of burial, but a place of memory, belonging, and continuity. Visiting the churchyard provides a sense of connection to this objector's nanny, and allows for reflection in a space that represents both her life and the wider community in which she was known and valued. Because of this connection, Mrs Baker's granddaughter feels especially strongly that the churchyard must be preserved as a place of equality, dignity, and shared remembrance. When she visits, she sees not individual expressions of preference, but a collective space in which all are commemorated with the same level of respect. It is therefore important that the established standards governing memorials are upheld consistently, so that this sense of balance and unity is preserved for all who visit, both now and in the future. For all these reasons, Mrs Baker's granddaughter respectfully, but firmly, objects to the proposed memorial in its current form, and she requests that it be refused. If permission is

to be granted in any form, she would ask that it be strictly conditioned upon full compliance with the established churchyard regulations, so that fairness, consistency, and the integrity of the churchyard are properly maintained.

26. Finally, a close family friend of Mrs Baker for over 30 years raises similar concerns. She lives in Whitchurch on Thames, near Pangbourne. She relates that at the time of arranging Mrs Baker's headstone, her daughter and son-in-law made a heartfelt request for specific wording that reflected how she had been known and loved within her family: namely as "*Nanny*" to her grandchildren and "*Mum*" to her daughter. This request was not permitted, as it did not comply with churchyard regulations. Although this caused considerable distress and upset, the family respected the church's decision, and complied with the guidance provided, ultimately using the wording "*Mother*" and "*Grandmother*" on the headstone. Given this context, the current proposal submitted by the Cole family has reopened deeply emotional wounds, particularly as the proposed headstone will be situated directly adjacent to the grandmother's. It is extremely difficult for the family to understand how a request that appears to fall outside the same regulations could now be considered, when a similar request was previously denied and strictly upheld. This objector's concern is not with the Cole family personally, but with the importance of fairness, consistency, and adherence to the churchyard regulations, which were clearly enforced in the past. Allowing an exception in this case would appear inequitable, and risks causing further distress to those who have already had to compromise in difficult circumstances. This family friend respectfully asks that the church carefully considers this objection, and ensures that any decision made is consistent with the regulations and past rulings.

The petitioner's response

27. On 13 July 2026, I received from the Registry Mrs Cole's Reply in Form 6, dated 10 July 2026, together with her written representations in response to the several objection letters. Mrs Cole also submitted several responses from her members of her own family.

28. Mrs Cole has little sympathy for the personal impact of her proposal on Mr Baker and his family:

> *Mr Baker you chose to adhere with the church regulations regarding the stone memorial and inscriptions on Mrs Hilary Baker's headstone. You could have appealed but you decided against it, that was your choice.*

Mrs Cole states that she has decided to adhere to the regulations concerning the construction of the memorial. It will be no more prominent than Mrs Baker's, or any of the other headstones in the churchyard. The inscriptions '*Grampy*' and '*Dad*' are not offensive. They are personal references reflecting how Mr Cole was known to all his family. Mrs Cole asks: What difference does this make to other inscriptions on other headstones? It is all part of the grieving process. Mrs Cole cannot see what impact a family inscription on a memorial headstone can possibly have to affect the character of the churchyard. Mrs Cole is sure that other members of the parish, who have lost loved ones who are buried in the churchyard, will agree.

29. The principle purpose of Mrs Cole's personal response is to address the wording of the proposed inscription. She explains that throughout his life, her husband was known within the family simply as '*Dad*' and '*Grampy*'. Those were the names by which he was loved and remembered. The terms '*Father*' and '*Grandfather*' were never used by the family, and feel impersonal, and unrepresentative of the man they knew. The family believe memorial inscriptions should reflect the genuine relationship between the deceased and their loved ones. It is the view

