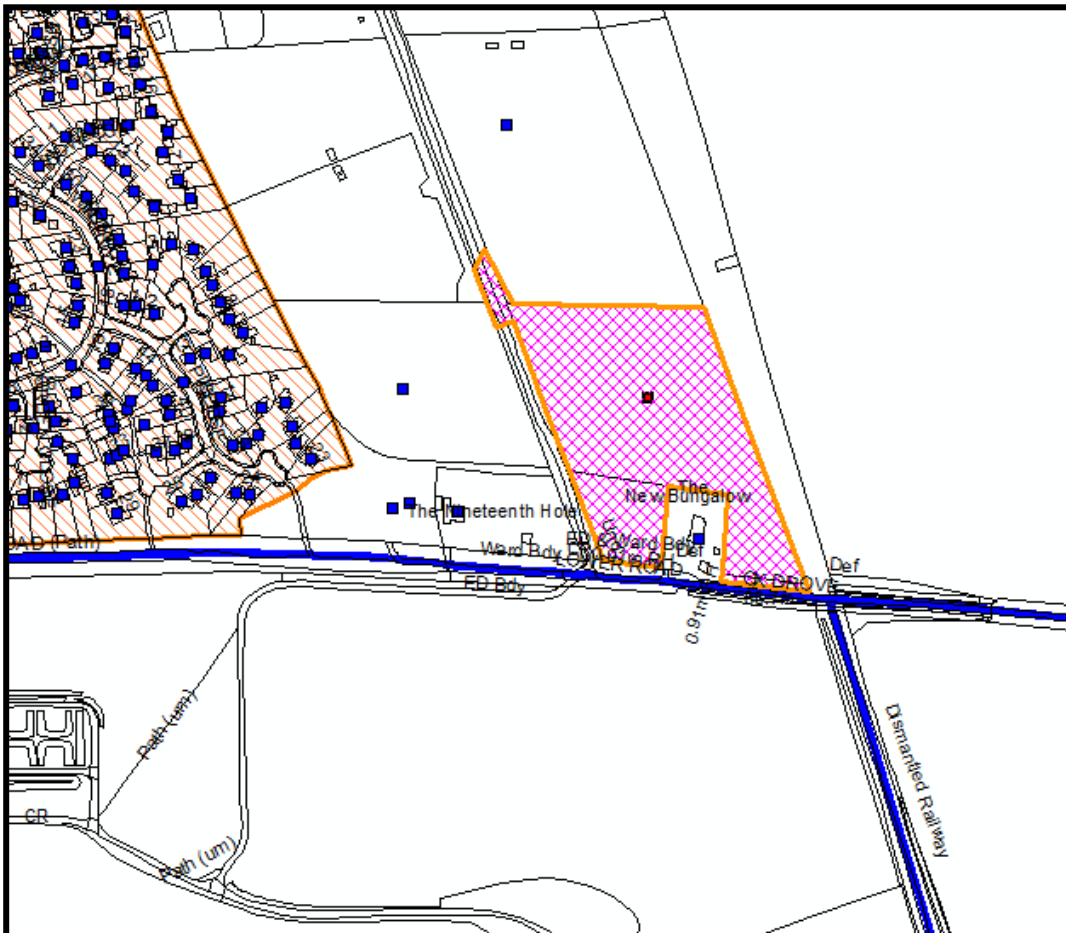


WINCHESTER CITY COUNCIL  
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**Case No:** 23/01172/FUL  
**Proposal Description:** Temporary rural workers dwelling, agricultural building, forest school and ancillary works. (AMENDED PLANS).  
**Address:** Land North Of Bridge Bungalow Lower Road South Wonston Hampshire  
**Parish, or Ward if within Winchester City:** South Wonston Parish Council  
**Applicants Name:** Mr & Mrs J Wright  
**Case Officer:** Catherine Watson  
**Date Valid:** 29 June 2023  
**Recommendation:** Application Refused  
**Pre-Application Advice:** No

**Link to Planning Documents**

[Link to page – enter in reference number: 23/01172/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for refusal as it is considered that the proposals are unacceptable in principle in this unsustainable rural location and will also have a harmful impact on the character, appearance and tranquillity of the countryside. No mitigation has been provided for nitrogen and phosphorus and inadequate information has been provided in regard to ecological and highways impacts. The proposals therefore fail to comply with policies DS1, MTRA4, CP10, CP16 and CP20 of the LPP1 and DM1, DM11, DM15, DM16, DM18 and DM23 of the LPP2.

