on the removal of the pews in the absence of more detailed information but were against the removal of the frontals.

Applying the guidance in *Re St Alkmund, Duffield* [2013] Fam 158, the deputy chancellor held, notwithstanding the advice of the DAC, that, as the pews were likely to have been designed by Street and formed part of the ensemble of pews filling the nave, the removal of a substantial number of them would have affected the character of the church and resulted in minor harm to that character. As to justification, the petitioners' statement of needs, in referring simply to the de-cluttering of the church, was purely subjective and did not provide clear and convincing justification. But the site visit report of the DAC did, by providing information about the uses to which the cleared areas were now put, including a young children's area, a display and welcome area and an extension of the dais. The minor harm that resulted from the removal of the pews was outweighed by those uses of the cleared areas. A confirmatory faculty was granted for the removal of the pews, and their disposal was authorised. The deputy chancellor expressly did not take into account the practical difficulties that would have been encountered in restoring the pews. Four pew frontals were to be returned to the church. [Alexander McGregor]

doi:10.1017/S0956618X18001205

Re a Churchyard
Lichfield Consistory Court: Eyre Ch, 3 June 2018
[2018] ECC Lic 5
Churchyard – kerbs – chippings – good reason – PCC objection

A widow sought a faculty to authorise the installation of a kerb around and the laying of chippings and the introduction of a vase on her late husband's grave, which had previously been used for the interment of the remains of his great-uncle. The Parochial Church Council (PCC) objected but did not become a party opponent, and declined to make any further representations other than saying that it wanted to observe the diocesan churchyard regulations. The chancellor referred to his judgment in the case of *Re St Leonard, Birdingbury* [2018] ECC Cov 1, in which he set out his understanding of the principles to be applied when a faculty was sought for a memorial falling outside the range which diocesan churchyard regulations authorised incumbents to permit without a faculty. In short, a good reason was needed to justify the grant of such a faculty.

In this case the chancellor decided that there were exceptional circumstances to justify the grant of a faculty, even though the proposals were outside the churchyard regulations. The impact of the proposed kerbs on the maintenance of the churchyard was considerably less than would normally be the case. The

https://doi.org/10.1017/S0956618X18001217 Published online by Cambridge University Press

grave in question had previously had kerbs, which had been moved 20 years earlier, and the incumbent at the time had assured the petitioner that there would be no problem in reinstating kerbs after the next burial in the grave. There were also already many examples close to the grave of kerbs, chippings and multiple vases, such that refusing to allow another set would be artificial and unfair. Although the chancellor was conscious of the burden placed on PCCs in maintaining churchyards, and of the weight to be given to their views as to what was appropriate or desirable in a particular churchyard, those views must carry rather less weight in the present case than might have otherwise been the case given the paucity of the information before him as to the particular reasons for the PCC's stance. He granted the faculty. [Jonathan Storey]

doi:10.1017/S0956618X18001217

Re St Peter and St Paul, Bassingbourn
Ely Consistory Court: Leonard Ch, 6 June and 29 July 2018
[2018] ECC Ely 1
Re-ordering – local opposition – public petitions – expert evidence – costs

The vicar and churchwardens sought a faculty for the substantial re-ordering of the nave and aisles of this Grade I listed fourteenth-century church. The scheme included the removal of nave and aisle pews and their replacement with wooden chairs. The nave pews were Victorian. The aisle pews were part mediaeval and part Victorian; all mediaeval elements were to be retained in benches set around the edge of the church. A glazed structure was to be introduced at the west end of the church which would provide a welcome lobby, three toilets, a kitchen, one large and three small meeting rooms, a gallery, a creche and a vestry. The Diocesan Advisory Committee and the Church Buildings Council supported the scheme. Historic England, the Victorian Society, the Society for the Protection of Ancient Buildings and the local planning authority maintained strong objections. None of these bodies formally opposed the petition.

There was significant local opposition, including two public petitions, one of which was signed by more than 1,000 people. The registry received 120 letters of objection in response to the public notices and ten objectors chose to become parties opponent. In considering the admissibility of and weight to be attached to the public petitions, the chancellor considered that the petitions were admissible. He nevertheless considered that limited weight could be attached to them in light of a number of factors: the petitions had been signed prior to the publication of the plans for the scheme; untrue statements about the scheme had been published in the village newsletter prior to signatures being sought; the petitions contained erroneous information; some people had asked for their

https://doi.org/10.1017/S0956618X18001217 Published online by Cambridge University Press