

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

3842

ECCLESHALL: HOLY TRINITY

THE PETITION OF VICTORIA MACHIN

JUDGMENT

- 1) Holy Trinity, Eccleshall is a Grade 1 listed mediaeval church. Pevsner describes it as “*one of the most perfect C13 churches in Staffordshire*”. The church building (partly constructed in sandstone) is surrounded by a churchyard which is approximately 11,000m<sup>2</sup> in area. The churchyard contains a large number of memorials and some substantial trees. Most of the memorials take the form of single upright gravestones. However, the churchyard does contain some pedestal memorials. These date from the Eighteenth Century, they are of sandstone and in some instances the pedestal is surmounted by an urn.
- 2) In the churchyard there is a grave containing the remains of three members of the Machin family. Arnold Machin was a distinguished designer and engraver; his wife, Beryl (but known by her second name of Patricia), was a painter; and their son, Francis, an architect.
- 3) Victoria Machin was married to Francis Machin and although they were divorced she brings this petition with the support of their children and the consent of the living relatives of Francis and his parents. The Petition (as modified as to wording by an e-mail of 5<sup>th</sup> May 2013) seeks a faculty for the erection of a memorial at the site of the Machins’ grave. The proposed memorial is to be of sandstone and takes the form of a pedestal surmounted by an urn. Three of the four sides of the pedestal are to bear the names and the dates of birth and death of Arnold, Beryl, and Francis together with reference to Arnold’s OBE and his status as a Royal Academician and the

respective descriptions “*Sculptor*”, “*Painter*”, and “*Architect*”. The fourth side is to bear a short extract from a poem by Francis Machin.

- 4) The proposal has been considered by the Diocesan Advisory Committee. That Committee was broadly supportive of the proposal. It took the view that the memorial would result in a material alteration of the appearance of the churchyard. It questioned the method to be used to secure the memorial and suggested refinement of the design in regard to the font to be used and also questioned whether a font more appropriate to Arnold Machin could be used. In addition the Diocesan Advisory Committee questioned whether the urn was “*perhaps too squat in appearance*”.
- 5) I agree that the erection of the memorial will be an alteration to the appearance of the churchyard in that an object not previously there will be introduced. However, I have concluded that the alteration will not be a material one. If the proposed memorial is permitted the churchyard’s general appearance will remain unaltered – it will remain a large churchyard containing trees and a number of memorials of differing kinds. The Committee’s concerns as to fixing have been addressed. In response to the question of squatness, Mr. R. Parry (the memorial’s designer) has explained that the urn will take up 40% of the total height of the memorial and suggests that this is a reasonable proportion. He also says that the font to be used is based on Eighteenth Century stone carved lettering styles and that is a style similar to that used on postage stamps (the design of which was an important achievement of Arnold Machin).
- 6) The Parochial Church Council of Holy Trinity has chosen not to express any collective view. I have, nonetheless, had the benefit of correspondence from The Revd James Graham, the vicar of Eccleshall. Mr. Graham raised a number of queries about the positioning and orientation of the proposed monument all of which appear to have been addressed. He helpfully explains that the type of monument was chosen by the Petitioners because of the style of Arnold Machin’s work and has provided biographical information about Mr. Machin. Mr. Graham has pointed out that the branches of one of the yew trees in the churchyard overhang the site of the proposed memorial and he

asks whether anything is proposed to be done about that. The Petitioners have responded to the latter point by explaining (correctly in my judgment) that the memorial needs to be at the site of the grave and that the maintenance of the trees in the churchyard is not a matter for them.

- 7) Following the public notice David and Hilary Rimmer wrote expressing opposition to the petition. They have not elected to become parties and are content for me to take their letter into account. There are no other objectors. Mr. & Mrs. Rimmer express the opinion that the proposed design and location are not consistent with the approach that the Parochial Church Council and the Diocesan Advisory Committee (and by implication this Court) have adopted to the erection of gravestones and other memorials in the churchyard. They suggest that there should be a memorial which is more appropriate to the church and churchyard. My interpretation of this is that Mr. & Mrs. Rimmer are referring to the approach laid down in the Churchyard Regulations which do not permit an incumbent to authorise a memorial such as this and are contending for a memorial along the lines of the conventional gravestones which predominate in this churchyard. Mr. & Mrs. Rimmer also refer to a lack of liaison between the Petitioners and the Parochial Church Council. However, this seems in part at least to be a misunderstanding and it is apparent that the Petitioners have been engaged in discussions with Mr. Graham about this memorial for some time.
- 8) As just explained a faculty is needed for the proposed memorial because it is outside the scope of those which can be permitted by an incumbent under the Churchyard Regulations. In deciding whether to grant a faculty I have to take account of a number of factors.
  - a) First and foremost I must take account of the nature and purpose of a churchyard. Churchyards are consecrated to God, Father, Son, and Holy Spirit. Accordingly, they must be treated and cared for in a manner consistent with that consecrated status. Churchyards can also fulfil important spiritual rôles and can be a powerful part of the Church's witness to the world. They provide appropriate settings for Christian places of worship and as such send out a message of the Church's commitment to worshipping God in the beauty

of holiness. They contain memorials to departed Christians demonstrating the Church's continuing love for them and its belief in the communion of saints. The circumstances of interment and the memorials in a churchyard can be powerful evidence of the Church's love for the local community. Churchyards are places of solace and relief for those who mourn. In addition many people find comfort in knowing that their mortal remains will be interred in a particular churchyard and in a particular setting. That comfort derives in part from a confidence that the character of that setting will be preserved. Churchyards are also an important part of our national and local heritage. Our care for them is part of the Church's work of stewardship of our environment and heritage. Thus the Consistory Court must ensure that what is placed in our churchyards is fitting and appropriate against the light of those foregoing considerations. Moreover, the memorials placed in churchyards must be fitting and appropriate not just for today but also for the future.

