

exhumation of their father's remains to be re-interred with their mother's. The chancellor referred to the decision of *Re St Peter, Dunchurch* (Coventry Consistory Court, 31 July 2013) and held that the mistake in relation to the burial of Mrs Ellis' remains had affected the grave of Mr Ellis' remains in that it was no longer possible to fulfil the intentions that his wife's remains would join his. His remains had been buried in a wooden casket, whereas Mrs Ellis' remains had been buried in a cardboard box, such that the exhumation of Mr Ellis' remains in a dignified and secure manner was likely to be much easier. The maintenance of the family grave was to be encouraged and the promptness of the application after Mrs Ellis' death ameliorated and explained the delay since Mr Ellis' interment. These factors together amounted to a special reason why an exception should be made to the permanence of Christian burial. A faculty was granted. [RA]

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Re St Peter, Whitstable

Canterbury Commissary Court: Ellis Com Gen, 4 March 2016

[2016] ECC Can 1

Post office – change of use – temporary structure

The petitioners sought a faculty to authorise the introduction into an unlisted church of a pod from which a post office would be run. The operating of the post office from the church was envisaged as a temporary replacement while a new permanent site was found elsewhere. It was decided that, as the installation was temporary and would occupy just part of the church, occupation under a licence was more appropriate than a lease under section 68 of the Mission and Pastoral Measure 2011. This would also allow flexibility for the closure of the post office should the church be required for a funeral or other occasional service. The chancellor used the test in section 68 as a helpful guide to the granting of the licence on the basis that it expressed the policy of the Church of England in relation to the introduction of secular uses into consecrated spaces. As the church was an unlisted building, the only test to be considered was whether there was justification to alter the status quo. The location of the pod would not impact on regular worship and the church would remain open during the week, with a chapel available for prayer. The missional purposes of both serving the community and making the church and its activities more accessible to the community justified the alteration, which was in any event a temporary change. The support of the community and the grant of planning permission also supported the grant of a faculty. The objections of neighbours about the impact on parking were held not to be justified, following the planning officer's assessment of the impact. The faculty was granted for six months, with

leave to apply to extend the licence up to a further six months, the duration of the grant of planning permission. [Catherine Shelley]

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Re Holy Trinity, Kimberley

Southwell and Nottingham Consistory Court: Humphreys Acting Ch,

17 March 2016

[2016] ECC S&N 1

Re-ordering – unlisted church – objections – replacement of organ

Three petitions were presented in relation to this unlisted church built in 1847: for the loan of bells to Loughborough Bell Museum, for the replacement of a redundant pipe organ with an electronic organ and for significant internal re-ordering. These applications were linked to further plans, which had received planning permission, to sell the church hall after transferring all activities, including a weekly nursery, to the church building. A small group, including two members of the Town Council, became parties opponent in the case. Their argument that there had been inadequate consultation was manifestly unfounded, as was the objection that the court hearing was held during working hours. The suggestion that the Built Environment department of the local university be invited to submit proposals for development of the church hall was rejected with a reminder that those advising on changes to church buildings are required to be qualified architects.

The decision concerning the loan of the church bells was deferred to enable statutory consultation with the Church Buildings Council. The faculty for replacement of the organ was granted: as restoration was impossible, the removal of the old organ and its replacement was unavoidable. The dedication plaques should be retained and displayed within the church. As the church was an unlisted building, the only test to consider was whether the need for the proposed changes outweighed the status quo. However, given the age of the church and the deeply felt nature of the objections, the acting chancellor assessed the proposed re-ordering works against the more restrictive *Duffield* guidelines. The acting chancellor found that there would be no harm caused by much of the re-ordering save for the change of layout and removal of the pews. The slight harm caused by removing the unremarkable pews was outweighed by the far greater benefit of enabling the dwindling congregation to breathe new life and community use into the church. In light of the stretched financial resources of the parish, the need to accommodate the nursery and open the use of the church to the wider community justified the re-ordering. A faculty was granted. [Catherine Shelley]

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