

Our ref: OXF8797

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Planning Department
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Dear Sir/Madam,

Town and Country Planning Act 1990: Section 191 application regarding the use of land as Farm Adventure Park at Willows Activity Farm, Coursers Road, London Colney

Please find enclosed an application under Section 191 of the Town and Country Planning Act 1990, as amended, for a Lawful Development Certificate (LDC) for an Existing Use or Operation for the use of Willows Activity Farm as a 'Farm Adventure Park'. In addition to this covering letter, this application comprises the following:

- Completed application form;
- Site Location Plan (Figure 1);
- Planning Permissions Plan (Figure 2);
- Building Numbers Plan (Figure 3)
- Evidence Pack (Tabs 1, 2, 3, 4 and 5);
- Statutory declaration of Andrew Wolfe;
- Application fee (posted under separate cover).

Section 171(B1) of the Town & Country Planning Act (1990), as amended, states that where there has been a breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. This application seeks to demonstrate that the site, as defined, has been used lawfully as an 'Farm Adventure Park' for well over 10 years with reference to supporting evidence, and seeks to establish the boundary of the 'Farm Adventure Park' (the red line on the submitted Site Location Plan).

Willows Activity Farm, the area identified within the red line on the Site Location Plan, operates under a single use (as a 'Farm Adventure Park') and is effectively therefore one single 'Planning Unit' (we deal with the question of planning unit in more detail below). There are, however, some small areas that do not in our view fall within this main planning unit, where there is a distinct and separate use that is not ancillary to the farm adventure park, such as the childcare nursery, and these are also identified below.

The full extent of Willows Activity Farm is split over two Districts (Hertsmere Borough Council and St Albans City and District Council). Once this LDC is in place, the intention is to submit an LDC application to St

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Albans City and District Council to establish the same use ('Farm Adventure Park') for the balance of the Park.

It is noted that the Park has had a number of different names since 1990 (Bowmansgreen Farm, Willows Open Farm, Willows Farm Village and Willows Activity Farm), but it has always been within the same ownership and operated as a single entity visitor attraction.

This letter aims to answer two key questions:

What is the use that has taken place within the application site and how should it be described; and

What is the extent of that use?

In answering both questions, we will make reference to case law (particularly on defining the planning unit), the site's planning history, documentary evidence and other evidence in the form of statements.

The reason for making this application is that, following the appointment of a new Chief Executive, it has been noted that Willows Activity Farm and the adjoining fishing lakes have developed in an 'ad hoc' way over the past 20 years, and it is not entirely clear to her precisely what planning permissions apply to different parts of the site. It is considered that the timing is right to regularise the primary use of the site, which will provide a baseline for any planning applications that might be submitted in future years. This would bring Willows in line with other farm/adventure parks, where the boundaries of the site are defined in either planning permissions or lawful development certificates. A separate application will be submitted for the fishing lakes, as in RPS's view, these fall within a different planning unit.

Author's Experience

RPS is a trade associate member of the British Association of Leisure Parks, Piers and Attractions (BALPPA), National Farm Attractions Network (NFAN) and the British and Irish Association of Zoos and Aquariums (BIAZA) and I have been extensively involved in visitor attraction-related development for more than 25 years, acting for numerous adventure parks, farm parks, theme parks, zoos, museums and other attractions on a national basis. RPS has secured lawful development certificates for a large number of visitor attractions, including Beaulieu/National Motor Museum, Paultons Park, West Midland Safari Park, Wicksteed Park, Crealy Adventure Park, Knockhatch Adventure Park, Sundown Adventureland and Folly Farm.

I am former Director and Chair of the Dreamland Trust, a charity which secured funding for a major heritage-based visitor attraction at Dreamland Margate, funded by Heritage Lottery Fund, the Department for Culture Media and Sport and Thanet District Council.

I am familiar with Willows Activity Farm, having provided planning advice to the site for more than 10 years, securing planning permission for a number of developments at the site, including the new access road in 2009, erection of a new animal display building in 2012, the implementation of a new adventure play area (which is currently themed around the Peter Rabbit stories) in 2015 and a childcare nursery in 2017. I have visited the site numerous times over the past 10 to 15 years, both professionally and as a visitor with my own children.

Definition of an 'Farm Adventure Park'

There is no formal planning definition of a 'Farm Adventure Park'.

Wikipedia describes an 'adventure park' as follows:

"An adventure park is a place which can contain a wide variety of elements, such as rope climbing exercises, obstacle courses and zip-lines. They are usually intended for recreation. "Recreational-oriented" adventure parks are usually designed for a larger volume of visitors. They do not follow a specific educational concept, but see the individual, physical and mental challenge as a predominantly recreational activity."

The Collins English Dictionary defines an adventure park as *"a place offering a variety of outdoor entertainments involving physical challenges, especially for children"*.

RPS itself acts for a number of attractions that have express planning permission for 'adventure park', including Crealy Adventure Park (Devon), Knockhatch Adventure Park (East Sussex) and Hobbler's Heath (West London).

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Willows Activity Farm differs from these adventure parks in that it also has a substantial animal component making it a hybrid of a 'farm park' and 'adventure park'.

Farm parks, or farm attractions, are visitor attractions based around working farms, which provide educational days out in a farm environment, and would include animals, educational displays and activities, as well as indoor and outdoor play. Willows Activity Farm certainly includes significant elements that visitors would expect to find at farm attractions, albeit the range of play, rides and themed attractions mean that it could not be described solely as a 'farm park'.

As a hybrid of a farm park and adventure park, we consider it is best described as a 'Farm Adventure Park'.