of the family that the guidance on this wording would benefit from being updated to reflect modern family life and contemporary expressions of affection. Mrs Cole also questions what practical difference this wording would make to individual graves. In this instance, she queries whether this comparison is being made solely with the adjacent grave of Mrs Baker, who (she adds) was a dear friend of Mrs Cole for over 40 years. The churchyard itself is said to be in need of considerable care and maintenance. Whilst some graves are beautifully maintained by families, many areas are overgrown. Mrs Cole urges that personal inscriptions should form an important part of the grieving process, allowing families to commemorate their loved ones in a meaningful and personal way. Sadly, the family do not feel this is being fully recognised in this parish. Mrs Cole refers to her long standing commitment to the village community, and her respect for the church and its churchyard. The wording of Mr Cole's inscription means an enormous amount to the whole family, as reflected by the letters in support from no less than five of its members: Mr Cole's son (Nathan), his daughter (Samantha), that daughter's husband (Phil), and their children (Izzy and Joe). The whole family respectfully ask that their wishes be given careful consideration so that Mr Cole's memorial reflects how he was known and loved by those closest to him. Mrs Cole expresses the hope that matters can be resolved without having to take the matter further as it is a personal one and she does not really want to "*go public with it*".

30. The strong feelings expressed by Mrs Cole are reiterated in the five supporting letters from her two children, her son-in-law, and her two grandchildren. All of them speak of the profound grief they have experienced, and continue to experience, at the sad loss of Mr Cole, the impact that this has had upon their own lives, and the difficulties that they have had in coming to terms with it. They emphasise the point made by Mrs Cole that her husband should have the memorial that he deserves, and that the words engraved upon it should be a true reflection of the loving Dad and Grampy they miss so deeply. Mr Cole's son-in-law refers to the family's wish for Mr Cole's memorial to reflect the man he was in life, so that when family members visit his grave, they see '*Dad*' and '*Grampy*' – the names that bring back cherished memories and stories of the much-loved man who rests there. He says that learning of this restriction only after Mr Cole's interment has been deeply distressing for the entire family. He also says that the inscriptions the family are requesting are not without precedent. There are said to be several memorials within the churchyard that use familiar family titles. Mr Cole's son-in-law concludes by observing that:

> *Remembering a loved one by the name they were known and cherished by should never become a matter of dispute. A memorial exists to honour a person's life and preserve the memories of those left behind. For our family, John will always be 'Dad' and 'Grampy', and we respectfully ask that his memorial be permitted to reflect that enduring truth.*

31. Mr Cole's daughter relates that when the family met the Rector to arrange Mr Cole's funeral, at no stage were the family informed that there were restrictions concerning the wording permitted on memorial headstones in the churchyard. It was only after the funeral, when the family began arranging the memorial, that they became aware of these restrictions. This came as a complete surprise, and caused considerable distress to the family. Mr Cole's daughter explains that:

> *Our request is not intended to challenge the Church or diminish the dignity of the churchyard. Rather, we are asking for compassion and understanding so that my Dad's memorial reflects the relationship he had with those who loved him most. We believe that families should be able to commemorate their loved ones using the names by which they were known within their own families, particularly where those words are respectful, affectionate, and entirely appropriate.*

> *For us, 'Dad' and 'Grampy' are not informal expressions; they are a true reflection of the man we knew, loved, and continue to miss every day. To deny us the opportunity to include these words on his memorial feels deeply hurtful and does not reflect the compassion we associate with the Church … Allowing these words would honour my Dad's memory in the most truthful and meaningful way possible, while bringing comfort to those of us who continue to grieve his loss and we feel he is not being able to rest in peace.*

32. Mr Cole's granddaughter expresses similar views. She does not believe that allowing the words '*Dad*' and '*Grampy*' on her Grampy John's memorial would diminish the dignity of the churchyard in any way. Instead, it would reflect the compassion, kindness and understanding that the Church seeks to show to families who are grieving. She states:

> *My Grampy was a kind, loving and respected man who meant everything to our family. His memorial should tell the truth about who he was. To those who knew him best, he was a devoted husband, a wonderful day and my Grampy John. Thise are the memories we carry with us every day.*
>
> *I respectfully ask that, when considering this decision, you look beyond the words themselves and consider what they represent. This is not simply about an inscription on stone. It is about allowing a grieving family to honour someone they loved in the most honest and meaningful way. Granting this request would bring our family great comfort and peace, knowing that his memorial reflects the love that surrounded him throughout his life.*

33. Mr Cole's grandson writes in similar vein. I have taken all of these representations, on both sides of this dispute, into account when reaching my decision.

