

**Neutral Citation Number: [2022] ECC Wor 1**

**IN THE CONSISTORY COURT OF THE DIOCESE OF WORCESTER**

**CASE NUMBER [2021-063842]**

**RE ST ANDREW, STOCKTON-ON-TEME**

**IN THE MATTER OF A CONFIRMATORY PETITION FOR A MEMORIAL PLAQUE**

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**JUDGMENT**

**Delivered on 4 FEBRUARY 2022**

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1. John Gordon Pelly was the Churchwarden of St Andrews Church, Stockton-on-Teme for, it appears, a significant period some time between 1966 and his death in 2004. He was also a stalwart of the local community, serving on the Parish Council and the PCC. His daughter Caroline Howard says that he 'did many things for the village' and was 'a loved and much respected member of the community'. This view is endorsed by current members of the PCC who remember him. The PCC as a whole has voted to support this petition.
2. John Pelly's remains are buried with those of his late wife in the churchyard of St Andrews, with a gravestone over those remains. I had asked for a photograph of the gravestone, but unfortunately none has been supplied. His daughter Priscilla Mundell states that it was 'his greatest wish' to be buried in St Andrew's churchyard and have a memorial in the church with his family crest, name and dates.
3. Sometime after John Pelly's death Caroline Howard, apparently with the permission of the vicar, Rev'd Louise Grace, installed a small stone plaque commemorating Mr Pelly. The plaque has accordingly remained in situ since the installation and there has been no concerns raised by anyone that it is inappropriate. The plaque is thin square slice of pale coloured stone with a large family crest of an elephant head inside a crown taking up the top half. Below the crest is the following text:

IN LOVING MEMORY  
OF  
JOHN GORDON PELLY

ANCEFORD HOUSE  
1923-2004

4. The memorial has been screwed directly to the wall in each of its four corners with regular screws. The plaque is not mounted on any backing. It appears to have been screwed directly into the stone work, into the mediaeval stones themselves, rather than into the mortar surrounding them.
5. However, its condition is sadly deteriorating making it difficult to read. Mrs Howard asked the current churchwarden, Vickie Melling for permission to restore it by painting or inscribing the lettering in black. In considering this request Ms Melling discovered that the whole plaque had been installed without any faculty being granted. According to Mrs Howard, no one at that time appreciated that doing this was unlawful without the permission of the Consistory Court by way of Faculty. Mrs Mundell supports this. She says, 'We had consulted the then Rector and Parish Council and they were delighted with the idea, but no one ever mentioned we had to have permission from above. If we had known, we certainly would have filled the relevant forms in.' It is not clear whether the Parish Council was meant or the PCC. Clearly the latter, including the minister, should have known that a faculty was required.
6. Accordingly, Ms Melling has made an application dated 23<sup>rd</sup> September 2021 seeking a confirmatory faculty for the introduction of the memorial into the church together with permission for the inscription to be painted or inscribed in black as it is not very readable in its current condition.
7. As is conventional for all such applications this was referred to the Diocesan Advisory Committee who gave the following advice:

The committee does not object to the works or proposals being approved by the court subject to the following provisos:

The committee note that the original installation of the plaque in c.2005 did not (for whatever reason) obtain a Faculty. The committee note that the plaque has therefore been in place for some 15+ years without complaint. The plaque as it presents is somewhat substandard; particularly the fittings which are merely standard screws. The committee have no objection to the formal retention of the plaque providing that the restoration ensures the quality of the plaque is improved. The committee suggest that a member or officer view the restored plaque and its proposed new fittings at the mason's workshop in Worcester (assuming the mason who has quoted undertaken the works) and approves the completed restoration for return to the church.