- b) As it is the Petitioners who are seeking a faculty the burden of showing that for which they seek permission is appropriate lies on them. Moreover, the Churchyard Regulations represent a settled view as to what is normally appropriate in the churchyards of the diocese. It follows that a good case must be shown before the Court will authorise a memorial falling outside the Regulations. This factor is reinforced by the fact that the Regulations are followed in the vast majority of cases. Those who comply with the Regulations and who might well have foregone the opportunity to seek a different style of memorial (and one perhaps more in keeping with their own preferences) have a legitimate expectation that those who are seeking to depart from the Regulations will be required to show a good case for doing so.
- c) However, it is not the purpose of the Regulations or of this Court to suppress quality or individuality in favour of an unthinking uniformity. Churchyards can be enriched by memorials which are outside the norm whether their difference from the norm is in appearance, material, or design. Memorials which display individuality are to be encouraged. They can demonstrate thought and imagination and can contribute to and enhance the appearance of a churchyard. However, quality and appropriateness remain essential.

A memorial which differs from the conventional must be of high quality. At one level this is simply an application of the underlying principle that all that is done for the glory of God, including the objects placed in churchyards consecrated to him, must be of the highest possible quality. Of course and as a consequence of the same principle conventional memorials falling within the scope of the Churchyard Regulations must be of the highest possible quality. Nonetheless, the requirement of quality is reinforced in the case of those seeking permission for something outside the Regulations. In addition individuality cannot be permitted where the proposed memorial would be inappropriate in the particular setting. A memorial which stands out and to which attention is drawn may well be appropriate but regard must be had to the overall appearance of the churchyard and the proposed memorial must not strike a jarring or discordant note in the churchyard nor may it detract from the overall appearance and setting of the churchyard. Uniformity simply for the sake of uniformity is to be discouraged but difference solely for the sake of being different is equally to be discouraged.

- 9) What is the position in respect of the memorial proposed by the Petitioners? For the following reasons I have concluded that a faculty should be granted permitting this memorial.
- 10) It is clear that considerable careful thought has gone into the design of the proposed memorial. Care has been taken in choosing not only the style of memorial but the wording of the inscriptions and the font to be used. The end result of this care has every prospect of being a memorial of quality. I have regard to the expert assessment of the Diocesan Advisory Committee but I find that its limited reservations do not detract from the view I have just set out. The question of what should be the relative proportions as between urn and pedestal is very much a matter of taste and degree. Given the qualified nature of the reservation expressed by the Diocesan Advisory Committee, I am not able to say that it is necessary for the urn to take up a greater proportion of the whole memorial. Similarly, a reasoned and persuasive answer has been provided to the Committee's question as to the font to be used. In addition, I conclude that the memorial will be of a material and

appearance which is appropriate in this churchyard. It is true that the majority of the memorials are in the form of upright gravestones but the churchyard already contains some sandstone memorials consisting of pedestals bearing urns. The fact that these date from the Eighteenth Century reinforces the appropriateness of the proposed memorial. The Petitioners are seeking to continue a form of memorial which has an established and recognised place in this churchyard and has had that place for very many years. In that context it cannot be said to be an inappropriate form of memorial.

11) Accordingly, what is proposed is a memorial of quality possessing a degree of individuality but which will be appropriate in the setting of Holy Trinity churchyard. In those the circumstances a good reason for permitting a memorial outside the scope of the Regulations has been established. In essence the Petitioners are saying that they wish to have a memorial which is out of the normal run because they are proposing to erect a memorial of quality and individuality which will nonetheless be appropriate in this churchyard. The requirements of quality and appropriateness having been met, a sufficient reason for going outside the scope of the Regulations has been shown.

12) I should add, for the sake of completeness, that I have considered whether either the distinction of the members of the Machin family buried in this churchyard or their artistic calling are relevant to the consideration of this petition. I have concluded that they are not. It is fitting that distinguished artists should have a memorial of high quality, but it is equally fitting that every Christian whose remains are committed to God's care should have a memorial of quality. It is not being suggested that the Machin family members should have a "better" memorial than anyone else. What is being proposed is a memorial of the distinctive nature which would be considered favourably in any case. Similarly, the distinction of the Machins would not justify a memorial which was otherwise inappropriate in this setting but I have already said that what is proposed is appropriate here.

13) If I have understood the concerns of Mr. & Mrs. Rimmer correctly they are referring to the need for a good justification if there is to be a departure from

the approach authorised by the Churchyard Regulations and to the need to ensure that what is permitted under faculty is appropriate for the particular churchyard. As should be apparent, I have concluded that the proposed departure is justified and that this memorial will be appropriate in this churchyard.

- 14) Accordingly, a faculty is to be issued permitting the erection of the proposed memorial.

STEPHEN EYRE  
CHANCELLOR  
1<sup>st</sup> June 2013