The disposal of this petition

34. Since the colour, materials, and finish of the headstone, and the colour of the lettering, are no longer in issue on this faculty application, and the only matter now in dispute concerns the proposed inscription, I do not consider it necessary for me to view the churchyard. I accept that there are other similar inscriptions elsewhere within the churchyard. With her petition, Mrs Cole includes an image of another gravestone, not too far distant from Mr Cole's own grave, and commemorating a death on 1 January 2016, where the deceased is described as "*A LOVING HUSBAND, DAD AND GRAMPY*". On this basis, I directed the Registry Clerk to write to the parties stating that I considered that this matter was appropriate to be disposed of by way of written representations, rather than at a formal court hearing (which would need to be conducted remotely by Teams or by Zoom). I invited the views of the petitioner and the party opponent on this proposed course (with reasons should they object). I also invited any written representations they might wish to make, in addition to the materials they had already submitted; in both cases, within the next 21 days.

35. Mr Baker responded by way of a handwritten letter dated 12 August 2026. He explained that he is 84 years of age, and does not have wi-fi or the internet. He would therefore not be able to attend a remote hearing. He confirmed that he had nothing further to add to his original statement. The petitioner responded the following day. She queried whether dealing with the matter on written representations would incur any charges as she was not, at this moment, in any position to pay any of the charges set out in the 2025 Fees Order. By email, dated 17 August 2026, I directed the Registry Clerk to inform both the petitioner and the party opponent that I proposed to deal with this matter on the basis of the representations they had submitted thus far, and without any hearing, which would only add to the costs, and would appear impracticable for the party

opponent. Since this faculty application is not formally opposed, 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 this petition without any hearing, and on the basis of the materials that have been presented to the court. I note that neither party has objected to this course; and that it is consistent with the technical and financial resources available to both parties.

The legal framework

36. There is no right to erect a memorial over any grave without either: (1) the permission of the diocesan chancellor, pursuant to the grant of a faculty, or (2) the permission of the incumbent minister, in circumstances where the chancellor has delegated authority to the incumbent to grant permission for memorials under diocesan churchyard regulations. In principle, the introduction of any item into a consecrated Church of England churchyard requires a faculty; but it is conventional for chancellors to make schemes of delegation, usually by means of what are termed '*Churchyard Regulations'*, although until very recently these had no formal basis in ecclesiastical statute law. If a memorial does not wholly conform to the specifications set out in the applicable churchyard regulations, the incumbent will lack any delegated authority to permit that memorial; and it will be necessary to apply to the chancellor for a faculty. The general diocesan regulations may be supplemented by regulations applicable only to a particular churchyard. As previously explained, this is the case with this particular churchyard.

37. Until June 2021, ecclesiastical case law had disclosed two competing approaches to applications for a faculty where there was non-compliance with the relevant churchyard regulations: one required *'exceptional'*, *'powerful'* or *'substantial'* reasons for departing from those regulations; the other simply asked whether the proposed memorial was *'suitable'*. In *Re St Giles, Exhall* [2021] EACC 1, [2021] PTSR 1622 the Arches Court of Canterbury (Morag Ellis QC, Dean, Chancellor Turner QC and Chancellor Arlow) considered these different approaches and how churchyard regulations should be used in decision-making. At paragraph 11.8, the Arches Court considered the right approach to be a *'merits-based'* one:

> *Clearly, any Regulations in place for the parish or diocese concerned will be part of a matrix of relevant considerations, but we do not think that consideration of a faculty petition should start with a presumption against allowing a memorial outside the parameters of the Regulations*
> …

38. The Arches Court cited with approval the approach articulated in a number of first-instance judgments. I would summarise this approach as follows:

(1) As is the case with any faculty petition, the burden of proof lies on the petitioner to show why a faculty should be granted to authorise the particular proposed memorial.

(2) The terms and content of the applicable churchyard regulations will, of course, be a relevant factor – often highly relevant, and doubtless, on occasion, determinative. But they will only be one of the constellation of infinitely variable factors which the court must consider on a case-by-case basis.

(3) The court should approach the suitability of the proposed memorial on its own merits, the only constraint being the inability of the court to permit something which is contrary to, or indicative of any departure from, the doctrines of the Church of England in any essential matter.

(4) Mere non-compliance with the regulations, of itself, can never be the only basis on which to refuse a faculty petition. It is necessary to consider whether the particular memorial in question is inherently desirable, or at any rate not undesirable, whether or not it complies with the standards of the regulations.

