

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWELL AND NOTTINGHAM

Before: the Chancellor

IN THE MATTER OF PERLETHORPE CHURCHYARD

JUDGMENT

1. This is the Petition of Gregor Pierrepont and Stephen Shakespeare for a Faculty to permit the erection of a memorial in the churchyard of St John the Evangelist, Perlethorpe. The names of the deceased are spelled in various ways in the papers, but in the design of the proposed memorial they are Lady Frederica Rozelle Ridgway Pierrepont and her husband Richard Hollings Raynes, which I take to be correct. The proposed memorial falls outside those permitted by the 'delegated authority' of the Churchyard Regulations, and the Petition raises a number of other issues.
2. The resolution of this Petition has been seriously delayed. There have been questions as to the legal basis of the 'Churchyard Regulations', and a reform of them over the whole of the Church of England is in progress. I had hoped that this case would have the benefit of being decided against the background of the revised arrangements for this Diocese. Progress has been much slower than was originally hoped, and the Petitioners cannot be expected to wait indefinitely. Besides, although the new law might change the background, it makes no difference to the principles governing the decision on this specific Petition.
3. The proposed memorial consists of a headstone of fine rubbed Woodkirk Sandstone 640mm wide with parallel sides and a low gabled ('centre peon') top, mounted a little above a footing of the same width which widens by stages to become a plinth 1240mm square. The total height would be 1745 mm. There would then be a kerb extending from the sides of the plinth and extending to approximately the size and shape of the grave, separating off an area of the churchyard totalling 2640mm long and 1740 mm wide. In an amendment to the original proposal, the kerbstones are to be laid flush with the ground.
4. By way of inscription and decoration, the face of the headstone is to be inscribed 'LADY FREDERICA/ROZELLE RIDGWAY/PIERREPONT/1925-2015/LANDOWNER, SAILOR, WIFE/DAUGHTER OF GERVAS,/6<sup>TH</sup> EARL MANVERS/RICHARD HOLLINGS RAYNES/1933-2014/DOCTOR, SAILOR, HUSBAND'. Above the inscription is to be a plain carved band, and above that a black slate insert carved with the Manvers crest (a lion rampant sable between two wings erect argent) on its wreath. The reverse of the headstone is to be carved with a plain cross of the width and height of the stone. The centre stage of the mount is to be carved, all the way round, with a bold classical wave design within narrow borders.
5. The differences between what is proposed and what would be allowed under the Churchyard Regulations are as follows. The height is considerably greater than the maximum of 1200mm plus a plinth and base totalling not more than 200mm. The plinth and base are

much larger than the maximum of a total of 152mm projection all round the headstone, which in this case would give a maximum width of 944 mm. Neither a kerb nor carving on the reverse side of the stone is permitted under the Regulations. On the other hand, the proposed stone is on the list of those allowed, the proposed width is within the permitted dimensions, and appropriate symbols are allowed on the front of the headstone if hand-carved.

6. There are some procedural peculiarities. The DAC has not been asked to advise on the proposal. It does not need DAC advice, but petitions of this sort often are referred to the DAC. The proposal has the support of what is called the Standing Committee (which is not the PCC). One of those present and voting on whether the Petition should be supported was the second Petitioner, who indeed put the proposal before the meeting, and seconded the proposal. The resolution which followed is said to have been the unanimous resolution of the PCC (not of a standing committee.) This history indicates a more serious procedural problem, but I can deal with it by way of condition.

7. The second Petitioner says, in a letter to the Registrar, that the PCC believes the family should be allowed to erect the headstone they have planned because of the Manvers family's military service (during the eighteenth and nineteenth centuries), and Lady Rozelle's service in the WRNS and her benevolent and charitable work in the village and elsewhere. In relation to the kerb, he points out that some other graves in the churchyard have flat kerbs; a photograph shows them now grassed over.