Although there is a long history of mechanical rides at Willows, we do not consider the use to be an amusement park. The existing use contrasts substantially from amusement parks in that amusement parks are primarily based around mechanical, powered rides. There are a number of well-established mechanical rides operating at Willows; however, in my view this is not to the extent that this is the primary use of the site.

With the variety of attractions identified below, I am of the view, that a 'farm adventure park' is the best description for the activities that have taken place at Willows Activity Farm for the last 10 or more years.

Definition of Relevant 'Planning Unit'

The test of what is a planning unit is not set out or established in legislature or Government guidance, and therefore the measures used to define such units have therefore been set by the courts. The most commonly referred to and used tests for determining what makes up a planning unit were laid out in *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207. In summary, this court decision stated that the starting point for any assessment of identifying the planning unit is normally ownership or area of occupation, unless and until some smaller scale unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally. In this case, the area of ownership is very large, and it is not considered that the farm adventure park use has taken place across all of this land.

Burdle stated that there are three possible scenarios, the first being that the entire unit of occupation can be a primary use, with other uses that would be ancillary to that primary use. This would be a single planning unit. The second scenario is where there are several interrelated uses that utilise the entirety of an area of occupation. In these cases, there would be a composite (or mixed) use. The third scenario is where there is more than one distinct and unrelated use taking place, in which case the area of occupation can be divided into more than one separate planning unit.

We assess this site against each of those scenarios below. The first test relates to where there is a single, main purpose of the occupier's use of his or her land, and where there may be ancillary uses, the whole unit of occupation should be considered as the planning unit. It is considered that there is more than one planning unit across the land ownership. There is a substantial agricultural operation taking place on parts of the land ownership, as well as fishing lakes/camping/caravan site and some smaller uses taking place in the farm buildings that are not related to the farm adventure park use. We do not therefore consider that the site falls within this *Burdle* category.

Test 2 looks at where there is a composite (or mixed) use of land which may contain a variety of activities or uses that cover the whole unit of occupation, but where there is not necessarily any one dominant use to which others are ancillary. This is not the case in this instance, as the farm adventure park use falls within a defined area where the public pay an admission price, along with associated ancillary areas. Other uses, such as the commercial businesses taking place in some of the farm buildings, and the childcare nursery, for example, take place on their own defined areas, which again are physically and functionally separate to the farm adventure park. Willows does not therefore fall within the second test.

Test 3 relates to land or buildings which, whilst in the same overall occupation and ownership, would have smaller elements within it used for different purposes. In such cases, each area of land used for the different main purpose ought to be considered as a separate planning unit. This is

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exactly what is taking place at Willows. The farm adventure park is one distinct planning unit. Other uses, such as the childcare nursery, some commercial uses and, on the wider estate, farming, fishing and camping/caravans, take place on other areas of land that are physically and functionally separate. We have defined the boundary of the farm adventure park on the basis of Test 3, with reference to the planning history below as well as the operational characteristics of the business.

To define the planning unit in this instance, it is my view that the starting point should be the area currently open to the public and any ancillary areas and buildings that are directly associated with the farm adventure park (e.g. service areas, car park, etc) that are under the same ownership.

I have sought to define the 'farm adventure park' area (within the identified red line) on the enclosed OS based Site Location Plan (Figure 1) taking into account these considerations, drawing on our review of the planning history and other historic documents, photos, etc, as well as a site visit and walk over and my knowledge of the use of the site since it opened.

As stated above, we have also removed areas that are, in our view, a separate planning unit by virtue of a grant of express planning permission for something that cannot be considered to fall within an 'adventure farm park' use, or ancillary to that use.

The implications of the planning history on this area are considered in more detail below, along with a review of evidence concerning the historic use of the park.

Planning History Review

Annex 1 of this report is a complete planning history obtained from the Council for the area outlined as 'Farm Adventure Park' on the submitted location plan. We set out below the planning permissions that are considered to be relevant to this application, starting with the main permissions affecting the use of the land. The permissions are also shown on Figure 1: Planning Permissions Plan, using the numbering system below.

TP/90/1033 – Permitted 18 December 1990 (Tab 1y)

Permission for the change of use of existing agricultural buildings to farm interpretation centre, toilets and refreshment area including elevational alterations and the construction of wheelchair ramp to milking parlour. This permission is clearly the genesis of the current use, but looking at the red line area, it only appears to cover one block of former agricultural buildings that are now in use as the Peter Rabbit Burrow Cafe. The site cannot therefore be said to be operating under this permission.

TP/90/0972 – Permitted 6 November 1990 (Tab 1z)

Confirms that planning permission was not required to convert existing garage into additional agricultural office accommodation (Unit 11)

TP/91/0451 – Permitted 15 October 1991 (Tab 1x)

Permission for the retention of partial use of farm shop for the retail sale of goods produced off the farm and retention of use of adjoining area for the sale of plants and garden accessories produced off the farm. This permission was only temporary until 1993, after which the use had to cease. This relates to the building that is now being used as a childcare nursery, although the red line plan provided by the Council appears to be inaccurate (it should be the same boundary as TP/93/0903 below).

TP/93/0903 – Permitted 22 February 1994 (Tab 1w)

This permitted the retention of a farm shop and associated area for selling plants and garden accessories. It also permitted the retention of use for (a) storage ancillary to the farm shop and (b) an exhibition area as well as the provision of additional classroom and cloakroom accommodation. This made the farm shop originally permitted in 1991 permanent. There were no conditions, so any produce could be sold in the shop. Part of

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this area would be considered not ancillary to the farm adventure park (i.e. the farm shop). As this permission has been superseded by a more recent permission for a childcare nursery, no amendments have been made to the boundary to reflect this permission.