The Arches Court notes that this section of their judgment was not essential to the determination of the appeal in the case that was before them; but they expressly stated that they intended it *"to be of assistance to chancellors, clergy and all others involved in administering the faculty jurisdiction in relation to memorials in consecrated churchyards"*.

39. In *Re St Mary, Great Chart* [2022] ECC Can 2 (in the Diocese of Canterbury) the petitioner wished to install a replacement memorial on his parents' grave. The design included images of a dove, a stairway to heaven, and two swans. The inscription included a verse of poetry written by the petitioner's daughter; and it ended with an X (the symbol of a kiss). There was an objection that the proposed design would not be in keeping with that part of the churchyard where the memorial would be located; and that this might set a precedent for future headstones with designs that were out of kilter with that part of the churchyard. The PCC were supportive of the petition, as was the incumbent. The DAC had also recommended the design for approval by the court. The Commissary General (Robin Hopkins) granted a faculty for the proposed design of the memorial, subject to a condition relating to the inscription. In the course of his judgment (at paragraph 11), the Commissary General recorded that in assessing the appropriateness of the proposed design, in particular in light of the points of objection, he had derived assistance from the principles discussed in a number of other decisions of the consistory courts of other dioceses. So far as relevant to the instant petition (where there was no issue as to the proposed inscription), the Commissary General highlighted (on a non-exhaustive basis) the following examples of such principles and decisions:

(1) There is no right to erect a monument in a churchyard except by permission granted by a faculty (though this is often delegated to the incumbent minister). Headstone wording and imagery must be consistent with the consecrated status of churchyards; and they must be appropriate, not only from the perspective of petitioners, but also (as far as can reasonably be assessed) for future generations. In *Re Christ Church, Harwood* [2002] 1 WLR 2055 at page 2056, Chancellor Holden put it this way:

> *The overall beauty and tranquillity of a churchyard is only as good as its constituent parts allow it to be. The rights and interests of private individuals, of the worshipping congregation, of all parishioners, of the local community, and of the Church and society at large all have to be considered in permitting a memorial, which is likely to last for ever, to be placed in a churchyard. There cannot be a carte blanche situation where a family of the deceased has the sole right to decide what is, and what is not, appropriate by way of memorial, not least because … the family do not own the land in which the remains are placed, or on which the memorial is meant to be placed.*

(2) Where a proposed design is contrary to the applicable churchyard regulations, the fact that there are other memorial headstones in the same churchyard that are also contrary to those regulations will not be a sufficient justification without more. On the other hand, the presence of other headstones that similarly fall outside the relevant regulations is a relevant consideration.

(3) It is appropriate to give weight not only to the views of the PCC and the incumbent, but also to pastoral considerations.

In giving reasons for his decision, the Commissary General noted (at paragraph 13 (vi)) that whilst he had given weight to the objectors' concern about the risk of the instant faculty setting a precedent for others in this churchyard, each petition for the introduction of a new, or replacement, headstone would be assessed on its own merits, including by reference to the

proposed design, and its positioning in relation to the church and to other headstones. The grant of the faculty in that case did not mean that a faculty would necessarily be granted for other, comparable proposals in the future.

40. Finally, I turn to look for guidance on the issue of the proposed inscription. At paragraph 8.7 of its judgment in *Re St Giles, Exhall* [2021] EACC 1, [2021] PTSR 1622, the Arches Court of Canterbury asked itself (as Chancellor Turner QC had done in argument): *"What is a monument over a grave? What is it there to do?"* The judgment continues:

> *Answering his own question in the terms of the Church of England's The Churchyards Handbook, he said: 'To honour the dead, to comfort the living and to inform posterity.' None of the counsel disagreed with this formulation and we endorse it as a usefully pithy statement of the purpose of such monuments which we have used to inform our consideration of Ground 1, as well as aspects of the human rights issues. We commend the summary to chancellors and to all others involved in the consideration of memorials within the faculty jurisdiction.*

