

window and door openings on the north and south facing elevations. The existing stonework would be repainted white and new or second hand slates would be used on the roof where required.

CONSIDERATION BY TWEEDDALE AREA COMMITTEE

These applications were considered by the Tweeddale Area Committee on 17 December 2007 where it was agreed to continue them to the next available meeting. This followed the submission of additional supporting information from the Valuation Office which was received on 17 December 2007. The planning officer advised Members that this report was an integral part of the decision making process and must be taken into consideration when making a decision on the application. Due to the late arrival of this report, the Planning Authority had not considered the findings and advised Members that it may be appropriate to delay a decision until all information had received appropriate levels of attention.

PLANNING HISTORY

T271/91 – Full planning consent was granted on 10 April 1992 for the conversion of the stable block into a craft centre.

T290/93 – Planning consent was granted for the erection of a temporary information centre on land adjacent to the Crook Inn. This was conditional on the colour being agreed and consent being granted for a temporary period of only 3 years from the date of consent.

98/00955/COU – Change of use from paddock to mobile caravan site on land East of A701, opposite the Crook Inn was granted consent on 23 September 1998.

REPRESENTATION SUMMARY

155 letters of objections have been received. The principal grounds of objection can be summarised as follows:

- Loss of an important tourist facility
- The historical interest associated with the Inn – Robert Burns
- Loss of a community facility
- Adverse impact on the Listed Building
- Inappropriate location for housing
- Loss of employment
- Loss of a local post office

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted detailed information in support of this proposal and this is available to view on-line. The applicant has also placed the property on the open market as a going concern for a period of no less than 6 months.

DEVELOPMENT PLAN POLICIES

Scottish Borders Structure Plan 2001-2011

Policy N11 – Areas of Great Landscape Value
Policy N17 – Listed Buildings
Policy N20 – Design
Policy E22 – Protection of the Tourist Industry
Policy H4 – Housing in the Countryside – Conversion or Rebuilding
Policy H7 – Affordable and Special Needs Housing – Proportion
Policy H8 – Affordable and Special Needs Housing – Assessment
Policy C1 – Access to Services and Facilities
Policy I11 – Parking Provision in New Development
Policy I14 – Surface Water
Policy I15 – Flooding

Tweeddale Local Plan 1996

Policy 9 – Conversion and Re-Use
Policy 11 – Securing Local Needs Housing
Policy 26 – Existing Tourist Attractions/Facilities
Policy 47 – Preservation of Listed Buildings
Policy 87 – Car Parking
Policy 92 – Flooding

Scottish Borders Local Plan: Finalised December 2005

Policy G1 – Quality Standards for New Development
Policy G4 – Flooding
Policy G5 – Developer Contributions
Policy BE1 – Listed Buildings
Policy EP2 – Areas of Great Landscape Value
Policy H1 – Affordable Housing
Policy Inf4 – Parking Standards
Policy Inf6 – Sustainable Urban Drainage
Policy D2 – Housing in the Countryside

OTHER PLANNING CONSIDERATIONS

Scottish Borders Council – New Housing in the Borders Countryside Policy and Guidance Note 1993 as amended 2000 and 2004.

SBC SPG on Affordable Housing, March 2007
SBC SPG on Developer Contributions, April 2007

Historic Scotland Memorandum of Guidance on Listed Buildings and Conservation Areas. 1998.

PAN74 – Affordable Housing
PAN72 – Housing in the Countryside
SPP15 – Planning for Rural Development

CONSULTATION RESPONSES

Scottish Borders Council Consultees

Director of Planning and Economic Development (Heritage and Design): In terms of the building's architectural significance, I have no objections to the principle of change of use. I have, however, several comments to make regarding the proposed scheme. The principal alteration is the demolition of the single storey service wing, which although appears to date with the 1936 alterations, has limited architectural merit. The interior has no particular architectural features and although its removal would mean the loss of 2 No steel 'Art Deco' windows on the North elevation, I consider that overall, I can support this change.