**General Comments**

The application is reported to Committee because of the number of letters of support received contrary to the Officer's recommendation.

**Amendments to Plans Negotiated**

None.

**Site Description**

The site (also referred to as Jolly Moon) is situated to the east of Drove Links Road and north of Ox Drove, outside the settlement boundary of South Wonston. The Ox Drove is also a public right of way. The site is approximately 1.82ha in area. The boundaries are largely delineated by trees and shrubs, whilst the interior is mainly scrub and open grassland. The site is accessed from Alresford Drove to the north, along a narrow track on Drove Links Road.

**Proposal**

The proposal is part-retrospective and has a number of elements, including a forest school, agricultural building for mushroom growing, temporary rural worker's dwelling, parking area, polytunnel, greenhouse and 16 ground-mounted solar panels. A parking area (11 x 18m) will also serve both the forest school and activities relating to the mushroom growing enterprise.

Several elements of the application have already been implemented. These include the forest school which was opened several years ago - the exact number is not known - and which does not currently benefit from planning consent. Associated with the forest school is the on-site car park adjacent to the existing access, a stretch tent for use in wet weather and 16 ground-mounted solar panels. Alongside the forest school is the mushroom growing enterprise. This consists of a container where the mushrooms are grown which is situated along the northern boundary of the site, alongside a dwelling which takes the form of a geodesic dome with internal mezzanine structure and which is occupied by the applicants and their family in conjunction with the mushroom growing facility. This is situated to the south-east of the container. Alongside this is a small outbuilding which will be used to store water infiltration equipment. A separate curtilage within the larger site has been drawn around these structures.

Finally, a polytunnel and greenhouse are proposed for use as a market garden.

**Relevant Planning History**

22/00540/FUL - Change of use from agriculture to forestry and mixed use to perform the following: 1. launch a forest school, providing a provision for outdoor learning 2. establish

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an intensive tree and crop nursery to create a forest garden of edible, medicinal and functional plants, herbs and trees 3. plant a hazel coppice 4. small scale biochar production to improve soil fertility and sell surplus 5. host bushcraft and other nature inspired workshops. Application Withdrawn 06.10.2022.

**Consultations**

Service Lead for Community and Wellbeing (Landscape).

Objection – further information required.

Service Lead for Engineering, Transport and Special Maintenance (Drainage)

Comment – standard pre-commencement drainage condition requested if permitted.

Service Lead for Community and Wellbeing (Ecology).

Objection – further information required.

Hampshire County Council Highways.

Unable to provide a comment until further information received on trip and traffic generation.

Southern Water.

No objection.

**Representations:**

South Wonston Parish Council.

Comment. There is a lack of detail in the submitted information, including traffic impacts and safety of the flammable substances to be used in the mushroom growing enterprise. The parish council looks forward to further details being submitted.

2 Objecting Representations received from different addresses citing the following material planning reasons:

- There is no justification for the applicants to live on-site
- Negative impact on the ecology of the site due to the works that have already been undertaken
- Traffic problems

25 Supporting Representations received from different addresses citing the following material planning reasons:

- The forest school is beneficial to children as it teaches them about nature
- The forest school is sustainable and has a positive impact on the environment.

2 general comments.

- Concerns about traffic
- Issues regarding ownership of Drove Links Road which is a private road.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

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1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
15. Conserving and enhancing the natural environment

National Planning Practice Guidance

- Determining a planning application
- Effective use of land
- Healthy and safe communities
- Natural environment
- Open space, sports and recreation facilities, public rights of way and local green space
- Rural housing

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 – Development Strategy and Principles  
MTRA4 – Development in the Countryside  
CP8 – Economic Growth and Diversification  
CP11 – Sustainable Low and Zero Carbon Built Development  
CP13 – High Quality Design  
CP16 – Biodiversity  
CP17 – Flooding, Flood Risk and the Water Environment  
CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development  
DM11 – Housing for Essential Rural Workers Dwellings  
DM15 – Local Distinctiveness  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM18 – Access and Parking  
DM23 – Rural Character

Supplementary Planning Document

South Wonston Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030  
Statement of Community Involvement 2018 and 2020  
Winchester District Economic Development Strategy 2010-2020  
Hampshire Economic Assessment  
Landscape Character Assessment December 2021  
Biodiversity Action Plan 2021  
Position Statement on Nitrate Neutral Development – February 2020

**Planning Considerations**

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**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application consists of a number of elements. In terms of the principle of development, these have been assessed separately as follows:

*Forest School*

It is accepted that a forest school may require a more rural location given the ethos and type of activities it offers. There is the potential therefore for the forest school to be in accordance with policy MTRA4 which states that certain types of open recreational uses which require a countryside location could be supported. However, this would be subject to a thorough sequential analysis of suitable and available sites, an assessment of the sustainability of the location, and of traffic, landscape and ecological impacts. There is no evidence in the supporting information provided with the application that this process / analysis has been satisfactory undertaken. Therefore, while the positive community benefits of a forest school are recognised, it is not considered that such a use in this location has demonstrated to be acceptable and in accordance with MTRA4.

