In England & Wales there is no law prohibiting burial on private land. Cemeteries require planning permission but a place of burial without fences or gravestones is not a cemetery in planning law.

Before burying a deceased person on private land you should consider the following;

- You should be the owner of the land, or have the owner's permission, preferably in writing.
- You should check with a solicitor that there is no covenant for the property precluding burials from taking place.
- You should inform your mortgage company if they still have an interest in the property.
- You should inform the police so that they can be satisfied that no offence has been committed.
- The precise location of the grave should be marked on the deeds to reduce the complication of police involvement if human remains are found in the future.
- You can request a restrictive covenant to ensure that future owners of the property cannot remove the body, and that you can retain a right of access to visit the grave, but this may cause problems with future sales of the property.
- Prior to burial, the death needs to be registered with the local Registrar of births, deaths and marriages. Following the burial, the certificate must be returned to them within 96 hours.
- You should ask for advice from Environmental Health Agency if there are infectious disease concerns.
- You should record the details of the burial in a burial register. This does not need to be a special book, but can be a simple document that records all the details of the deceased and the date of burial, together with a plan showing the location of the grave within the property. It is advisable to keep this with the deeds to the property.
- Ensure there are no local byelaws preventing the burial
- Requests to move or exhume the body at a later date are made to the Home Office and may or may not be granted
- The site should be more than 30m from any spring or any other body of water. It should also be 10m from any dry ditch or field drain
- The site should be at least 250m from any well, borehole or spring. You can contact the Environment agency to find out if there is one near your chosen site.
- Stay clear of water, gas and electrical services.
- There should be at least 1m of soil above the lid of the coffin.

The Natural Death Centre provides independent funeral advice.

FURTHER INFORMATION

Although most burials take place in purpose-built cemeteries or churchyards, there is no law against burial on private land. The decision does need to be thought through carefully and there are a number of considerations.

What about access to visit the grave should the property be sold in the future? It would be possible to create a right of access for grave visits by way of an easement, but such an arrangement may deter a purchaser. What effect would a burial or burials have on the property value or the ability to sell the property in the future?

Once remains have been buried, they may not be disturbed or removed without authorisation and a licence. There is no guarantee that future owners of the property would allow a burial to rest in peace and could apply for a license from the Home Office for an exhumation. In addition, future owners may prevent access to relatives who wish to pay their respects at the burial site. You should also consider the social impact on any immediate neighbours, particularly if you are overlooked.

Planning permission is not required for one or two burials as there is unlikely to be a material change of use. However, if any monuments are planned at the site then planning permission may be required. Contamination of water supplies is something you will need to consider. There are guidelines to follow which can help you to prevent any contamination.

If you do choose to arrange for a burial on private land you can organise a very personal funeral in which you maintain total control. It is not essential to have a funeral director or anyone to conduct a service.

What you can do

There are a number of things which you MUST do.

You must register the death and obtain a Certificate of Authority for Burial.

- *The registration of the death is the formal record of the death. It is done by the Registrar of Births, Deaths and Marriages and you will find the address of the nearest register office on our website. It is a criminal offence not to register a death*
- *When someone dies at home, the death should be registered at the register office for the district where they lived. If the death took place in hospital or in a nursing home it must be registered at the register office for the district in which the hospital or home is situated*
- *A death should be registered within five days but registration can be delayed for another nine days if the registrar is told that a medical certificate has been issued. If the death has been reported to the coroner you cannot register it until the coroner's investigations are finished*

You must arrange for, or allow for the arrangement of, the deceased to be buried or cremated or otherwise preserved.

You must have permission from the landowner for a burial. In addition, the landowner must ensure there are no restrictive covenants attached to the title deeds or registration of the property that prohibit burial.

You must ensure that any local water supplies will not be affected. You can usually do this by ensuring the burial takes place

- *At least 10 metres from any 'dry' ditch or field drain*
- *At least 30 metres from any spring or running or standing water*
- *At least 250 metres from any well, borehole or spring that supplies water for any use*
- *The bottom of the burial cavity must be free of standing water when excavated, i.e. that it is above the local water table and there should be a minimum of 1m of soil substrate below the cavity, i.e. that the burial does not take place on rock*

You should ensure there is a minimum of 1 metre from the coffin top to the soil surface to prevent the burial site from being disturbed.

The owner of the land on which the burial has taken place must prepare and keep a Burial Register in a safe place which can be passed onto future owners of the land. (Registration of Burials Act 1864). The Land Registry (since 2002) no longer holds notification of any burials on private land. A Burial Register is a document that records details of the deceased and of the burial, including an accompanying plan showing the grave's location.

You do not need to

Use a certain type of coffin, or indeed any coffin at all.

Use an undertaker or other official to conduct a ceremony.

Although planning permission is not required for a limited number of burials, some built memorials would attract the attention of the planning authority. This need not be a concern if you just intend to plant a tree.