

lettering; a sweeping metal handrail to the curved stair; and largely intact vitreous panelled bathrooms. The Art Deco alterations have been simply and carefully spliced to the earlier building. The re-fashioned building is set within its own grounds, with complementary wrought-iron railings and crook motif. The Crook Inn is of substantial national and international architectural and historic interest and has met the needs of successive generations without loss of its special interest.

3. Conversion to residential use would bring to an end over four centuries of public house use at the site. A part of the familiar and cherished history would be lost. Although the proposed conversion would retain and repair some of the Art Deco architecture, other important features would be lost, including the timber-panelled reception area with period lettering and the public house toilets. Furthermore, conversion would reduce public access to the building and subdivision would prevent an appreciation of the interior design as a whole. That would damage the integrity of the building's special interest. The alterations proposed would thus be seriously detrimental to the character of the listed building, which would not be preserved in the terms of section 59(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
4. The proposed conversion would adversely affect the special interest of the listed building, contrary to the first principle of the local plan which seeks the protection of built and cultural resources. The character and integrity of the building would be harmed, contrary to part 2 of policy BE1 of the local plan and the presumption at paragraph 3.42 of the Scottish Historic Environment Policy.

Tourism, local economy and community

5. As a public house, the building can be a valuable resource, supporting the tourist economy and the local community, whereas the proposed development would be unlikely to contribute beyond a short term construction phase.
6. The hotel has supported tourists for centuries. It is in a remote area where there are few such premises, but where visitor attractions include the high quality of the landscape, and fishing on the River Tweed. It is also a rare roadhouse on a picturesque tourist route to Edinburgh. The loss of the hotel would be likely to have a significant and sustained adverse impact on tourism, contrary to policy E22 of the Scottish Borders Structure Plan.
7. The loss of the services and facilities provided by the hotel would have a disproportionate effect on the Tweedsmuir community. In terms of jobs, the impact may be small at the scale of the Borders as a whole, but it would be significant to a dispersed and remote rural community. Whilst the loss of a small scale enterprise is not covered by the detailed policies of the local plan, the proposed conversion would remove access to jobs, services and leisure opportunities, contrary to the principal aim of the structure plan.
8. I acknowledge that there is no obligation on a privately owned enterprise to provide or maintain community facilities, desirable though that may be. Nevertheless, the conversion of the Crook Inn to housing would weaken the community by removing a place to meet and socialise.

Material considerations

9. A resumption of the facilities offered by the Crook Inn and its preservation as a hotel must ultimately depend upon its viability. The Crook Inn is currently in a run-down condition and has closed. The business is no longer trading and the appellant does not

consider it to be viable. The main concern appears to be the high cost of bringing the building back to an acceptable condition and to accord with health and safety standards. The profitability of the appellant's business is not directly a matter for me, but the building has traded successfully in the relatively recent past and the figures I have seen show clearly that it would retain some value, even allowing for necessary repairs. On the evidence before me the Crook Inn remains a practical and viable proposition. At the request of the council the appellant marketed the building for a period of 6 months, but with little success. However, the price did not reflect the value of the building whilst taking into account the extent of works required. It is clear that the efforts to retain the building in its current use did not go far enough.

10. The local community supports the retention of the hotel use for the listed building and a community company has been formed, which proposes to exercise a right to buy the Crook Inn and is investigating sources of financial support. From what I heard it is clear that this community initiative has a long way to go. Nevertheless it demonstrates a possible future for the inn. Further, policy D2 of the local plan supports rural housing development where, amongst other things, it would help support a business that results in clear social or environmental benefit to the area, whilst paragraph 37 of Scottish Planning Policy 23 'Planning and the Historic Environment' includes that it may be appropriate to consider enabling development if this can be shown to be the only means of retaining a listed building. These, of course, would be matters for the local authority in the first instance. However, they suggest a high probability that the Crook Inn could remain in active economic use whilst preserving its special interest. Although the proposed conversion is supported by housing policies of the development plan, these other options show that there is no justification for the harm that would occur to the listed building. The balance is in favour of retaining the current use. The proposed conversion therefore would not satisfy the considerations at paragraph 3.51 of the Scottish Historic Environment Policy.

11. I have taken into account a number of previous appeal decisions brought to my attention. The circumstances of these differ significantly from those before me and they do not indicate that the appeals should be allowed. I have also taken into account all other matters raised, including the need for an agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of education and affordable housing contributions. However, these matters do not alter my overall conclusions that the appeals should fail.

This is a true and certified copy of the decision issued on 02 February 2009

Dannie Onn
Reporter