TP/94/0315 – Permitted 26 July 1994 (Tab 1v)

This permitted a change of use of light industrial units to a craft workshop with sales and demonstration area and a field craft instruction centre with a sales and demonstration area, together with alterations to elevations. This relates to the area that is currently in use as the Willows gift shop, and other associated retailing, and is therefore ancillary to the adventure farm park use. Condition 2 requires the retailing to remain ancillary to the craft workshops. This area has therefore been included within the application boundary.

TP/95/0347 – Permitted 18 July 1995 (Tab 1u)

Permits additional use of classroom accommodation outside school hours for holding private functions. It is not clear why this application was submitted as we have not seen any restriction on the use of classrooms, but it was in any event a temporary permission, expiring in July 1997.

TP/95/0348 – Permitted 18 July 1995 (Tab 1t)

This permission was for the expansion of a joinery business from Unit A into Unit B. It also allowed for the use of Units A and B, in part, for the sale of products made elsewhere, the retention of Unit C for sale of Country Clothing and Unit D for the sale of sporting goods and by a pet beautician and the use Unit E as a blacksmith. This relates to the retail units fronting onto the car park. There are conditions restricting these to the uses specified. These units would not technically fall within the farm adventure park use as they would not be ancillary to it. These units should be excluded, although note that the western-most unit is the Willows gift shop and has been for more than 10 years, so technically now falls within the farm adventure park. Note that permission was granted on 08 Mar 2000 for a variation of condition 7 attached to planning permission TP/95/0348 to permit sole use of Unit D for the sale of sporting goods (TP/00/0034).

TP/95/0349 – Permitted 18 July 1995 (Tab 1s)

This permitted the “use of land for providing activity days for children” including the erection of fixed structures to form part of an obstacle course. This is an unusual permission as it is not clear precisely what this use entails. We assume that this use is connected with the farm interpretation centre use and therefore this would have brought this land into the planning unit. There is evidence from early aerial photographs that this land was used as some form of obstacle course, but over the past 10 years or more it has been used as part of an obstacle course and an animal enclosure as part of the farm adventure park. We return to this below.

TP/99/0449 – Permitted 5 August 1999 (Tab 1r)

Permission was for the retention of a pond for use as part of open farm. This pond is right within the heart of the animal display paddocks (see Tab 2m1 for image).

TP/00/0240 – Permitted 21 July 2000 (Tab 1q)

This permission was for the continued use of accommodation for private functions outside of school hours. This clearly relates to a continuation of the use permitted by TP/95/0347 (18 July 1995, Tab 1u), which by this time would have been in breach of condition for three years. This did, however, make the classrooms permanent and this would fall within the farm adventure park boundary.

At this point it is worth noting that there have been a series of temporary permissions for Christmas marquees, partly on the Willows car park and partly in an adjacent field (which forms part of the farm adventure park). These can be seen in Tabs 1g to 1p. As these permissions are temporary, and for a use that is not entirely ancillary to the farm adventure park, they have not been reviewed here. It is our view that the marquees do not impact on the overall use of the site as the site reverts back to its primary use when the marquees are removed each year.

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TP/09/1605 - Permitted 24 November 2009 (Tab 1f)

This permission allowed alterations to the existing access road previously used for a landfill site to provide a new access to Bowmansgreen Farm Village estate following closure of existing access road to the estate with associated landscape enhancement scheme. This is now used as the main entrance to Willows Activity Farm and links to the main car parking area to the east of the site. This would fall within the planning unit of the farm adventure park.

TP/12/1967 - Permitted 23 November 2012 (Tab 1d)

This permission was for the erection of a farm building. The submitted DAS (Tab 1c iii) explains that the proposed development is for a single-storey farm building. The building provided indoor farm animal housing (a facility which was not previously available on the site) as well as a side-wing for use as an animal demonstration area. It allowed the farm park to comply with current best practice for animal hygiene. It continues to be used for this purpose. This falls right in the heart of the main operational area.

TP/13/1265 - Allowed on Appeal 15 April 2014 (Appeal ref: APP/N1920/A/13/2204315) (Tab 1c):

The appeal allowed the use of land for the siting of a marquee for corporate Christmas parties with parking for a 42-day period each year for the next 5 years. The total floor area of the marquee was 3,300 sqm. Waltzer and a dodgem fun fair rides were sited next to the marquee to add to the offer. A couple of amendments were made to this permission to change the commencement date (TP/14/1632/VOC, permitted 15 Dec 2014) and to amend the layout of the marquee (TP/16/1415/VOC, permitted 13 Sep 2016). In 2021 this permission was made permanent, for this period each year.

TP/15/0782/FUL, Permitted 25 June 2015 (Tab 1b):

This permission is for the replacement of existing leisure uses and buildings with various adventure play/education attractions, ancillary to the wider Adventure Farm Park.

The submitted Design and Access Statement DAS (Tab 1b iii) states that the main buildings or structures will comprise a farm shed activity structure, with internal climbing and sliding activities, an outdoor kitchen activity structure, an interactive dance arch and activity floor, hollow tree effect tunnel, natural play treehouse, treetops' timber activity structure and other outdoor facilities providing opportunities for play, such as trampolines and a garden wall maze.

The existing and proposed footprint plans found at Tabs 1b iv and v respectively show that these new activities replaced the falconry sheds.

This area became known as the 'Peter Rabbit Adventure Playground'.

TP/16/2247/FUL, Permitted 22 March 2017 (Tab 1a):

This is a retrospective planning permission for the change of use of a farm shop to a childcare nursery for up to 130 children with enclosed outdoor play area and associated infrastructure.