41. In my recent judgment in *Re St Peter, Woolhampton* [2026] ECC Oxf 7, I dismissed an application for a faculty permitting an upright memorial for the cremated remains of the petitioner's late wife. The proposed memorial featured a polished dark granite '*open book*' design, gold lettering, and a lengthy, and highly personal, inscription. Both the DAC and the PCC objected, arguing that the memorial departed significantly from the diocesan churchyard regulations and would not preserve the churchyard's visual coherence and dignity. I accepted that the proposal reflected the wife's wishes and the family's grief; but I emphasised that churchyards are consecrated communal spaces, whose appearance must be considered for future generations. Applying the merits-based approach endorsed in *Re St Giles Exhall*, I held that non-compliance with the applicable churchyard regulations is not automatically fatal; but I found that this proposed memorial was undesirable. The proposed location was in one of the few areas reserved for future burials, rather than the interment of cremated remains; the polished black stone, gold lettering, and elaborate design conflicted with the churchyard's character; and the inscription was excessively long, sentimental, and insufficiently reverent. The faculty was therefore refused.

Analysis

42. As I have already explained, the petitioner has now sensibly abandoned her original proposal for a polished, dark grey granite headstone, with an inscription in gold lettering. Had this still been an issue, I would unhesitatingly have refused such a stark departure from the terms of the diocesan and supplemental churchyard regulations. It would have been undesirable to permit such a memorial to be installed within this historic churchyard. In accordance with Mrs Cole's revised proposal, I will authorise a headstone composed of honed Nabresina limestone, with an ogee top and black lettering. This complies with both the diocesan and the supplemental churchyard regulations. As I have already explained, I do not authorise the suggested image of a single male cyclist in racing attire cycling furiously across the top of the headstone towards the right. Such an image would seem to me to "*depict an individual*", and thus to fall foul of regulation 33 b of the diocesan regulations. I consider such an image to be inappropriate in an historic churchyard. But I can see no similar objection to the image of a single spoked cycle wheel, which is a simple design, and modest in size. Provided this image is a black, white or uncoloured etching or carving, it would comply with regulation 33. I would approve the inclusion on the headstone of an image in this form.

43. The proposed inscription at the base of the memorial includes the statement that the dead "*walk beside us every day/Unseen, unheard, but always near*". As I have already mentioned, this does not

seem to the Rector to be consonant with the doctrine of the Church of England, or with the Christian belief in a resurrection that is to come in the future. Had this inscription come to the Rector in the usual way, he says that he would have declined to authorize it. In this instance, the issue is whether such wording satisfies the test of being "*simple, reverent and not contrary to the doctrine of the Church of England*". I appreciate the Rector's concern about this wording. But my initial reaction was that these words were being used in an entirely personal, and metaphorical, sense. Conscious that in matters of doctrine, rather than law, I should be reluctant to prefer my own assessment to that of the Rector, with his theological background and knowledge, I referred the issue to the Archdeacon, asking him whether he would allow such words. With remarkable speed, the Archdeacon responded to my query. The Archdeacon could see where the Rector was coming from; and he wished to acknowledge that the Rector was right to question these words. However, the Archdeacon indicated that had he been the incumbent, he thought he would have allowed these words. The Archdeacon considered that the words proposed could be applied to the memory of a person, which would be entirely consistent with Christian belief. Whilst the decision is for me, and not for the Archdeacon, his advice accords with, and supports, my own initial response. I will therefore allow this proposed inscription at the base of the proposed headstone, but with an apostrophe in the word '*don't*' in the first line.

44. The final remaining issue in this case is the highly sensitive, and controversial, one of whether the applicant has demonstrated that it is desirable - or, at any rate, not undesirable - to permit this particular headstone to bear the familial words '*Dad*' and '*Grampy'* rather than the more formal *'Father*' and '*Grandfather*'. To do so would be in express contravention of the recently introduced supplemental regulations for this churchyard, and contrary to the firmly expressed wishes of the Rector and the PCC, and also the DAC's "*concerns that the language proposed is overly informal in style and would not be consistent with the character of the churchyard as a whole*". I am conscious that whatever my decision, I will be causing deep distress to at least one bereaved family, and creating a deep sense of unfairness on their part. I acknowledge the profound grief that the loss of a beloved family member has caused to the members of both the Cole and the Baker families down the generations. That is why I have cited at length the heartfelt representations of those who both support, and oppose, this private faculty application. I understand the additional, and continuing, disruption to the grieving process that the outcome of this faculty application will cause to one or other family. I appreciate the profound pastoral considerations to which all of this gives rise. As well as the personal interests of Mrs Cole, and her family members, I must have regard also to the rights and interests of all the bereaved family members of those whose loved ones rest in this churchyard, of parishioners and the local community in general, and of the Church and society at large, when deciding whether to permit these contested familial descriptions, which are likely to last through future generations, to be displayed within this churchyard. Churchyards are consecrated ground. They are set aside for burials and interments; and they are places for quiet contemplation and remembrance. They are also a part of our national history. They matter to many people, especially, but not only, to those whose loved ones' remains rest there. They are also important to parishioners, historians, archaeologists, ecologists, visitors, and many others. I have to consider the overall beauty, tranquillity, and integrity of this historic churchyard as a whole.

