

Neutral Citation Number: [2022] ECC Ely 3

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of St Andrew in the Parish of Great Staughton

Mrs S Tunnard

Petitioner

PRELIMINARY MATTERS

1. The Petitioner, through Mr Brian Tunnard, has made a further proposal in respect of the headstone having taken account of my judgment dated 21st December and subsequent to speaking to the Registry by telephone on 4th April 2022. Again the delay between December and April is unexplained. I have tried to ease the position of the Petitioner by responding on the same day as the email sent by Mr Tunnard and the conversation had with the Registry.
2. The latest design is much simpler in appearance and consists of an etching of two sailboards against the background of the sea. This is in conformity with what I said I could accept in my earlier judgment and I am grateful to the Petitioner and Mr Tunnard for this variation to an acceptable design.
3. Having rejected the stone first proposed, which was to be honed dark grey granite known as South African grey or Rustenburg grey, the Petitioner now proposes that the memorial be on black stone. This is contrary to Paragraph 24(a) of the Churchyard Regulations which does not permit the use of a black stone.
4. Mr Tunnard seeks to support its use because there are other memorials of black stone within the churchyard extension. I have dealt with that proposition in my earlier judgment; the fact that the Churchyard Regulations have been breached in the past, save in exceptional circumstances where it can be shown that the Chancellor had permitted it by way of an exception to the Churchyard Regulations, does not provide an argument for allowing them to be ignored on a subsequent application. Mr Tunnard has spoken to a solicitor about applying to remove all black headstones within the Churchyard. Whilst he is perfectly entitled to take advice on such a procedure, it does not affect my decision whether or not to allow a black headstone to be placed in the churchyard. The prospect that I would agree to remove black headstones unless very recently installed is remote.

5. I am aware that this has been a very protracted procedure for the Petitioner and I am, therefore, prepared to reverse my earlier decision not to allow the use of South African grey or Rustenburg grey stone, which is darker than Karin Grey, because it is preferable to a black headstone which I shall not permit. I hope that this will come as some comfort to the Petitioner and allow the memorial to be put in place as soon as possible.

DECISION

- 15 It follows that I will allow the etching and inscription as set out in the email from Mr Tunnard dated 4th April 2022 and on South African grey or Rustenburg grey stone.

His Honour Judge Leonard QC
Chancellor of the Diocese of Ely
4th April 2022