*Mushroom Growing Business*

While mushroom growing would often be considered to be agriculture, this enterprise is considered to be more of an industrial process: The mushroom facility is for the growth of lion's mane mushrooms for production into a tincture which can be used for complementary medicinal purposes. The mushrooms are grown in a climate-controlled container unit and are closely monitored to ensure they are harvested at the correct stage in their growth cycle otherwise the crop can be ruined.

Page 2 of the applicant's planning statement states that "the mushroom enterprise could be regarded as 'footloose' and could reasonably be located anywhere". It is therefore not considered that the proposed mushroom business is agriculture and there is no operational need for it to be located in the countryside. The reason given in the planning statement for the location of the mushroom business on-site is that the applicants wish to operate both businesses together on the same site, which is within their family's ownership. This reason has no weight in planning terms, especially as the forest school itself has not been justified. MTRA4 allows the reuse of existing rural buildings for employment or the expansion of existing businesses if there is an operational need. While the container is in situ, it is not authorised.

Therefore the proposal fails to comply with any of the criteria of MTRA4 and the mushroom growing business is considered to be unacceptable in principle in this location.

*Rural Dwelling*

The application seeks consent for a temporary rural workers' dwelling associated with the mushroom growing enterprise. The applicant has already erected a dwelling on site in for the form of a dome and which contains sleeping, living and cooking facilities. A septic tank and drainage field has been installed to service the accommodation. The justification set

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forward for this is that is necessary to ensure that the mushroom growing process is monitored.

Policy DM11 of the LPP2 deals with rural workers' housing. The policy states that before permitting a temporary dwelling, the local planning authority will need to be satisfied that there is:

- a. Clear evidence of a firm intension and ability to develop the enterprise concerned;
- b. Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- c. A functional need for the accommodation, which cannot be satisfied by existing nearby accommodation.

Criterion (a) is considered to have been demonstrated as the enterprise is already operating from the site and the supporting information provides evidence of expertise and intention to progress the enterprise.

In respect of criterion (b), the applicant has submitted a financial analysis which states that the business will turn over a loss by the end of the first year, a small profit by the end of the second year and an increase in that profit by the end of the third year. The basis of the analysis focusses on the marketability of the product (mushroom tincture) which it is claimed is well-documented worldwide. The report acknowledges, however, that there is no wider market data available to demonstrate to the council the soundness of the financial plan and such that there is, is commercially sensitive. It has therefore not been demonstrated that the proposal would accord with criterion (b).

As noted above, page 2 of the applicant's cover letter/planning statement states that "the mushroom enterprise could be regarded as 'footloose' and could reasonably be located anywhere". A functional need for the accommodation on site is therefore not demonstrated as required by criterion (c). It is claimed that no nearby accommodation is available however, this is irrelevant given that there is no operational need for the enterprise to be located in the countryside and so no need for residential dwelling associated with the operation of the mushroom enterprise on this site. The development therefore fails accord with criterion (c) of the DM11.

The rural worker's dwelling is therefore not in accordance with policy DM11 and unacceptable in principle.

*Polytunnel, greenhouse and market garden.*

Planning consent is not required for the market garden in its own right. The applicant has indicated that the purpose of the garden, polytunnel and greenhouse is to grow food and encourage visitors to get involved with this process. No information has been given as to the number of people that would visit for this activity or how often and whether it would also be linked to the forest school use or be run separately. It is also not clear whether the food grown will be sold on a commercial basis. Therefore, the local planning authority does not have sufficient information to properly assess these elements of the proposal or how intensively the site will be used, or whether indeed they would actually be associated with agriculture. In these circumstances, it has not been demonstrated that these elements of the proposal would comply with policy MTRA4 of the LPP1 and the principle of development is not established.

*Solar Panels*

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This aspect of the development may be acceptable in principle in the countryside but would need to be considered carefully in terms of visual impact.