Willows Activity Farm was selected specifically by the childcare provider (Kids Play Ltd) as it was seeking to open a nursery in a farm-based setting. It was considered that this location would create a unique and distinctive environment for children that could not be achieved in other nursery locations.

As the nursery is not considered to be part of the overall 'Farm Adventure Park' use it appears as an inset within the site location plan. The buildings have been excluded from the application boundary because these are in a use that is not ancillary to the farm adventure park. The car park and access road is, however, shared with the farm adventure park so forms part of this application. (Note that an application was made to vary condition 2 to allow more flexibility on the nursery places (TP/17/1076/VOC, permitted 01 Sep 2017). Other minor permissions include (these are not shown on Figure 2: Planning Permissions Plan) :

TP/91/0639 – Permitted 27 August 1991: Erection of three 3 metre multi-directional antennae.

TP/94/0608 – Permitted 22 November 1994: Four non-illuminated board signs (Bowmans Farm).

TP/96/0662 – Permitted 6 September: Equipment cabin on site of telecommunications equipment.

TP/96/0568 – Permitted 19 Sep 1996: Extend existing 12.0m high telecommunications mast to 18.0m height

TP/98/1062 – Permitted 11 March 1999: Installation of a telecoms tower.

TP/05/1141, TP/06/0629, TP/09/1306, TP/10/1235 – Relate to licence consultations.

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There a number of other historic permissions for the site which relate to uses that are not part of the Farm Adventure Park, but fall within the overall site boundary. These mainly relate to uses within the complex of farm buildings, where units have been sublet to other businesses. These also appear as insets within the site location plan, as they would not form part of the farm adventure park. The references to building numbers are references to the numbers on Figure 3, which show the location of the various units. This is based on a drawing produced for planning application 89/500.

TP/89/0597 – Permitted 03/07/1990 (Tab 1z) – This was for: “Use for repairs of farm machinery and cars”. This applies to some of the shops fronting onto the car park (Part of Building 2c). Not part of Farm Adventure Park for more than 10 years – not part of LDC area as remains in a materially different use.

TP/89/0598 – Permitted 03/07/1990 (Tab 1bb) – This relates to Building 19 and was for “Use for car repairs”. This remains the use and the building is not part of the LDC area.

TP/89/0497 – Permitted 27/11/1991 (Tab 1cc) – This relates to Building 8 and was for “Use for specialist joinery manufacture”. This was actually occupied by a metal fabricator and is now the Forge Showroom. It is not part of LDC area.

TP/89/0499 – Permitted 27/11/1991 (Tab 1dd) – This relates to Building 32A and was for: “Use as depot for general building contractor”. This has been occupied since then by a series of carpenters and is not part of the LDC area.

TP/89/0500 – Permitted 27/11/1991 (Tab 1ee) – This was for “Use for specialist joinery manufacture” and relates to Building 2B, which is now the nursesey. It is not part of the LDC area.

TP/89/0502 – Permitted 27/11/1991 (Tab 1ff) – This was for “use for specialist joinery manufacture” and related to Building 2B, which is now the nursery. It does not part of the LDC area.

TP/89/0503 – Permitted 27/11/1991 (Tab 1gg) – This was for “Use for the repair and manufacture of bag closing machines” and related to part of Building 2c. This was subsequently used as a general purpose retail unit and is currently the Willows gift shop. It forms part of LDC area.

TP/89/0504 – Permitted 27/11/1991 (Tab 1hh) – This was for: “Use for welding and metal fabrication”. It related to Building 8, which has been used by a metal fabricator and is now the Forge Showroom. It is not part of the LDC area.

TP/91/0635 – Permitted 20/05/1991 (Tab 1ii) – This was for “Continued use of premises for car repairs” and relates to Building 19. This building remains in non-farm adventure park use and is therefore not part of the LDC area.

TP/92/0680 – Permitted 17/01/1994 (Tab 1jj) This was for “Retention of use for car repairs” and related to Building 19. It is not part of the LDC area.

TP/92/0109 – Permitted 17/01/1994 (Tab 1kk) – This was for “Retention of use for specialist joinery manufacture” and related to part of Building 7B. According to the statutory declaration of Andrew Wolfe, this use ceased and it became used as part of the farm adventure park in 1997 as party rooms and therefore is part of LDC area.

TP/92/0111 – Permitted 17/01/1994 (Tab 1ll) – This was for “Retention of use for specialist joinery manufacture” and relates to part of Building 2C, which is now the nursesey. It is not part of the LDC area..

TP/92/0112 – Permitted 17/01/1994 (Tab 1mm) – This was for “Retention of use for welding and metal fabrication (Occupation of whole of building No.8 in place of part of Building No.8 and open area in front of Building No.8).” It has been used by a metal fabricator and is now the Forge Showroom. It does not form part of the LDC area.

TP/93/0468 – Permitted 12/10/1993 (Tab 1nn) – This was for “Continued use for the manufacture and repair of upholstery” and related to part of Building 2C, which is one of the row of retain units fronting the car park and is not part of the LDC area.

In summary, therefore, it is clear that, whilst a number of the buildings and some very specific areas of the farm adventure park do have express permission for uses that would be considered to be related to, or ancillary to, the farm adventure park use, most of the outdoor areas of the farm adventure park have no express planning permission. This demonstrates the importance of securing a certificate to regularise these areas that have been used for this purpose for over 25 years.

By virtue of having planning permission for a use that is not ancillary to the farm adventure park, the buildings occupied by the childcare nursery do not in our view form part of the planning unit of the farm adventure park. These have therefore been removed, as have the remaining retail units fronting the car park (with the exception of the Willows gift shop. This relates to Buildings 2A, 2B and 2C (which were joined together in the 1990s.

