

Diocese of Portsmouth

Re: Brook, St Mary the Virgin

1. This petition relates to a proposed memorial to be erected in the churchyard of the church of St Mary the Virgin, Brook, in the parish of Brook with Mottistone, Isle of Wight. It is brought by the Churchwarden, with the unanimous support of the PCC. There are no objections.
2. The proposed memorial is in the form of a wheeled cross on an open plinth and solid base. The overall dimensions are H 3'2" x W 17'3" x D 4" with a base of H 7'6". It is to be inscribed in memory of Della Susan Berryman, whose family has commissioned the work, with a simple, suitably-worded inscription at the base, and will be constructed in light grey punched granite.
3. The design, style and dimensions of permitted headstones are provided for in the Churchyards and Churchyard Memorials Regulations for the Diocese, the purpose of which is to ensure, as far as practicable, that each churchyard retains a harmonious appearance and forms a suitable and worthy environment for the church which it serves. The Regulations make clear that harmony does not mean uniformity. Headstones are not restricted to a conventional rectangular shape and other attractive, well-conceived designs may enhance the appearance of the churchyard.
4. The principles to be applied where permission is sought to erect a non-conforming memorial have recently been re-stated by Ch. Eyre QC in *Re Eccleshall, Holy Trinity*, 20 December 2014, where reference is made to the summary by Ch. Mynors in *Re St. Mary: Kingswinford* [2001] 1 WLR 927 of the circumstances in which permission may be granted. I take into account all that is said in those judgments. It is clear that the burden is on the petitioner to demonstrate a cogent reason for permitting a memorial which does not accord with the Regulations. As a matter of justice and of fairness to those who have accepted the standards set by the Regulations, any permission to depart from them must be regarded as an exception. At the same time, each case must be considered on its merits; in my view the greater the departure from the Regulations, the stronger must be the justification.
5. In considering whether permission should be granted, it is necessary to examine both the design of the proposed memorial itself and its impact on the surrounding churchyard as a whole. The memorial should be of a design appropriate for its purpose and commensurate with its surroundings. Any inscription should be appropriate to the circumstances and be a suitable and accurate commemoration of the deceased.

6. In the present case, the only issue which arises is the design of the memorial itself. The material, dimensions and inscription all accord with the standard provisions of the Regulations and are entirely appropriate, but the wheeled cross design requires particular consideration.

7. I have helpfully been provided with a full-size drawing of the design and have seen photographs of the proposed location, which show the immediate and more distant surroundings, together with a plan showing the location in relation to the churchyard as a whole.

8. The information provided gives a clear impression of how the proposed memorial will sit in its surroundings, both alongside neighbouring headstones and as it would appear from other parts of the churchyard.

9. The wheeled cross design of the proposed memorial, while not unusual in itself, would be a departure for this churchyard. The design is, in my opinion, both attractive and appropriate for a churchyard setting. Its overall appearance is likely to be pleasing and the design and material would broadly be in harmony with its surroundings and with the churchyard as a whole. The neighbouring headstones are of a more conventional design, though with some variations in style, but the proposed memorial would not look out of place among them. I am quite satisfied that it would not detract in any way from the general appearance of the churchyard or the setting of the church. Nor is there any reason to suppose that it would affect the maintenance or general amenity of the churchyard.

10. The support of the PCC and the absence of objection are not in themselves decisive, but in my judgment, weight should be given to the fact that those who know the churchyard best consider that the memorial would be appropriate.

11. In all the circumstances, I am satisfied that it is appropriate to allow the erection of the proposed memorial and I conclude that permission to depart from the Regulations should be given. Accordingly I direct that a faculty shall issue, on the usual terms, to permit the erection of the memorial.

Philip Waller
Chancellor
16th March 2015