The proposals show that that it is intended to reinstate the original rear elevation following demolition which I can support. I welcome the proposal to retain the 1930s curved glazed entrance as it is an important feature that contributes to the character of the building. I also welcome the reinstatement of the main entrance door on the East elevation, as it is currently blocked up. We should consider a suitable condition about a replacement door

Overall, the ground floor seems a sensible division. I am happy to see the existing stair retained. Also it is good to see the existing spaces in the curved glazed areas retained in Flat F1.

The existing ladies and gents toilets are proposed to be removed. Although fine examples of Art Deco interiors, it is difficult to see how these could be incorporated into private flats. I would prefer to see these retained in-situ, if at all possible. If not, the minimum that is required must be a full record (both photographic and measured) to be lodged with RCAHMS, as well the fittings salvaged and either re-used on the site or disposed of via an architectural salvage yard.

There are two further Art Deco bathrooms to the front of the property on the first floor that are proposed to be removed. If the ground floor cloakrooms are to be removed, then the first floor ones **must** be retained. With slight amendments to the plan layout at this level, by making one flat in the original section, it appears to be possible that this could be achieved. I feel the proposals to remove the Art Deco sanitary fittings would affect the character and appearance of this building. However, if bathrooms could be retained on the first floor level, and a full recording exercise undertaken, then the removal of the ground floor toilets could be supported.

I have no objections to the principle of this conversion of the outbuilding.

Director of Technical Services (Roads): The access onto the A701, although being improved with this application is still below the standard I would normally require, however as this property is currently used as an Inn and has the ability to generate a large amount of traffic I would argue that the conversion to form four flats will not generate a greater amount of traffic. Therefore I shall have no objections provided the access is formed as per diagram DC-7 by a contractor on my approved List 13, form DC-8.

Director of E&LL: The development of this new home lies within the catchment areas for Broughton Primary, Halyrude RC primary school and Peebles High school. Broughton has capacity to accept further pupils but both Halyrude PS and the High Schools are at capacity and a contribution is therefore sought for these two schools. The contribution sought is at the reduced rate for the four flats (rather than houses) and 1 new house

- Halyrude towards the adaptation of Kingsland's existing buildings -
4 x £98 = £392
1 x £196 = £196
- High School towards the extension/adaptation of the high school –
4 x £84 = £336
1 x £1215 = £1215

The contribution of £2139 should be paid upon receipt of detailed planning consent.

Director of Social Work (Housing Strategy): This would be an appropriate opportunity for a commuted sum towards affordable housing.

Director of Technical Services (Flood Protection Officer): The second generation flood maps indicate that the development site does not appear to be at risk from a flood event with a return period of 1 in 200 years. The predicted inundation line for this flood event just skirts the south and east boundaries.

Statutory Consultees

Upper Tweed Community Council: The proposed change of use would be contrary to the following policies and principles:

The Principle Aim of the Scottish Borders Structure Plan 2001-2011
Policy E16 – Rural Economic Development
Policy E22 – Protection of Tourist Industry
Policy C1 – Access to Services and Facilities

Tweeddale Local Plan 1996
Policy 26 – Existing Tourist Attractions/Facilities
Policy 47 - Protection of Listed Buildings

Scottish Borders Council Local Plan: Finalised December 2005
Policy BE1 – Listed Buildings

SEPA: SEPA has no objections in principle. The indicative flood maps show that the site may be at risk of flooding. It is for the planning authority to determine if further information in the form of a flood risk assessment is required.

First choice for sewage disposal is connection to a Scottish Water foul sewer. This is the most sustainable option but other options will be considered if this is not practicable. SEPA's next preferred option is via suitably sized septic tank discharging to land via a closed soakaway system. The existing system may be adequate for this development but SEPA would require confirmation of this. Surface water drainage should be via a sustainable urban drainage system. Any pond system should be designed as a habitat enhancing landscape feature to maximise the wildlife value.

Construction works must be carried out in accordance with SEPA's pollution prevention guidelines.

Scottish Water: No objections to this planning application.