In addition, a number of buildings within the farm building complex are used for purposes that are not part of the farm adventure park. Some of these (particularly Buildings 8, 19 and 32A have express planning permission for a materially different use. Others, which are Buildings 9, 12, 13A, 22, 26, 34, 35 and 36 do not have express planning permission for an alternative use, but have been let to and occupied by businesses that are not connected to the farm adventure park. This is discussed below as part of the statutory declarations.

All other buildings in the main complex are used for purposes connected with the farm adventure park, which include such uses as offices, role play, restaurant, indoor play, ancillary storage or livestock management, and most of these buildings do not have express planning permission.

The application boundary for this certificate is not therefore primarily guided by the planning history. We have made sure that all areas that have planning permission for specific uses related to the farm adventure park are included, and that areas with planning permission for materially different uses are excluded, where those uses have not ceased and been incorporated within the farm adventure park for more than 10 years. Outside of the collection of buildings, the boundary of the farm adventure park is largely determined by its actual use over the past 10 or more years, because there is very little planning history for this use. This is the focus of the next section.

Evidence on the Use of the Application Site

This section summarises the history and evolution of 'Willows Activity Farm' from the early 1990s to the present day, with reference to supporting evidence contained in the accompanying Evidence Pack and the statutory declarations.

Willows Activity Farm has expanded and developed since the 'farm park' use first appeared in 1989, when it was mainly concerned with interpretation and education. From the statutory declaration below, and from the park leaflets/promotional material referred to, it began to take on a use much more akin to an 'adventure park' from the late 1990s/early 2000s, following the arrival of Andrew Wolfe. We set out how this development has taken place with reference to the above planning applications where appropriate and other available evidence. We identify the following key dates:

The dates on which the farm changed from a working farm to a 'farm park'.

The date on which we consider that the 'farm adventure park' uses became dominant enough to change its use from a purely interpretational 'open farm' to an attraction where participatory play and other activities became as important to the offer, effectively creating a 'Farm Adventure Park'.

The status of the park in July 2011, precisely 10 years before this application was submitted, and confirmation that the use has not materially changed (or been abandoned) since then.

Statutory Declaration

The statutory declaration of Andrew Wolfe is a key piece of evidence, setting out how the park developed since he first joined the organisation in 1997.

Mr Wolfe's declaration sets out how when he joined the farm in 1997, it was primarily an 'open farm', where visitors could see animals and learn about farming. There was an element of play, but this was ancillary to the educational and interpretation farm. He gradually changed the focus of the farm, to include rides, adventure play, themed attractions and significant indoor play, as well as a programme of events. In the late 1990s/early 2000s, it is clear that Willows Activity Farm became a mix of traditional 'farm park' activities alongside activities that would be more associated with an 'adventure park'. Neither could be said to be dominant (and we review the park maps that Mr Wolfe has provided in the next section below), hence we consider that for the last 15 to 20 years, the best description for the use that has taken place at Willows is 'farm adventure park'.

He also provides a detailed summary of how the different buildings associated with Willows Activity Farm have been used, that sits alongside our review of the planning history above. This helpfully defines the

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buildings (along with the curtilages of these buildings) that have been associated with the farm adventure park and which have been used (with or without express planning permission) for purposes unrelated to the farm adventure park.

Mr Wolfe also explains how he has decided on the overall red line boundary for Willows Activity Farm. This covers the paid admission areas of the farm adventure park, as well as ancillary buildings, car parks and service areas, including the access road. A small amount of amenity land has also been included that is maintained by the Activity Farm (e.g. alongside the access road).

On the basis of the above statutory declaration, the documentary evidence provided by Mr Wolfe (that is in the Evidence Pack) and the above review of planning history, we have pieced together the historic development of Willows Activity Farm.

Historic Development

1990 – 1995

Evidence of a farm park use on site first appears with planning permission TP/90/1033 (Tab 1y) which allowed a farm interpretation centre, toilets and refreshment area including elevational alterations and the construction of wheelchair ramp to milking parlour. The site was still referred to as Bowmansgreen Farm. This very much supports Mr Wolfe's view that initially the farm was an educational and interpretation centre, which is essentially a working farm where visitors are invited to learn about animals and the rural way of life. This use appears to have been very much akin to an 'open farm', where a working farm is opened to the public for mainly educational purposes. Note that the actual planning permission only related to a single building within the complex.

Drawing No. 8797-0021-02, page 1 is a 1990 aerial photograph of the site. The photograph does not show any signs of car parking areas or outdoor rides and attractions. This confirms that at this point the site was still in a farm use and other light industrial uses as per the permissions identified above including:

TP/89/0597 (repairs of farm machinery and cars), TP/89/0497 (specialist joinery manufacture), TP/89/0499 (general building contractor), TP/89/0503 repair and manufacture of bag closing machines, TP/89/0504 (use for welding and metal fabrication) and TP/90/0972 (agricultural office),

A rudimentary car park can be seen to the north of Buildings 2A to 2C, which is almost certainly the first signs of the farm park, as it is close to the buildings that have permission for the farm interpretation centre (part of Building 2A).

The 1993 permission (TP/93/0903, Tab 1w) provided for an exhibition area as well as an additional classroom and cloakroom accommodation. All these uses are synonymous with a farm park use. Planning permission TP/95/0347 (Tab 1u) allowed the use of classroom accommodation outside school hours for holding private functions for a limited period (until 18 July 1997). This is further evidence of diversification from a private farm to a farm park use. Again these permissions only relate to specific buildings within the complex, not the outdoor areas, although we assume that some of the outdoor areas would have been incorporated into the open farm.

