

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

APPEAL BY GREAT LAKES UK LTD

REF: APP/C3105/W/20/3259189

**LAND TO THE EAST OF M40 AND SOUTH OF A4095,
CHESTERTON, BICESTER, OXFORDSHIRE OX26 ITE**

**SUMMARY PROOF OF EVIDENCE OF
JOHN ASHWORTH MBA, LLB**

CONTENTS

1. Qualifications and Experience
2. Approach
3. The Council's Golf Strategy
4. Assessment
5. Conclusions

1. Qualifications and Experience

1.1 I am a consultant specialising in the leisure, sport and tourism industries. For seven years to 1994, I was a director of Pannell Kerr Forster Associates, the hotel and leisure consultancy arm of a leading firm of chartered accountants; I became a partner in the firm. Qualified initially as a solicitor, I specialised in corporate planning and management in public administration, before moving to Coopers & Lybrand as a management consultant via an MBA degree at Cranfield Business School. For the past 25 plus years, I have practised as a consultant through my own business, John Ashworth Associates.

1.2 Golf Business International ('GBI') an association of professionals with expertise in the business of golf were commissioned to consider the reasons for refusal which directly concern use of the golf course. I am currently chairman of GBI. Swan Golf Designs and Sports Marketing Surveys are members and their reports are appended to this Proof of Evidence. I will refer to and rely upon these reports where appropriate in my proof.

2. Approach

In my evidence I address relevant parts of Cherwell District Council's ('CDC') Reason for Refusal no. 1, and in particular:

- I consider CDC's Golf Strategy and deal with its lack of soundness in light of the analysis which underpins it.
- By reference to the appended report of Howard Swan of Swan Golf Designs, I show that the development proposals for the 9 holes remaining at Bicester Hotel Golf & Spa ('BHGS') will continue to provide a valuable golfing experience, with more relevance to changing trends in the demand for golf than the existing 18 hole private members' club.
- By reference to the appended reports of Sports Marketing Surveys, I further show that the development proposals both for the golf course remaining at BHGS and the provision of an improved driving range, golf academy and 9 hole short course would also bring significantly more golfers to BHGS than visit it currently.
- I conclude that the Proposed Development is consistent with paragraph 97 of the National Planning Policy Framework and CDC Local Plan Policy BSC10. In respect of the first exception to paragraph 97, I refer to the evidence submitted with the planning application by CBRE.

- In respect of the further two alternative exceptions in paragraph 97, I show that the Proposed Development will replace the existing golf facility at BHGS with equivalent or better provision in terms of quantity and quality at the same location; and that the Proposed Development is for alternative sports and recreational provision the needs for which clearly outweigh the loss.

3. The Council's Golf Strategy

3.1 The Council's explanation for its Reason for Refusal no.1 set out in its Statement of Case refers to a report published in 2018 – Open Space, Sport and Recreation Assessment and Strategy (Nortoft – October 2018) – (CD7-2). Chapter 11 of that document relates to golf course supply and demand ('Golf Strategy'). I consider that the Golf Strategy's conclusions are based on a flawed analysis of the existing and likely future demand:supply ratio for golf facilities in the district and that any planning policies based upon it are therefore unsound.

3.2 The Golf Strategy document on which CDC relies is based on an approach to modelling the ratio of supply of golf (in terms of golf holes) to demand (in terms of total population). The supply side of this modelling "*includes the golf sites within Cherwell but excludes sites outside of the district*". The demand side modelling is said to be based on population levels within the Cherwell district, excluding the population resident outside the District. This approach is fundamentally flawed for any meaningful assessment of golf provision. It assumes that the administrative boundaries of the District represent the extent of demand for the golf courses located within the District and of supply for golfers living within that area which is clearly not the case. It assumes that golf courses located outside the District, in some cases within a few miles of the District's boundary, do not or cannot meet any demand from residents within the District. There can be no justification for this. I explain in my evidence the flaws in the methodology used.

3.3 I draw attention to the England Golf Facility Planning Report December 2020 (CD16B-1) which concludes: "*Within the identified region [based on Cherwell DC] there is a relatively low demand for golf when compared to the average for the South East region.... There is a high level of golf provision within the area in comparison to the demand with a good number of traditional 18-hole courses. There is only one standalone 9-hole course*" This further demonstrates that the conclusions reached by the Golf Strategy do not accord with the governing body's views.

4. Assessment

4.1 CDC claims that the Proposed Development would lead to the loss of an existing 18 hole golf course, leaving 9 holes, and this does not meet the three tests in paragraph 97 of the NPPF which states that existing open space, sports and recreation buildings and land should not be built on unless one (or more) of three tests are met. These are:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or*
- *the development is for alternative sports and recreational provision the needs for which clearly outweigh the loss.*

4.2 I consider that the Proposed Development will replace the existing golf facility at BHGS with equivalent or better provision in terms of quantity and quality at the same location; and that the Proposed Development is for alternative sports and recreational provision the needs for which clearly outweigh the loss.

4.3 I respond to CDC's contention that the proposed redesign of the existing golf course is '*unfeasible and impractical and therefore cannot be relied upon*' by reference to the appended report of Howard Swan which shows that the opposite is the case.

4.4 I refer to recent publications by England Golf to demonstrate the changing nature of demand for golf and conclude that the Proposed Development is in tune with current trends.

4.5 I compare in some detail the volume and nature of the existing golf business at BHGS and that which could reasonably be expected to result from the Proposed Development. My analysis demonstrates a potential for a significant increase in the number of visits to the site from the local catchment and from tourists to the Great Wolf Resort and BHGS. The demographic characteristics of visitors are likely to be more broadly based than those of the private members and tourists who currently visit. In addition, I consider that the Proposed Development will improve the financial viability of the golf business.

4.6 I have considered PAW's objections to the Proposed Development in so far as they relate to the golf facilities. These largely reflect the CDC technical objections which I dealt with in detail in my evidence.

5. Conclusions

5.1 I conclude that the Golf Strategy on which CDC relies in part as the basis for Refusal Reason 1 is flawed. Far from being robust, it does not meet the requirement in paragraph 96 of the NPPF that planning policies should be based on robust and up-to-date assessments of need.

5.2 I conclude also that at least two of the alternative tests in Paragraph 97 of the NPPF will be met by the Proposed Development in that:

“the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”; and

“the development is for alternative sport and recreational provision, the benefits of which clearly outweigh the loss”.

5.3 I consider that the Proposed Development complies with local and national planning policies in respect of the golf facilities at BHGS.