45. I can readily dispose of one argument that has been advanced against permitting these contested familial descriptions. The Rector has expressed his concerns that if this faculty is granted, it effectively means that there is no way the supplemental regulation, handed down as recently as September 2025, can ever realistically be enforced:

> *… not only will a precedent have been set from the get-go that the Supplemental Regulations (and indeed the Diocesan Regulations) as well as the PCC's advice can be overridden simply if an applicant pays the necessary fee for a private faculty, but there will also be a stone in situ to which any future applicant can point as justifying the authorization of future memorials that fall outwith the Regulations.*

I do not share the Rector's concerns in this regard. Mr Cole's burial pre-dated the enactment of the supplemental churchyard regulations. One of the reasons I expressly incorporated an explanatory note within the regulations, making it clear that it would still be open to anyone seeking to introduce a monument into this churchyard which does not comply with the supplemental regulations to apply to the Chancellor for a faculty to permit its introduction, was to address the special position of any family whose loved one had been laid to rest in the churchyard before these regulations came into force. The fact that, in the exercise of my judicial discretion as Chancellor, I may permit this particular faculty application, does not mean that the same result will follow in the case of a burial that post-dates the introduction of the supplemental regulations. The two situations are clearly distinguishable. The Rector, the parish, and the objectors, need have no fears that the outcome of this case will set any precedent for the future.

46. I confess that I have not found this to be an easy decision, and that my mind has wavered concerning the outcome of this disputed issue. I am deeply moved by the situation of the Baker family, and the deep sense of unfairness that they will feel if I grant this faculty petition. That feeling will be aggravated by the close proximity of the two graves. I do not underestimate the deep sense of resentment that the Baker family members will feel every time they visit the late Mrs Baker's grave, and witness the inscription on Mr Cole's own grave, if I should grant his wife's petition for these familial words. Ultimately, however, I have decided, after much prayerful consideration, to allow the inclusion of the familial words *'Dad'* and '*Grampy*' on the particular headstone proposed for Mr Cole's grave. I do so out of compassion for the deeply held feelings of those he has left behind in this world, and also because these descriptions reflect who Mr Cole was to his family. This form of words will best serve the triple function of honouring the dead, comforting the living, and informing posterity. But I reiterate that this decision should not be regarded as setting any precedent for the future. Anyone who is thinking of committing a loved one for burial in this churchyard in the future should have the supplemental regulations expressly brought to their attention before any arrangements are made for such committal. They will then be in a weak position to pursue any application for a faculty seeking any relaxation of those regulations. However, reflecting the dignity to be accorded to this historic churchyard, I direct that the word "*and*", rather than an ampersand ("&") should separate the words "*Grampy*" and "*Brother*" in the inscription.

Conclusion

47. I have every sympathy for Mr Baker, and his family members, in their grief at the loss of a much-loved wife, mother, and grandmother. However, for the reasons, I have given, I grant this revised faculty application. A faculty will issue for a headstone composed of honed Nabresina limestone, with an ogee top and black lettering, and with a single spoked cycle wheel in the form of a black, white or uncoloured etching or carving at the top. The inscription may use the familial terms '*Dad*' and '*Grampy*'. I direct, however, that the word "*and*", rather than an ampersand ("&") should separate the words "*Grampy*" and "*Brother*" in the inscription. The headstone may include the inscription:

Those we love don't go away
They walk beside us every day
Unseen, unheard, but always near
Still loved, still missed, we shed a tear

An apostrophe must be inserted in the word "don't".

48. In accordance with my usual practice, I charge no fee for this written judgment. However, Mrs Cole must pay any additional costs incurred by the Registry in processing this faculty application.

David R. Hodge

The Worshipful Chancellor Hodge KC
Wednesday, 14 October 2026