A number of permissions from this period make reference to retailing (TP/94/0315, TP/95/0348) which generally applied to the buildings fronting onto the car park. These earlier permissions suggest uses that are not ancillary to a farm park, and would therefore be separate planning units in their own right. Part of these units are now use for the Willows Gift Shop and would fall within the planning unit, but the remainder are independent units and part of the childcare nursery.

In 1995 permission TP/95/0349 (Tab 1s) allowed the use of land for activity days for children including the erection of fixed structures to form part of an obstacle course, which was the first example of a form of outdoor play.

1996 - 2000

The farm park use continued in the second half of the 1990's identified under permission TP/99/0449 (Tab 1r) allowed the retention of a pond for use as part of the open farm (note Council's reference to 'open farm').

Tab 3b is an aerial photograph of the site from 1998 and shows a number of changes on site since the 1990 photograph. It identifies a busy car park area to the north east of the site suggesting a use which is open to the public and in line with the Council's 'open farm' description above. This is primarily an area that is still used for parking, albeit an overflow to the north took the parking into a field that is now used as a service area. The photograph also shows the marking out of fields with boundaries on between the complex of

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buildings and the lake (presumably animal enclosures) and what appears to be a new path (not shown on the 1990 aerial photograph) running west from the car park towards the lake area to the north west. The obstacle course permitted in 1995 can be seen in the field to the east of the lake. The car parking, pathways and animal enclosures show that the site was clearly a well-established visitor attraction/open farm by 1998.

These changes are highlighted further by the 2000 aerial photograph found at Tab 3c which again shows the well-used car park indicating a continued public access to the site. It shows the animal enclosures with pathways between them extending out to the western boundary of the site. It appears that the fields closest to the public entrance to the farm complex have basic play equipment, which was an initial sign of the development of the 'adventure park' element of the attraction.

Permission TP/00/0240 (Tab 1q) allowed for the continued use of accommodation for private functions outside of school hours. Unlike permission TP/95/0347 (Tab 1u) above, there was no time period limit attached suggesting the use had been successful and the Council were content with this use on site.

2001 – 2008

There is no planning history for this period but the 2006 aerial photograph at Tab 3d clearly shows how Willows developed significantly in the early 2000s.

The area to the west which is shown as fields / animal enclosures in the 1998 aerial photograph, now contains a series of pathways clearly demarcating this large area into specific parcels of land. There is also evidence of structures within the parcels of land which can only be some of the activities as identified on the 2009 park map (Tab 4a - see below).

The funfair can clearly be seen to the north of the main field, just to the south of the lake. Just to the east of that can be seen play equipment. The 'paid' areas of the site are now well developed with a network of surfaced paths.

To the far north west the 'A-maize-ing Maze' field can be seen and the route for the 'Tristan the Runaway Tractor' ride. Further along to the east from here we can also see 'Country Fun Fair Rides' and a bridge crossing to the lakes. Just to the right of this there is evidence of the 'Under 5's Play Area'. Again, all of these can be seen on the 2009 park map (Tab 4a)

The public car park continues to be busy in the photograph, again showing continued public access to the site. There is also additional parking in two areas to the south east of the car parks that were visible in 2000. This shows an increase in popularity and use of the site, presumably as a result of the new attractions and facilities that had been added.

This photograph unequivocally shows that by at least 2006, the site had evolved into almost its full extent.

A series of photographs taken in November 2008 can be used to identify a number of items on the 2006 aerial photograph. These photographs are in Tab 2 (2a to 2x). In addition to the animal paddocks and typical 'open farm/farm park' attractions, these photographs reveal that by 2008 the farm also included a well-developed adventure park element.

These show the following, which I have grouped into 'farm park' and 'adventure park' type uses:

Farm park uses:

- Bird of prey centre (2a)
- Animal paddocks (2c)
- Event arena, clearly used for animal displays (2d)
- View towards tractor ride (2g)
- Free Range Chickens (2u)

Adventure park uses:

- Sign showing adventure park attractions, such as Gold Stream gold panning, Country Fair, Woolly Jumpers indoor play (as well as farm park attractions, such as tractor ride, Showtime Theatre, Farmyard Favourites, Guinea Pig Village) (2f).
- Funfair rides and bouncy castles (2h, 2i, 2k, 2l)
- Large-scale play equipment, including tower, zip wire, slides, etc (2j, 2o)
- Indoor soft play centre (Woolly Jumpers) (2m)

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- Toddler play equipment (2n)
- Themed building site play area (2p)
- Seating with obstacle course behind (2q – this had been relocated from the one that can be seen on the 1998 and 2000 aerial photographs)
- Obstacle course entrance and equipment (2r, 2t)

The retail units fronting the car park can also be seen, as can The Forge and the admissions area.

Most of these features can be seen on the 2006 aerial photograph referred to above, showing that most of this was well-established by 2008. With the information in these photographs, as well as the cross-reference with the 2006 aerial photograph, it can be seen that the use by this period was not an open farm or farm park, it was a mix of farm park and adventure park.

2009

This is a key year as it is just over 10 years ago (no aerial or ground-level photographs are available for 2011, so we are focusing on 2009). The test for whether a use of land is lawful is a 10 year period. It would therefore be necessary for Willows Activity Farm to be a 'Farm Adventure Park' in the period 2009-2011, and to continue operating as a 'Farm Adventure Park' since that date, for this certificate to be issued. In reality, as we have stated above, the park became a 'Farm Adventure Park' considerably earlier than 2009 (some time in the period from 2001 to 2008; the precise date is not relevant). It is clear that the 10-year period has been met.

