

Garden

The situation in a garden is complicated by the proximity of neighbours. They may oppose a burial nearby and may be offended by the sight of a coffin or body. Although these may not pose legal objections, it may not be conducive to good relationships. Otherwise the aspects outlined under farm burials are broadly similar. The particular difficulty in these locations is the reduction of the property value due to the presence of a grave, although many buyers would not even consider the purchase. Two major concerns influence this choice of burial. Firstly the body could be exhumed by any new purchaser and re-buried in a cemetery. This reason for obtaining an exhumation licence has yet to be tested. There are legal means (restrictive covenant) by which you can ensure the grave remains untouched, but this will involve costs. Secondly, details of the burial will not be officially recorded as they would be in a cemetery.

The Registration of Burials Act 1864 would apply to both farmland and back garden burial and that an appropriate register should be kept. This register could be in form of a notebook containing the necessary details of the burial(s). Also the precise location of the grave should be marked on the property plans and retained with the deeds.

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Burial on Private Land



Introduction

Burials usually take place in purpose designed cemeteries and churchyards, but there are some alternative options which can be considered. Families with large estates have routinely built a mausoleum or similar building on their land for the burial of family members. More recent, this form of burial has obtained media coverage, families are keen to have “green” or alternative burials and the number of burials which have taken place on private land i.e. farmland or within gardens has increased. Much of this has been due to the Natural death Centre, a charity formed to support a less formalized routine for funerals, as well as a better approach to death generally.



There are several advantages of this form of burial. It allows you to organise a very personal funeral, in which you maintain total control. You are able to reduce costs significantly by not having to purchase a grave in a cemetery. Some families may make their own coffin and undertake the whole funeral themselves whilst others may use a Funeral Director. It is essential that you obtain permission to complete a burial, where you are not the landowner of the ground involved. You are also advised to notify any individual or mortgage company that has an interest in the property. Access to the grave may be denied or restricted by change of ownership.

The difficulties are also significant, although these vary according to the location. Most locations fall into two categories, on farmland and in a garden.

Farmland

These locations are rarely overlooked and will not offend neighbours or the public. The grave site should be on land with a deep water table and be sufficient distance from watercourses so as not to pose a pollution threat. Electrical or other services must also be avoided. A limited number of burials over a period of time may not constitute a “change of use” and no planning approval is thereby necessary. Information submitted by the Natural Death centre states “Recent local authority certificates of lawfulness have decided that planning permission is not required for the non-commercial burial on private land of a limited number of family, friends or those living in the house. Exceeding a “limited” number of burials may require planning approval for use as a cemetery of for “mixed use” if farming is also to continue. Safe grave excavation would be a further consideration, as well as leaving sufficient depth of soil (three feet) over the body. If it is intended to fence or mark the grave(s) with a memorial, planning permission may be required. In effect a single burial on farm land can proceed without approach to, or the approval of any council or other official organization.

