

Information on:

### **Burials on Private Land**

The advantages of this form of burial allow you to organise a very personal funeral, in which you maintain total control. You are able to reduce costs by making your own coffin, by not having to purchase a grave within a cemetery, or by not using the services of 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 any change of ownership.

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

#### **Farmland**

These locations are rarely overlooked and will not offend neighbours or the public at large. 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. In general avoid being within 50 meters of any well or borehole. Keep 10 meters from any standing or running water. Electrical or other services must obviously be avoided. A limited number of burials over a period of time may not constitute a 'change of use' and no planning permission is therefore 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. These decisions have not been tested in the courts. The Department of the Environment are more cautious, and accept merely that planning permission is not required for the burial of one or two persons in back gardens." Exceeding a "limited" number of burials may require planning approval for use as a cemetery or for "mixed use" if farming is also to continue.

Safe grave excavation is a further consideration, as well as leaving sufficient depth (1 metre) 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 in a farm situation can proceed without an approach to, or the approval of, any council or other official organisation.

## **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. Undoubtedly, a significant fall will occur although the fact that many buyers would not even consider the purchase at all seems more relevant.

Two major concerns influence this choice of burial. Firstly the body could be exhumed by any new property purchaser, and re-buried in a cemetery. There are legal means (restrictive covenant) by which you could ensure the grave remains untouched, but this will involve costs and other uncertainties. Secondly, details of the burial will not be officially recorded as they would be in a cemetery. Nonetheless, it appears that there is a statutory requirement for the landowner to maintain a register of burials. This can be in the form of a sheet of paper or a notebook, preferably with a plan to show the location. These should be kept somewhere accessible in case the grave is disturbed by building or excavation works at some stage in the future.

A certificate for burial issued by a Coroner or Registrar of Births and Deaths will have to be obtained. The detachable section of this is to be completed and returned to the registrar by the person arranging the burial. It is important to note that, as explained above, the Registrar does not record the details of the burial, including the burial location.

Depending upon the circumstances, you may find it difficult to obtain a funeral director to help you with this type of funeral. You can of course carry out the funeral without a funeral director.

Information supplied by:  
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