Other Consultees

Architectural Heritage Society of Scotland: This appears to be a well considered and sympathetic development. AHSS welcomes the intention to restore timber sash and case windows to the appropriate openings. It would seem sensible to demolish the flat roof extension to the rear. Where cornices, picture rails, skirting boards etc have been disturbed they should be re-run around any new partitions. The roof line of the barn and treatment of the windows seems insensitive.

KEY PLANNING ISSUES

The key planning issues are:

Whether the proposed development would have an adverse impact on the character or appearance of the Listed Building

Whether the proposed development would lead to an unacceptable loss of a community facility

Whether the proposed alterations are of a high quality in accordance with Policy G1.

ASSESSMENT OF APPLICATION

Principle

The proposed change of use of this building in the broadest terms would appear to be acceptable in principle. The existing building is in a reasonable state of repair and is certainly capable of conversion without significant demolition or rebuilding. The building stands substantially intact and the proposed conversion of the Inn to form 4 flats would be in keeping with the scale and architectural character of the existing building. The department is satisfied that the building has both architectural and historical merit which are worthy of retention and that the buildings are suitable for conversion.

Listed Building

The Crook Inn is a Category C(s) Listed Building notable for both its historical and architectural significance. It is noted as being the oldest licensed premises in Scotland and dates back to around 1604. Furthermore it is notable for its 'stylish roadhouse style Art Deco additions of 1936.'

The proposed changes to the building would include the removal of the flat roof extension on the rear elevation of the property and a series of internal alterations to form four flats. The building has been altered significantly in the past, both internally and externally, and most notably the 1930's Art Deco alterations.

The principal external alterations would be the demolition of the existing flat roof extension. This has limited architectural merit and no architectural features worthy of retention and would not have an adverse impact on the character or appearance of the listed building. The proposed demolition of this extension would have a positive impact on the listed building.

The proposed internal alterations are a little more complicated as the proposed sub-division of the building to accommodate the four flats would involve the removal the existing art deco ladies and gents toilets on the ground floor. The ideal scenario would be to retain these facilities but it is difficult to see how they could be incorporated into private flats. The department would prefer

to see these retain in situ but as a compromise, a full record must be made of the toilet facilities and lodged with the Royal Commission on the Ancient and Historical Monuments of Scotland.

There are two further art deco bathrooms on the first floor that are proposed to be removed. These bathrooms are also significant and must be retained if the downstairs toilets are being removed. The applicant has submitted amended floor plans showing the internal layout of the flats to include the existing bathrooms. If consent is granted, these bathrooms must be retained in situ.

The curved glass entrance is proposed to be retained and the original front door is to be reinstated. In addition, the existing curved art deco staircase is to be retained. These are to be welcomed and would have a positive impact on the character and appearance of the proposed flats.

Community/Tourist Facility

Members will note that the majority of the objections to this proposed change of use are on the grounds that the proposal would result in the loss of an important tourist and community facility in the area. The department would encourage the retention of existing tourist and community related facilities in the countryside and would prevent the loss of these facilities where possible. Rural pubs/restaurants often provide a very important community facility in the more remote parts of the borders and loss of the facilities could have an adverse impact on the social and economical aspects of the area.

The department must be satisfied that all possible avenues to retain the Crook Inn as a going concern have been explored and discounted before it can be comfortable with the proposed loss of this tourist/community facility. Members will note that the department requested that the Crook Inn be advertised on the open market as a going concern for a minimum of 6 months. This took place between the months of March and August 2007 after which the applicant confirmed that despite some interest, there was no formal offer made for the property. The property was marketed at offers over £450,000.

Members will also note from the additional supporting information that the applicant suggests that the use of the building as a hotel is no longer viable. There would appear to have been a down turn in sales, not just on the bar but also in the restaurant and the turnover from accommodation has been only 25%. Historically the Crook Inn would appear to be been a successful enterprise, particularly in the summer months but evidence suggests that there has been a significant downturn in trade and the Inn is no longer viable as a going concern.

Furthermore, the applicant suggests that the property, while reasonably sound, there are areas of water ingress, a lack of double glazing, inadequate heating system, no mains gas and dated wiring, all of which require updating and considerable expense.

