

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ST PETER’S, ELLASTONE

ON THE PETITION OF ROBERT WILLIAM LESLIE WATKIN

JUDGMENT

- 1) On 29th October 2025 Mr Robert William Leslie Watkin petitioned for a faculty to authorise the reservation of a grave space for himself and his wife, Mrs Lesley Patricia Bently, at St Peter’s Church graveyard at Ellastone. The application is opposed by a majority vote of the Parochial Church Council (“PCC”). Mr Watkin has consented to a decision being made without a hearing. I refuse to grant the faculty for the reasons set out below.
- 2) In a letter accompanying the petition, and signed by Mr Watkin and Mrs Bentley, their consultation with the incumbent, Revd. Brian Leather, and the churchwarden, Ms Barbara Butler, for the purposes of identifying a suitable grave space, is set out. The papers also detail that Mr Watkin is now 75 years old. The churchyard has about 35 spaces remaining and on average about 3 are used for burials each year. It is apparent, therefore, that the churchyard may be full in about 12 years and thus within, one hopes, the lifetime of the petitioner and his wife. Hence, the motivation for the petition.
- 3) The PCC considered the petition and I have received an email dated 15th December 2025. This states that of 12 members only two voted in favour of the reservation and four voted against. Three members of the PCC formally abstained and 3 did not vote at all. The PCC Secretary explains that the votes against were by reason of there being a long-standing policy of not permitting grave spaces to be reserved.

- 4) I note that only half the PCC expressed a view on the petition. There is, however, a policy of that PCC against reservation; albeit that two members thought it could be waived in this case. I also note that there is one reserved space shown on the churchyard plan, but the circumstances of that reservation are not clear, save that I observe it is in the name of someone with a surname the same as the family name on the adjacent, occupied grave.
- 5) The law relating to reservations of grave spaces was extensively reviewed by Chancellor David Hodge QC in St Mary, Thame, Petition of Ms Mandy Louise MacIntosh [2022] ECC Oxf 2. The relevant features of the law include the following (in the words of Chancellor Hill QC, cited with approval of Chancellor Hodge QC):

“A faculty may be granted for the reservation of a particular grave space for a parishioner or non-parishioner, the matter being entirely within the discretion of the consistory court. Due weight will be given to any PCC policy and to the consent or otherwise of the incumbent. If granted, a faculty will prevent the incumbent from conducting a future burial in the plot to which it relates.”

Further (this time Chancellor Hodge QC citing one of his own earlier decisions):

“Where ... pressure of space is acute, it would be wrong for any Consistory Court to grant the reservation of a grave space such as to prejudice future burials. Those with a legal right of burial must therefore be interred in the order in which they die until such time as the churchyard is full”.

Previous decisions of other Chancellors are not binding upon me, but they are persuasive.

- 6) Having due regard to the policy of the PCC and its vote upon this petition, and having regard to the limited space left in this churchyard, I consider it proper in this case to reject the petition and refuse to grant the Faculty sought.

Dr Anthony Verduyn

CHANCELLOR

19th December 2025