The 2009 Park Map (Tab 4a) clearly shows the 'farm park' uses open to the public on the site at that time (in 2008). These include:

Guinea Pig Village (see Tab 2a1 (2009 photo)).

Farmyard Favourites (Farmyard animals – see Tab 2c1 (2009 photo)).

Animal Nursery.

Stables.

Willows Arena (Animal displays).

Farmyard Ferret Fun.

Falconry Centre (Education centre on birds of prey – see Tab 2a (2008 photo) and Tab 2i1 (2009 photo)).

Reindeer.

Wallabies.

Rheas.

Willows Sheepstakes (Racing sheep).

Growing Patch (Traditional crops and vegetables grown at Willows).

Sheep Show (Education area relating to shepherding).

Woolly's Showtime Theatre (see Tab 2i1 (2009 photo))

In addition, the 2009 Park Map (Tab 4a) clearly shows the 'adventure park' uses available at the time. These include:

Tractor Trek (Pedal mini tractors).

Build 'n Play (Construction sandpit – see Tab 2e1 (2009 photo)).

Woolly Jumpers (Slides, adventure and ball pools – see Tab 2m (2008 photo), Tab 2b1, Tab 2d1 and Tab 2j2 (2009 photos))

Woolly's Showtime Theatre (see Tab 2k2 (2009 photo))

Play Tractors

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Frisbee Golf (New that year)

Tristan the Runaway Tractor (Fun ride – see Tab 2g (2008 photo), Tab 2t1 and Tab 2u1 (2009 photos))

A-maize-ing Maze (Giant maize maze – see Tab 2d3 (2018 photo)).

Gold Stream (Pan for gold) (see image at Tab 2q1, Tab 2v1(2009 photos) and Tab 2x2 (2018 photo))

Country Fun Fair Rides (see image at Tabs 2l (2008 photo), Tab 2a2, Tab 2c2, Tab 2g2 and Tab 2f1 (2009 photos) and Tab 2e3 (2018 photo))

Bouncy Haystacks (Inflatable haystacks – see Tab 2k (2008 photo), Tab 2h1, Tab 2z1 and Tab 2b2 (2009 photos)).

Leaping Lily Pads (Trampolines – see Tab 2e2 (2009 photo))

Under 5's Play Area

Tree House Adventure

Woolly's Workout Agility Play Trail (see image at 2e)

Duck Race (Toy duck race – see Tab 2z2 (2018 photo)).

As evidence of the site's developed status, in 2009 permission TP/09/1605 (Tab 1f) allowed for a new access road which became the new entrance to Willows Farm Village (as the park was known then).

Willows Activity Farm continued to change during this period, as old attractions were removed and new ones replaced them. This is typical of an adventure park, where activities need to be continuously refreshed to attract repeat and new visitors.

To provide further evidence of the use of the site in 2009 as an 'Adventure Farm Park', additional photographs from that year can be found at Tab 2 which show the following:

Farm park uses:

- Farm shop and admissions area (2y and 2z)
- Guinea Pig Village (2a1)
- Farmyard Favourites building (2c1)
- Willows Arena (2j1, 2k1)
- Falconry (2l1)
- Pond (2m1)
- Western paddock areas (2n1)
- Access to tractor ride/tractor track (2p1, 2t1, 2u1)
- Lakeside walks (2s1)

Adventure park uses:

- Woolly Jumpers indoor play and café (2b1, 2j2 – 4 photographs)
- Woolly Jumpers entrance (2d1)
- Woolly's Showtime Theatre showing animatronic shows (2g1, 2i1, 2k2)
- Construction-themed play area (2e1)
- Fairground rides (2f1, 2a2 - 3 photographs, 2c2, 2g2)
- Bouncy castles (2h1, 2z1, 2b2)
- Sign showing mix of farm and adventure park uses (2o1)
- Large-scale adventure play structures (2q1, 2r1, 2x1)
- Zip wire (2y1)

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- Other adventure play equipment (2f2, 2h2, 2i2)
- Panning for Gold attraction (2v1)
- Willows Fire Station (2w1)
- Sideshows (2d2)
- Trampolines (2e2)

The 2009 aerial photograph (Tab 3e) identifies further development (since the 2006 photograph) including larger structures such as 'Woolly's Showtime Theatre' (the blue circle in the centre of the site) and further development just to the north east of the theatre and elsewhere as identified on the 2009 Park Map (Tab 4a). Cross-referencing the items on the 2009 Park Map with the aerial photograph, and the ground level photographs, it can be seen that the main area between the entrance buildings and the lakes is now primarily in adventure park use, with extensive and large-scale play and adventure equipment, as well as funfair rides. The animal paddocks are primarily in the south-western part of the site, with the tractor ride to the north of that. The maize maze can be seen to the north of the tractor ride. The car parks have been extended to the south of the access road, with grass parking and access roads. Further overflow parking can be seen to the north of the northern-most hard standing car park, again using grass with access roads.

In 2009, the site is clearly a substantial visitor attraction, and the full extent of the use is now in place. This is evidenced by the aerial photographs, park maps, ground level photographs and the statutory declaration.

In the following years, we simply need to show that the use continued to the present day. The following sections demonstrate this.

2010 to 2014

The 2012 aerial photograph (Tab 3f) shows the farm adventure park use continuing. The two fields to the north of the tractor ride are the maize maze fields. Various marquees have been added either side of the entrance plaza, which are covered seating and play activities.

In 2012, planning permission TP/12/1967 (Tab 1d) provided a new single storey farm building (see Tab 2l2 and Tab 2m2 from 2013 and Tab 2b3 from 2018 show this) to be used as indoor farm housing as well as a side wing for an animal demonstration area. This is evidence of the continued 'farm park' use and commitment from Willows Activity Farm to continue the farm element of the use as well as the adventure park element.