8. I have also asked to see photographs of the other monuments in the church so that I can consider how the Pelly plaque relates to them, in terms of size, location and quality. The other memorials vary in size, design, and material. Some are stone, others are brass. Nevertheless, all the other memorials are of rather better quality and each is placed on a background mount of a contrasting colour. The one exception appears to be a paper copy of a historic document relating to Stockton School (rather than a memorial to an individual). This seems to be inside a glass fronted picture frame, but it too is properly mounted with a contrasting cardboard mount inside the frame. The location of the Pelly memorial plaque is unobjectionable, and clearly it makes sense, if it is to be restored and replaced, to keep it in the same location to hide the damage to the stonework.
9. This underlines why it is so important to obtain a faculty for proposed works. Had a proper application been made and the DAC consulted at an early stage they could have ensured that a better-quality monument was installed. One that was designed to last and more in keeping with the other monuments in this handsome, ancient, grade II\* listed church and installed without damaging the historic fabric.

10. As I indicated in the short judgment I wrote when asking for further information, this is a somewhat difficult matter. Memorials on consecrated ground, whether in graveyards or within a church building should be of high quality. Gravestones in a churchyard must be within particular specifications to be permitted without the need for a full faculty. This ensures that shared sacred space open to all the local community for burial of their loved ones is regulated with concern for all people affected, not just those seeking permission for a particular memorial. Churchyard regulations do not apply to memorials within the church building so a full faculty is required for any monument that is proposed to be installed. When an application is properly made in advance there is rightly the closest scrutiny of any such memorial to ensure the size, location, quality and design is appropriate for a place of worship shared by the whole community.
  
11. I also asked for more information about Mr Pelly as there is nothing on the plaque itself that explains why he should be commemorated on the walls of the church. This appears to have caused some offence to Mrs Mundell who complains that 'no-one had bothered to look up in the Parish records' to find out about Mr Pelly. With respect that is not the job of the registry clerk or of the Chancellor. It is the responsibility of petitioners to provide the relevant information in support of their application. But it does rather underline the point that the plaque is not very informative to anyone viewing it. It does not even indicate that Mr Pelly was a churchwarden of St Andrews.
  
12. Having received (most of) the information I requested I am content that Mr Pelly is entirely suitable to be commemorated by a suitable plaque on the wall of the church, and I am grateful to the current PCC for confirming the views of his daughters in this regard. However, I do think that some reference to his role as churchwarden and the dates of that should be incorporated into the monument if this is possible to do, perhaps in place of his address and years of birth and death (the latter presumably being already recorded on his tombstone). The name of Anceford House does not, from the information I have been given, particularly relate to why he is to be commemorated within the church, and again from the information provided he did not live at Anceford House from 1923 to 2004 as the plaque implies. I am told he moved into Stockton in 1966.

13. I therefore agree with the recommendations of the DAC in terms of improving the quality of the monument and I therefore direct that the confirmatory faculty be granted subject to the following conditions:

- a. The monument in its current form is removed from the wall of the church as soon as practicable and certainly no later than 4pm on 4<sup>th</sup> April 2022.
- b. That permission is given to reinstate the monument in the same location subject to the written approval of a member or officer of the DAC who is to view it in person before giving such approval. Such approval must consider:
  - i. Whether the monument should be mounted on a contrasting background;
  - ii. Whether the lettering should be coloured black, or any other colour, and if so by what method;
  - iii. Whether further inscription should be added showing that Mr Pelly was a churchwarden, perhaps including the dates during which he was such; and
  - iv. How it may be more appropriately fixed to the historic fabric of the church.
- c. In the event that approval is not given by a member or officer of the DAC the petitioner may renew the application before me for my approval.
- d. In the event that the monument is not restored in a form approved by the court or a member or officer of the DAC by 4pm on 4<sup>th</sup> October 2022 the faculty lapses and the churchwarden must make good the damaged stonework, acting on the advice of the DAC as to the most appropriate method of so doing.

14. The petitioner has liberty to apply to extend the time periods in this order.

The Worshipful JACQUELINE HUMPHREYS  
Chancellor of the Diocese of Worcester  
4 February 2022