While the department's position would ordinarily be to secure the retention of rural hotels and inns, it would appear that the Crook Inn is no longer a viable option as a going concern and the use of the building as a tourist related facility is at the end of its economic life. Even if permission were to be refused, there would be no mechanism to ensure that the public house or hotel would remain open, and it is not the role of the planning system to insist that businesses continue to operate at a loss. In that situation, it is important to seek a use that will allow the continued occupation of the building to ensure a future for an important historic building.

Flooding

It should be noted that SEPA has suggested that the site may be at risk of a 1 in 200 year flood event and that it is for the planning authority to determine if a flood risk assessment is required. The Council's flood protection officer notes that a very small part of the site may be at risk from flooding according to the flood risks maps but advises that FRA would not be appropriate in this case as the development would not be at risk of a flood.

Developer Contributions

The proposed development lies within the catchment areas for Broughton Primary, Halyrude RC primary school and Peebles High school. Broughton has capacity to accept further pupils but both Halyrude PS and the High Schools are at capacity and a contribution is therefore sought for these two schools. The contribution sought is at the reduced rate for the four flats (rather than houses) and 1 new house

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4 x £84 = £336
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The contribution of £2139 should be paid upon receipt of detailed planning consent and will be secured through a Section 75 agreement should consent be granted.

As the proposals are for the formation of 4 flats and one dwellinghouse, the Council's policies on affordable housing are applicable. Given the rural nature of the site and the proposed formation of four flats it would be appropriate in this instance to seek a developer contribution towards affordable housing. 25% affordable housing is required therefore contribution of £23000 is required. As the first unit is exempt, 25% of 4 units is 1. The agreed affordable housing valuation for the South Tweeddale Housing Market Area is £23,000 therefore the developer contribution would be £23,000 and would also be secured through legal agreement.

Design

The proposed alterations to the existing building would be appropriate as they would not have an adverse impact on the character or appearance of the property.

The proposed change of use and alterations to the existing outbuilding to form a dwellinghouse are also considered to be acceptable. The existing building would be retained and extended to provide accommodation at first floor level. The existing window openings would be retained and new openings created. The exterior of the building would be painted white to match existing new or second hand natural slate would be used on the roof. It is considered that the proposed change of use and alterations would respect the character of the surrounding area, neighbouring uses and built form of the Crook Inn group of buildings.

Parking/Access

The access onto the A701, although being improved with this application is still below the standard that the Director of Technical Services would normally require, however as this property is currently used as an Inn and has the ability to generate a large amount of traffic it is argued that the conversion to form four flats will not generate a greater amount of traffic. The Director has no objections provided the access is formed to his satisfaction and by a contractor on the Council's approved list.

The proposed plans show the provision of 12 car parking spaces, 2 per dwellinghouse/flat.

Valuation

To ensure that the department is satisfied that the property was marketed at a fair and true asking price, an independent survey has been commissioned by the Planning Authority. Members will be aware that this report was received shortly before the meeting in December. The Valuation Office was asked to carry out a desk study and provide an independent valuation of the Crook Inn. The report confirms that the value of the Crook Inn would be fairly stated between £250,000 and £300,000. This is between £150,000 and £200,000 less than the property was marketed at.

It is the opinion of the District Valuer (DV) that the Crook Inn does have the potential to return to hotel use concentrating on good quality food with high quality accommodation, however it would be a risk for any future hotelier to take on a property in this location and in this condition, which requires an estimated £200,000 spending to bring it up to adequate standards. The DV states that it would be a risky business to try and build up custom again from scratch.

Following receipt of this valuation, the planning authority requested a response from the applicant. This is available to view on Public Access and acknowledges the fact that the DV valuation is considerably less than the asking price but also reaffirms the point that the Crook Inn was not producing enough of a return to justify its continued operation.

