

TOWN AND COUNTRY PLANNING ACTS  
1962 to 1968

TOWN AND COUNTRY PLANNING GENERAL  
DEVELOPMENT ORDERS 1963 to 1969

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THE COUNTY OF LINCOLN PARTS OF LINDSEY  
RESTRICTION OF PERMITTED DEVELOPMENT  
(HORNCastle) DIRECTION 1970

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TOWN AND COUNTRY PLANNING ACTS, 1962 to 1968  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS,  
1963 to 1969

THE COUNTY OF LINCOLN PARTS OF LINDSEY  
RESTRICTION OF PERMITTED DEVELOPMENT (HORNCASTLE)  
DIRECTION 1970

WHEREAS the Council of the County of Lincoln Parts of Lindsey being the local planning authority for the urban district of Horncastle are satisfied that it is expedient that development of the descriptions set out in the Schedule hereto should not be carried out within the two areas shown edged black on the plan annexed hereto unless permission therefor is granted on an application in that behalf

NOW THEREFORE the said Council in pursuance of the powers conferred upon them by Article 4 of the Town and Country Planning General Development Orders 1963 to 1969 hereby direct that the permission granted by Article 3 of the said Orders shall not apply to development on the said land of the descriptions set out in the Schedule hereto

SCHEDULE before referred to

Any development of the kinds specified in Paragraphs (1) and (2) of Class I (Development within the curtilage of a dwellinghouse) and in Paragraphs (1) and (2) of Class II (Sundry minor operations) of the First Schedule to the Town and Country Planning General Development Orders 1963 to 1969

THE COMMON SEAL of THE COUNTY COUNCIL  
OF LINCOLN PARTS OF LINDSEY was  
hereunto affixed in the presence of :

LS.

*R Lacey*

Member of the Council having custody  
of the Key of the Seal

*Phyllis S. Peeler*

Deputy Clerk of the County Council

No. - 2008

Restriction of Permitted Development (Horncastle) Direction, 1970

Statement of reasons for making the Direction

Horncastle is an historic market town of great charm and character, with a population of about 4,000, situated at the south-western edge of the Lincolnshire Wolds at the confluence of two small rivers, the Bain and the Waring. It is built on the site of a Roman fortified camp, some of the outer walls of which still exist, which probably occupied the site of an earlier British settlement.

The town possesses many buildings which have been included in the lists of buildings of architectural and historic interest compiled under Section 32 of the Town and Country Planning Act, 1962, but it is from the layout of its roads and open spaces and the grouping of its buildings, as much as from any particular architectural quality or historic importance, that Horncastle derives its unique character. The Local Planning Authority are anxious to preserve and enhance the character and appearance of the town, and for this reason they have recently designated three separate areas in the centre of Horncastle as Conservation Areas, under Section 1 of the Civic Amenities Act, 1967.

Buildings in the town centre are very closely-knit and along most of the road frontages within the Conservation Areas they follow the curving lines of the roads with almost continuous facades, creating a striking sense of enclosure and a succession of varying street scenes of great charm and interest. The character and appearance of these parts of the town could be seriously marred by the carrying out in an inappropriate manner of any of the development for which permission is granted in Class I and Class II of the First Schedule to the Town and Country Planning General Development Order, 1963, and it is for this reason that the Lindsey County Council now think it necessary and wholly justifiable to make a Direction under Article 4 of the General Development Order 1963, which will enable them to control these classes of development within the designated Conservation Areas at Horncastle, which are defined on the map annexed hereto to the Direction.

Horncastle Urban District Council has been consulted concerning this matter but no specific comments have been made. In particular the Urban District Council have considered the Horncastle Conservation Area report which deals specifically with the Article 4 Proposals and this report was accepted. The Urban District Council has also been informed that the Direction is being put in hand.

SCHEDULE 1

PART I

The following development is permitted under article 3 of this order subject to the conditions set out opposite the description of that development in column (2). The references in that column to standard conditions are to the conditions numbered and set out in Part II of this schedule.

Column (1) Description of Development	Column (2) Conditions
<p><i>Class I.—Development within the curtilage of a dwellinghouse.</i></p> <p>1. The enlargement, improvement or other alteration of a dwellinghouse so long as the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 1,750 cubic feet or one-tenth whichever is the greater, subject to a maximum of 4,000 cubic feet; provided that the erection of a garage, stable, loosebox, or coach-house within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for the purposes of this permission.</p> <p>2. The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling, garage, stable, loosebox or coach-house) required for a purpose incidental to the enjoyment of the dwellinghouse as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.</p>	<p>1. The height of such building shall not exceed the height of the original dwellinghouse.</p> <p>2. No part of such building shall project beyond the forwardmost part of the front of the original dwellinghouse.</p> <p>3. Standard conditions 1 and 2.</p> <p>1. The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case, 10 feet.</p> <p>2. Standard conditions 1 and 2.</p>
<p><i>Class II.—Sundry minor operations.</i></p> <p>1. The erection or construction of gates, fences, walls or other means of enclosure not exceeding 4 feet in height where abutting on a highway used by vehicular traffic or 7 feet in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure.</p> <p>The painting of the exterior of any building or work otherwise than for the purposes of advertisement, announcement or direction.</p>	<p>1. No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure.</p> <p>2. Standard conditions 1 and 2.</p> <p>—</p> <p>—</p>
<p><i>Class III.—Changes of use.</i></p> <p>Development consisting of a change of use to:—</p> <p>(a) use as a light industrial building as defined by the Town and Country Planning (Use Classes) Order 1963(a) from use as a general industrial building as so defined;</p> <p>(b) use as any type of shop from use as:—</p> <p>(i) a fried fish shop;</p> <p>(ii) a tripe shop;</p> <p>(iii) a shop for the sale of pet animals or birds;</p> <p>(iv) a cats-meat shop; or</p> <p>(v) a shop for the sale of motor vehicles.</p>	<p>—</p> <p>—</p>

(a) S.I. 1963/708.