8. There is reference in the papers to the present and other Manvers graves being in a 'family plot'. Enquiries have revealed that this is a misnomer. The Manvers graves are together near the church and it appears that nobody else has so far been allowed to be buried very near them. A number of the graves have large standing stone crosses, and a number have upstanding kerbs. There is, however, no area of the churchyard over which anybody has any particular right. Although the Manvers family rebuilt the church rather to the South of its predecessor in 1876, there is no recorded extension under the Consecration of Churchyards Act 1867 or any reservation of burial rights under that Act. The whole area of the churchyard is therefore available for the burial of any person dying with the right of burial in the churchyard of the parish, or anybody else with the permission of the Minister.

9. In determining whether and to what extent the present Petition should be allowed I am concerned only to a very limited degree with the memorials erected by previous generations. Today we do not consider that the rich or important are entitled to a larger memorial than others; and we have in our lifetimes seen that the graves of peers of the realm, prime ministers and archbishops have been appropriately marked with modest memorials. Kerbstones around graves in churchyards were frequently allowed in the past: I doubt if there is any Diocese where they are allowed today.

10. There are two good reasons for that. The practical one is that they make maintenance of the churchyard much more difficult. In fact at Perlethorpe the grass cutting is done by grazing sheep (not very effectively if the photographs accompanying the Petition are to be trusted) but that arrangement might cease at any time, and kerbs and motor mowers do not mix. The second reason is to my mind more important. A kerb tends to suggest that the people buried in the grave, or their family, have some right over the land in which the burial took place. Sometimes the part within the kerb is separately treated, for example with gravel or a stone base; always there is an implied inhibition of walking within the kerbed area. That is all in

principle quite wrong. The whole of the churchyard is dedicated to God and subject to that is an asset of the whole community. Nobody has any individual ownership in parts of it. Even a place where a body is already buried may be re-used for burials after an appropriate period, and, even before that simply forms part of the land that is the churchyard.

11. This is really saying the same, albeit on a smaller scale, as what I said above about the lack of any 'family plot'. While a churchyard remains open for burials (ie has not been closed by Order in Council) all the space within it is available for burials; and it is the incumbent, not the families of the deceased, who has the task of deciding whereabouts in the churchyard any burial is to take place. In my judgment it is not right nowadays to allow anything that gives a contrary impression.

12. For the foregoing reasons the proposal for a kerb will not be allowed.

13. I turn then to the memorial stone itself. There is ample scope for the grant of a Faculty for a well-designed headstone that fits in amongst other memorials in the churchyard even if there are ways in which it differs from those that would fall within the Regulations. In visual terms as appearing from front or back it seems to me that the proposed memorial is well-designed and elegant, with the possible exception of the spacing of the lines of the inscription, which can no doubt be settled in due course. There is, however, no justification for the large square plinth. For the same reasons as apply to kerbs, a base larger than is necessary to support the headstone is undesirable because of its appearance as a claim to the land.

14. A Faculty will therefore issue for a headstone erected in accordance with the design accompanying the Petition, modified as follows. There will be no kerb, raised or flush. The visible base is not to be square but is to extend beyond the headstone by the same amount in each direction. Its maximum width will be 1240mm, as seen from front or back; but the maximum width from the sides will necessarily be much less (given condition (i) below, the maximum will be 750mm). In all other respects the dimensions, carving and decoration may proceed as proposed, including the proposed height, the simple cross on the West side, the inscription and crest on the East side, and the wave decoration on all sides of the middle stage of the footing. There will be the following conditions. (i) the headstone must be no more than 150mm thick; (ii) all decoration and lettering must be hand-carved; (iii) the memorial must be erected in full compliance with all applicable British Standards (BS 8415 or any replacement); (iv) no work is to begin until the Registrar has indicated in writing that she has seen a certified copy of a resolution of the PCC (not including any member of the PCC having an interest in the Petition as Petitioner or family member) supporting the installation of the memorial as permitted by the Faculty; (v) the work must be completed within 12 months.

C M G Ockelton MA BD

Chancellor

13 October 2025