*Summary of principle of development*

In summary, the proposals are in conflict with policy MTRA4 of the Local Plan Part 1 as well as policies DS1 of part 1 and DM1 of Part 2 which direct development toward sustainable locations within settlements. The rural workers dwelling is also contrary to policy DM11 of the Local Plan Part 2. The proposals are therefore unacceptable in principle.

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Impact on character and appearance of area**

The site is situated on the edge of South Wonston, which has a defined settlement boundary as identified under policy MTRA3 of the LPP1. The site, therefore, has a distinctly rural character. As the previous use of the site is not known, the default use class is agricultural. The planning application seeks to change this use to accommodate the forest school and the other elements of the scheme.

Individually, some of the elements of the proposal may have a moderate visual impact on the character and appearance of the area. However, the dome shaped dwelling is considered to be a conspicuous and incongruous feature in its own right, and the parking area (11 x 18m) which will serve both the forest school and activities relating to the mushroom growing enterprise is also an inappropriate feature in the countryside. In addition this, the various elements of the proposal have to be considered as a whole, taking into account the proliferation of structures and also the activity associated with each use including traffic generation. Collectively, the proposals represent intrusive and inappropriate development in the countryside, in an unsustainable location, which visually and through their use, would be harmful to the character, appearance and tranquillity of the area, contrary to policies CP20 of the Local Plan Part 1 and DM15 and DM23 of the Local Plan Part 2.

Furthermore, an unjustified new dwelling in the countryside, is, by its very nature, harmful to the character, appearance and tranquillity of the countryside and contrary to the above policies.

**Development affecting the South Downs National Park**

The application site is located 3.2km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

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In conclusion therefore, the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

**Historic Environment**

No impact. The works do not affect a statutory listed building or structure including setting; Conservation Areas, archaeology or non-designated heritage assets including setting.

**Neighbouring amenity**

The nearest residential property is The New Bungalow, which is surrounded by the application site on its north, east and west boundaries. The Nineteenth Hole is situated to the west of the adjacent Drove Links Road, approximately 14.5m away.

No concerns with regards to neighbour amenity have been raised by local residents and therefore, it is considered that the proposals accord with policy DM17 of the LPP2.

**Sustainable Transport**

The application is not supported by a Transport Assessment.

Hampshire County Council Highways were consulted about the application and raised no objections about the new access given that this is accessed via Alresford Drove which in turn links to Lower Road. HCC consider that the access is not likely to impact the highway negatively.

HCC also commented on the parking provision on site. They have requested further information to be submitted regarding the number of spaces (now shown on the amended site plan as being 9) and the size of the parking spaces. No information has been submitted with regards to the dimension of the spaces and no justification has been provided as to why this number of spaces is required.

In addition, insufficient information has been submitted as to the number of proposed trips occurring from the mushroom production unit in order for HCC to provide comments on this aspect.

Overall, it is expected for an application of this nature which generates traffic movements and involves members of the public visiting the site that the transport implications of the proposals, individually and cumulatively, would be analysed through a Transport Assessment. This would enable the Highways Authority to make an informed assessment of the impact of the proposals on the highway network.

In the absence of this supporting information, it is unclear whether the proposals would be acceptable in relation to the functioning of the highway network or highway safety and the proposal fails to comply with policies CP10 of the LPP1 and DM18 of the LPP2.

**Ecology and Biodiversity**

The proposal is for development falls within the catchment of the River Itchen, a European Protected Site (River Itchen SAC) and is for overnight accommodation affecting nutrients. The site is required to mitigate for both nitrogen and phosphorous. The Natural England nutrient mitigation calculator has been completed to support the application and an appropriate assessment carried out (see below).

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The applicant has not provided any mitigation for either nitrogen or phosphorous and therefore the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nitrogen and phosphorous input.

A Preliminary Ecological Appraisal was submitted to support the application. The report fails to discuss the impact of the proposals such as the extent of habitat loss and mitigation/compensation measures. This is not considered to be acceptable. An impact assessment section should have been included in the report to clearly discuss the impact on habitats and protected species, e.g. how much reptile habitat is there, how much will be removed and what will be retained?

As the majority of works have already taken place on the site, it is expected that the submitted ecology report would be amended to take habitat removal/damage which has already taken place into account. Based on the information submitted, a Compensation and Enhancement Strategy would ensure that creation or enhancement of habitat is carried out elsewhere on site.

For the above reasons, the proposal is therefore contrary to policy CP16.

**Appropriate Assessment.**

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 3.01 Kg/N/year and 1.18 Kg/P/year are made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nutrient neutral development and the guidance on nutrients from Natural England.

