

IN THE CONSISTORY COURT OF THE DIOCESE OF CARLISLE

Re: Ulpha, St. John the Baptist – Grave Space Reservation

THE PETITION OF:

Geraldine Corbett

JUDGMENT

Delivered on 12 October 2025

1. This judgment concerns the petition of Geraldine Corbett by which she seeks to reserve one single depth grave space in the churchyard of St. John the Baptist, Ulpha.
2. Ms. Corbett's petition explains that she is the owner or occupier of property in the parish, and that she has attended services and other functions connected with the parish. She has given financial and practical support to the work of the church. She moved to the area when she met her partner, Paul, in 2010 and has since immersed herself in the local community. Paul's funeral was held at the church, and Ms. Corbett looks for the comfort of knowing that she and he may in due course both have their remains interred there.
3. The petition has the support of the PCC.
4. Unfortunately, Ms. Corbett's petition identifies that there is very little space available for burials in the churchyard, and it will only be sufficient to serve parishioners for another 3 years.
5. Given this difficult situation the Registry made further enquiries with Ms. Corbett and the parish. Ms. Corbett was asked to explain the full circumstances of her application and to make any case that there were exceptional circumstances to be considered. She replied in the terms I have already summarised.

6. So far as the parish is concerned, it appears that it may be possible to remove a large bush so as to create space enough to accommodate burials, at the present rate of 1.5 per year, for another 7 years or so.
7. This is still a short period of time, and engages the law that applies to applications like these where there only limited graveyard space. That law is as follows. By reference to his earlier decision in the matter of *Re St. Mary, Thame* [2022] ECC Oxf 2, (2023) 25 Ecc LJ 114 Chancellor Hodge, KC identified the following, non-exhaustive propositions:
 - “(1) *The reservation of a grave space is entirely within the discretion of the consistory court, to be exercised having regard to the particular circumstances of the case.*
 - (2) *The court will be more inclined to grant a faculty to a petitioner with the right to be buried in the churchyard than to one without such an entitlement. Those who have such a right are the persons living within the parish, and those on the electoral roll of the parish church.*
 - (3) *The court may nevertheless grant a faculty to a petitioner with no right to be buried in the churchyard where they can demonstrate a personal, or a substantial family, connection to the church and/or its churchyard, or some other some good and sufficient reason to be buried there.*
 - (4) *Where there is sufficient space within the churchyard, and the incumbent minister gives their consent, the court may well grant a faculty to such a petitioner, unless the Parochial Church Council have a policy of opposing the reservation of grave spaces.*
 - (5) *Such a policy cannot be conclusive, and it cannot remove the court’s overarching discretion; but where the PCC have adopted a policy that is considered, reasonable and fair, the court will only be justified in departing from that policy in exceptional circumstances; and anyone seeking to reserve a grave space in the face of such a policy will need to show that their case is markedly out of the ordinary.*

- (6) *Where, however, the remaining space within the churchyard is limited, then a faculty will not normally be granted, and the petitioner will have to demonstrate sufficient justification for the court to take the exceptional course of allowing a reservation in such circumstances, because of the risk that such a reservation will prejudice the rights of those parishioners or worshippers who would otherwise be entitled to be buried in the churchyard.*
- (7) *Even where such a justification is demonstrated, it will not usually be right to extend the duration of the faculty beyond the period for which the churchyard is likely to have space for burials, unless there are exceptional circumstances (including evidence of a particularly strong connection to the church and/or the churchyard) in favour of doing so.*
- (8) *Should a faculty for a grave space reservation be granted for a limited duration, it remains open to the petitioner to apply for an extension of the period of its validity. Whether or not any extension is to be granted will depend upon the prevailing circumstances, including: (1) the petitioner's personal circumstances; (2) whether arrangements have been made to provide additional space for burials, whether by the acquisition of further land, or the re-use of parts of the churchyard, or otherwise; (3) the views of the incumbent minister; and (4) any current policy of the PCC towards the reservation of grave spaces."*

- 8. The test for "exceptional circumstances" in this regard is whether the case is "markedly out of the ordinary" (see the decision of Chancellor Lyndsey de Mestre, KC in *Re St Peter, Hilton* [2024] ECC Yor 1 (Diocese of York)).
- 9. I readily acknowledge the depth of Ms. Corbett's connection with the church and community of Ulpha, and I fully understand her wish that her own burial might, in due course, be in the same place as that of her late partner, Paul. The strength of feeling she expresses is entirely natural and deserving of respect. However, in circumstances where the remaining burial space is so limited, I am bound to apply the law as it stands. The authorities make clear that in such cases reservation may only be granted where the case can properly be described as

“markedly out of the ordinary”. I am afraid that I cannot conclude that Ms. Corbett’s circumstances meet that test. Her attachment to the church, though sincere and genuine, is one doubtless shared by many others within the parish who may also hope to be buried there. With real regret, therefore, I must refuse this petition.

10. I charge no fee for this written judgment, but Ms. Corbett must pay the costs of her petition, including any fees incurred by the Registry in dealing with this faculty application.

JAMES FRYER-SPEDDING

Chancellor

12 October 2025