In 2013 an appeal (ref: APP/N1920/A/13/2204315) against the refusal of planning application TP/13/1265 was allowed. It was to permit the use of land for the siting of a 3,300 sqm marquee and a waltzer and dodgem funfair rides for corporate Christmas parties for a 42 day period each year for the next 5 years.

This is not the first time Willows Activity Farm has provided this type of facility. As identified in the planning history above, the marquee has been temporarily erected on the site to host corporate Christmas parties since at least 2000 (see permission TP/00/0853 (Tab 1p)). As this is a temporary use, which takes place for around 42 days each Christmas, it has no effect on the primary use of farm adventure park.

Images of retail units fronting car park, the car park area and access road can be seen in Tabs 2n2, 2o2 and 2p2

2015 to present day

Again, Willows Activity Farm has continued to operate as a farm adventure park during this period. Planning permission TP/15/0782/FUL (Tab 1b) allowed for the replacement of existing leisure uses and buildings (the falconry sheds) for a farm activity structure, with internal climbing and sliding activities, an outdoor kitchen activity structure, an interactive dance arch and activity floor, hollow tree effect tunnel, natural play treehouse, treetops' timber activity structure and other outdoor facilities providing opportunities for play, such as trampolines and a garden wall maze. This became known as 'Peter Rabbit Adventure Playground' (see Tab 2r2 (two photographs from 2016)).

The aerial photographs from March 2017 (3h), May 2018 (Tab 3i), June 2018, January 2020, March 2020 and April 2020 all show the Peter Rabbit area.

In 2016 retrospective planning permission was given (TP/16/2247/FUL (Tab 1a)) for the change of use of a farm shop to a childcare nursery for up to 130 children with enclosed outdoor play area and associated

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infrastructure. As explained above, the nursery is not considered to be part of the overall 'Farm Adventure Park' use, therefore it appears as an inset within the site location plan.

The 2015 Park Map still shows most of the farm park uses identified on the 2009 map. There are however additional 'farm park' uses identified. These include the:

Chicken Run.

Farmyard (designated on the Plan as an 'animal contact area' also see photographs at Tabs 2ci and ii. Image 2 cii clearly shows animal interaction, an activity appropriate to a 'farm park' use)

Animal Show Stage (see image at Tab 2a3 (2018 photo))

Lambing Marquee.

Goat Bridge (designated on the Plan as an 'animal contact area' also see image at Tab 2k).

Animal Feeding Area.

Animal Field (replacing the Frisbee Golf).

Again, the majority of the 'adventure park' uses identified on the 2009 Park Map appear on the 2015 Park Map (Tab 4b). It is important that a facility like Willows Activity Farm refreshes and updates its attractions to keep its customer base returning on a regular basis. As such, several activities had been replaced by this time including 'Build 'n' Play', 'Play Tractors', 'Frisbee Golf' and 'Under 5's Play Area'. There were however additional 'adventure park' uses identified including:

The Big Dig (see photographs at Tabs 2hi and ii)

JCB Young Drivers Zone (see photographs at Tabs 2di and ii)

Activity Marquee

Busy Bee Marquee

Willows Carousel

Toddler Town

Birthday Party Rooms

A number of kiosks, cafes and retail units are also highlighted again. In terms of 'farm park' uses, the 2016 Park Map (Tab 4c) identifies a new 'Sheep Sheering Pen' and a 'Lambing Marquee'. For 'adventure farm' uses, the 2016 Park Map identifies the new 'Peter Rabbit Adventure Playground' and 'Peter Rabbit Theatre' (see photographs at Tabs 2 ai, ii, iii and iv). All other activities remain the same.

The 2018 Park Map (Tab 4d) identifies a new 'Super Secret Squirrel Nutkin Test' (an activity climbing area) and 'Mr Tod's Lair' (a 'playhouse' style activity, see photographs at Tab 2 gi and ii).

As further evidence of these activities and the continued use of Willows Activity Farm as an 'Adventure Farm Park' additional photographs from 2016 and 2018 can be found at Tab 2 which show:

2016

Image of ancillary area just inside park entrance showing a mix of activities including JCB Young Riders Zone, fairground ride and animal building – Tab 2q2

2018

Image of entrance area and Willows Gift Shop – Tab 2s2

Image of fairground rides near entrance – Tab 2t2

Image of Woodland Play Trail – Tab 2u2

Image of play equipment with fairground rides and bouncy haystacks behind – Tab 2v2

Image of animal paddocks – Tab 2w2

Image of main central pathway with various attractions alongside – Tab 2y2

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Conclusion

This application seeks to demonstrate that Willows Activity Park (as defined on the submitted OS plan) has been used lawfully as an 'Farm Adventure Park' for more than 10 years.

As evidenced by the planning history, documentary evidence and statutory declarations, Willows Activity Farm has evolved from an "open farm/farm park' in 1989/1990, to a mix of farm park and adventure park. We have called this 'Farm Adventure Park'.

It is clear from the evidence that the change happened in the period 2001 to 2008. This is corroborated by the statutory declarations, aerial photographs, ground level photographs and park maps.

In addition, the extent of site within Hertsmere District as identified on the submitted location plan has been established through the use of park maps, aerial photographs, on-site photographs, and a site walkover undertaken in April 2018. Other areas are within the same ownership, but would not be considered to fall within the farm adventure park. These would be separate planning units.

I trust that the above application is in order and I look forward to receiving confirmation of its formal registration.

Please do let me know if you have any questions or wish to arrange a site visit.

Yours sincerely,



Nick Laister

Consultant