

**Re St John the Baptist, Wimbledon**

Southwark Consistory Court: Ellis Dep Ch, 24 March 2016

[2016] ECC Swk 5

*Quality of building – financial constraints*

The petition sought a faculty to demolish and replace a prefabricated church hall that had come to the end of its usable life. The church was a Grade II listed building, set in a conservation area, the assessment for which identified the hall as tending to detract from the setting of the church. The Victorian Society objected to the design of the proposed replacement hall as a missed opportunity to build an architect-designed building to complement the church. The deputy chancellor found that, while a bespoke building would have been welcome in an ideal world, the replacement was simple, functional and appropriate within the financial constraints of the parish. Applying the *Duffield* guidelines, as more recently applied in *Re St John the Baptist, Penshurst* [2015] WLR (D) 115, she noted that the siting of the new hall would cause no harm to the architectural or historical significance of the church or its setting; if anything, it would be an improvement on the dilapidated old hall. The missional purposes of the new hall were significant, enabling more space for church use and outreach, and providing a source of more secure income to help support other mission. Accordingly, the faculty was granted. [Catherine Shelley]

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**Re St Mary, Allithwaite**

Carlisle Consistory Court: Tattersall Ch, 28 March 2016

[2016] ECC Car 1

*Reservation of grave space – PCC policy*

The petitioner, who had strong links with the parish and churchyard, sought a faculty for the reservation of a double-depth grave space for the burial of his remains and those of his wife. The Parochial Church Council (PCC) did not support the petition, having adopted a policy in 2009 against the reservation of grave spaces in light of the fact that only about ten years' worth of space for burials remained within the churchyard. No petition for the reservation of a grave space had been made since the adoption of that policy until now. The chancellor considered the decisions in *Re West Pennard Churchyard* [1991] 4 All ER 124 and *Re St Nicholas, Pevensy* (Chichester Consistory Court, March 2012) and refused the faculty. The PCC's policy, while not determinative of the case, was justified on reasonable grounds. Regard should be had to the policy, not least because others had subordinated their wishes to that policy since 2009.