Summary

The proposed change of use of the Crook Inn to form four flats and the change of use of the outbuilding to form a dwellinghouse are acceptable in principle and compliant with the Council's policies on housing in the countryside. The proposed changes to the listed building are also deemed to be acceptable provided a record is made of the existing downstairs toilets during the renovations/change of use. This could be covered by condition.

It is unfortunate that the Crook Inn is no longer trading as a hotel and offering a much needed tourist/community related facility in the Tweedsmuir area. There is a growing trend in the loss of rural inns throughout the Borders and the Council are active in preventing further loss. However, there is a changing trend in trade and small rural hotels are proving less and less attractive as going concerns.

The applicant has provided a strong case in support of his application to change the use of the building and has complied fully with the departments requests to provide further supporting information. The property has been marketed as a going concern and while the independent valuation concludes that the value is less than the applicant's asking price, it is accepted that

business is no longer viable, particularly as the works required to bring it back into an appropriate standard are, in the opinion of the District Valuer, likely to be prohibitive.

Members should be aware that The Tweedsmuir Community Company has formed and they have registered their interest in buying the Crook Inn under the community right to buy legislation. However, that does not alter the planning position, and given that there is now sufficient information to determine the application, it would be inappropriate to delay determination for this reason.

CONCLUSION

It is acknowledged that the asking price is considerably higher than the DV valuation and this is accepted in the response from the applicant. There is also a general agreement that the business is no longer viable as a going concern and the applicant has demonstrated that everything possible has been done to promote the Inn in order to keep it operational and that sustained efforts have been made to market or lease the property as a going concern. However, the clear advice is that the building is likely to require considerable investment, and that even if this were forthcoming, there would be only limited prospect of the business being viable.

Even if permission were to be refused, it would not be possible to insist upon the re-opening of the hotel or public house, as this would remain a decision for the owner. Against this background, and in order to protect the historical and architectural fabric of the building, it is considered that it would be more appropriate to put it back into use as residential property, rather than left to deteriorate further. It is unfortunate that use of this historical building as an inn would be lost, but the proposed conversion would protect the character of the listed building and ensure that the property is preserved and enhanced.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS

I recommend that the applications are approved subject to the following conditions and completion of a legal agreement covering developer contributions towards education and affordable housing:

06/02295/LBC

1. Any mouldings, architraves, skirtings, cornices, friezes, windows, doors or other features which are to be replaced in replica or removed during works and then reinstated must be recorded by photograph and/or scale drawings and sections and profiles taken and recorded and lodged with the Local Planning Authority. Any features damaged in removal must be repaired and replaced in the original materials.
Reason: To ensure satisfactory preservation of this Listed Building.
2. All window glazing bars, skirtings, architraves etc., should match exactly the original where they are to be replaced. Any mouldings, architraves, cornices, skirtings, glazing bars etc., to be re-run to match the original should have sample lengths of the original and replacement submitted to and approved in writing by the Local Planning Authority before development commences.
Reason: To ensure satisfactory preservation of this Listed Building.
3. All residue materials resulting from the demolition of the building hereby approved shall be removed from the site within the calendar month of the date of completion of the demolition.

Reason: In the interests of the appearance and setting of the Listed Building.

4. A full written, measured and photographic record of the ground floor ladies and gents Art Deco style toilets must be lodged with the Local Planning Authority and the Royal Commission on the Ancient and Historical Monuments of Scotland. All the fitments salvaged must be either re-used on the site or disposed of via an architectural salvage yard.

Reason: To ensure satisfactory preservation of this Listed Building.

5. The existing Art Deco bathrooms on the first floor of the building must be retained in situ.

Reason: To ensure satisfactory preservation of this Listed Building.

06/02296/FUL

1. The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
- iii. location and design, including materials, of walls, fences and gates
- iv. soft and hard landscaping works
- v. existing and proposed services such as cables, pipelines, sub-stations
- vi. other artefacts and structures such as street furniture, play equipment
- vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area.

4. The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences/the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

5. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Building Standards	The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Barry Fotheringham	Senior Development Control Officer

06/02295/LBC &
06/02296/FUL



The Crook Inn And Barn
Tweedsmuir