The authority's appropriate assessment is that no mitigation has been put forward either for nitrogen or phosphorous and therefore the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nitrogen and phosphorous input.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

**Sustainability**

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Given the nature of the dwelling, which is temporary and constructed of PVC, it is accepted that these requirements would not be achievable. In circumstances where a temporary dwelling was acceptable, it would be expected that any replacement permanent dwelling would subsequently be required to meet these standards.

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A freestanding solar array is situated adjacent to the northern boundary of this site, which would contribute to the production of renewable and sustainable energy to the site.

**Sustainable Drainage**

This site is within flood zone 1 and has a very low risk both of fluvial and pluvial flooding. There are no drainage issues with the proposed development as the site, however, the development should not raise the risk of flooding in areas outside the site. If it were acceptable in all other regards a suitable SuDS for the new development would be required to achieve this. The application states that surface water will be managed via a soakaway, which would be acceptable subject to further details.

The planning statement advises that the black and grey water will be separately discharged into a confined Home Biogas digester and reed bed system respectively. This may be acceptable if there is no possibility of connecting to the public sewer in the area, subject to further details.

There are therefore no objections on drainage grounds or conflict with regards to policy DM17 of the LPP2.

**Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

**Planning Balance and Conclusion**

The development is for a number of uses, including a forest school, mushroom production facility, temporary rural workers dwelling, market garden, polytunnel, parking area and freestanding solar array. While it is noted that there are positive benefits to some elements of the proposal such as the forest school, the principle of development for the proposals is unacceptable in this countryside location as set out in the report above. The proposals are therefore contrary to policies DS1 and MTRA4 of the Local Plan Part 1 and DM1 and DM11 of the Local Plan Part 2.

The impact of the proposals is also considered to represent intrusive and inappropriate development in the countryside, in an unsustainable location. Visually and through their use, the proposals would be harmful to the character, appearance and tranquillity of the area, contrary to policies CP20 of the Local Plan Part 1 and DM15 and DM23 of the Local Plan Part 2.

The erection of a temporary rural workers dwelling within the Solent Catchment Area, will result in additional nutrients being deposited into the SPA's. No mitigation has been put forward for this development. Therefore, in the absence of any mitigation, the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site through an increase in nitrogen and phosphorous input.

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Insufficient information has been submitted in order to assess the impact of the development on the extent of habitat loss and details of any mitigation/compensation measures. The development is therefore contrary to policy CP16 of the LPP1. Insufficient information has also been submitted to assess the impact of the development on the highway network and the proposal is contrary to policies CP10 of the Local Plan Part 1 and DM18 of the Local Plan Part 2.

There are no material considerations that would outweigh the conflict with development plan policies identified above and the application is recommended for refusal.

**Recommendation**

Application Refused for the following reasons:

1. The proposals represent inappropriate and unjustified development in the countryside contrary in principle to policies DS1 and MRTA4 of the Winchester Local Plan Part 1 and policy DM1 of the Winchester Local Plan Part 2.
2. The proposals represent an unacceptable new dwelling in the countryside as there is no operational need for the mushroom production facility to be located within the countryside and therefore no justification for a temporary rural workers dwelling as required by policy MRTA4 of the Winchester Local Plan Part 1 and DM11 of the Winchester Local Plan Part 2.
3. The proposals consist of intrusive and inappropriate development in the countryside, in an unsustainable location which would be harmful to the character, appearance and tranquillity of the area, contrary to policies CP20 of the Winchester Local Plan Part 1 and DM15 and DM23 of the Winchester Local Plan Part 2.
4. The erection of a temporary rural workers dwelling within the Solent Catchment Area, will result in additional nutrients being deposited into the SPA's. No mitigation has been put forward for this development. Therefore, in the absence of any mitigation, the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Winchester Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nitrogen and phosphorous input.
5. Insufficient information has been submitted in order to assess the impact of the development on biodiversity through the extent of habitat loss and lack of details of any mitigation/compensation measures. The development is therefore contrary to policy CP16 of the Winchester Local Plan Part 1.
6. Insufficient information has been submitted in order to assess the impact of the development on the highway network. The development is therefore contrary to policies CP10 of the Winchester Local Plan Part 1 and DM18 of the Winchester Local Plan Part 2.

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**Informatives:**

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 – Development Strategy and Principles

MTRA4 – Development in the Countryside

CP8 – Economic Growth and Diversification

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM11 – Housing for Essential Rural Workers Dwellings

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Rural Character