SCHEDULE 1

"SCHEDULE 2

PART I

*Notification to be sent to applicant on receipt of his application*

Your application dated (insert date) has been received and, if on (insert date of expiry of the appropriate period under article 5B(3)) you have not been given notice by the local planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the [Minister of Housing and Local Government] [Secretary of State for Wales], to appeal to the [Minister] [Secretary of State] in accordance with sections 23 and 24 of the Town and Country Planning Act 1962, by notice served within six months from that date. (Appeals must be made on a form which is obtainable from the [Ministry of Housing and Local Government, Whitehall, London, S.W.1.] [Welsh Office, Summit House, Windsor Place, Cardiff].) You may, however, by agreement in writing with the local planning authority extend the period within which the decision of the authority is to be given.

PART II

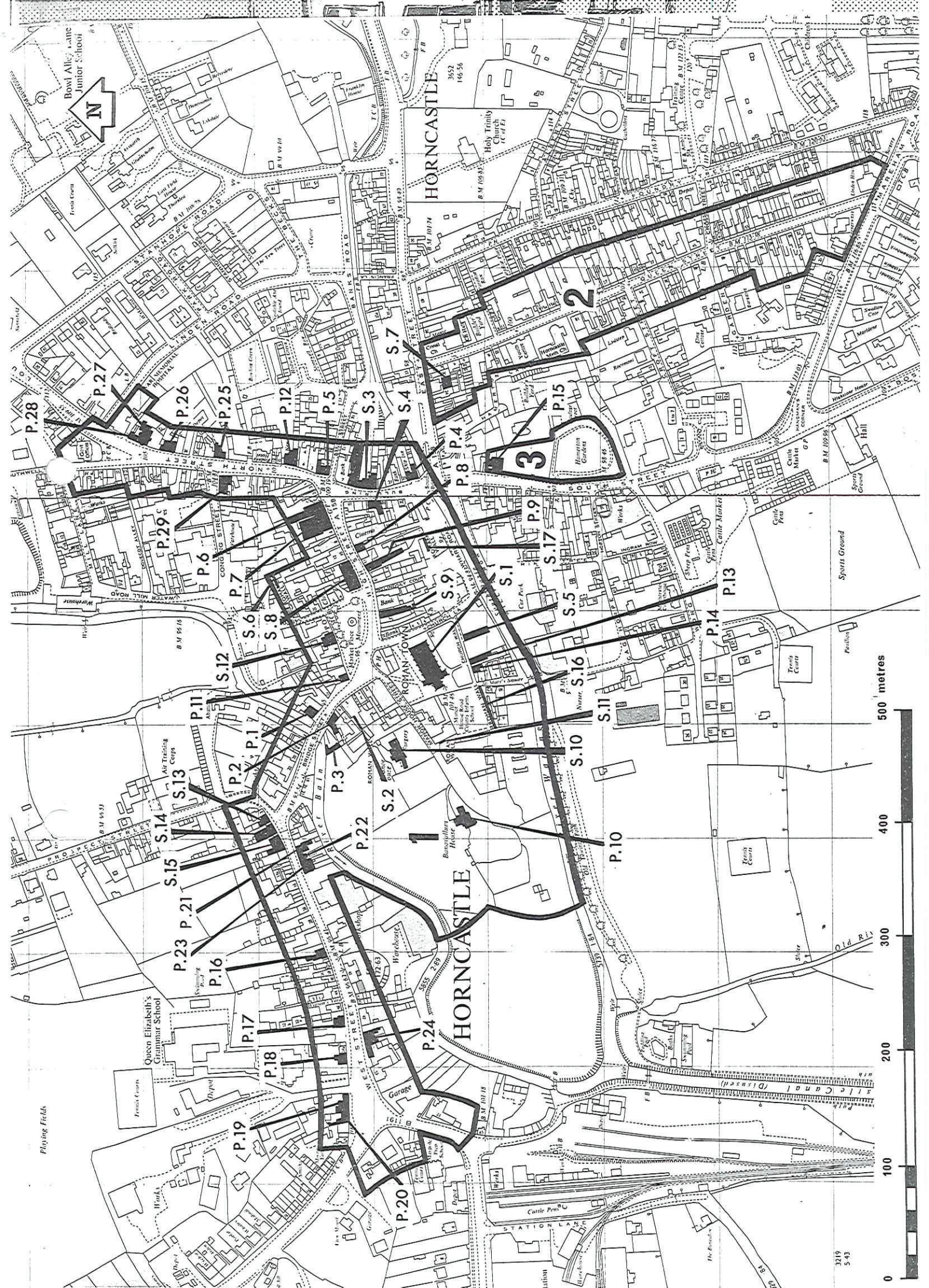
*Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions. (To be endorsed on notices of decision.)*

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the [Minister of Housing and Local Government] [Secretary of State for Wales], in accordance with section 23 of the Town and Country Planning Act 1962, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Minister of Housing and Local Government, Whitehall, London, S.W.1.] [Welsh Office, Summit House, Windsor Place, Cardiff].) The [Minister] [Secretary of State] has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The [Minister] [Secretary of State] is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements include section 6 of the Control of Office and Industrial Development Act 1965 and section 23 of the Industrial Development Act 1966.)

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the [Minister of Housing and Local Government] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VIII of the Town and Country Planning Act 1962 (as amended by the Town and Country Planning Act 1968).

(3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the [Minister] [Secretary of State] on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 123 of the Town and Country Planning Act 1962."

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