



**FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
Community Right to Bid**

**Tribunal Reference:** CR/2013/0007  
**Appellant:** Simon Reed  
**Respondent:** Shropshire County Council  
**Judge:** N J Warren  
**Decision Date:** 20 March 2014

**DECISION NOTICE**

1. This case concerns The Pheasant at Lindley Brook, Bridgnorth in Shropshire which has been owned and run for many years by Mr and Mrs Reed. The pub closed in March 2012 because of dwindling trade.
2. In April 2013 a group of local residents wrote to Shropshire Council nominating The Pheasant as an asset of community value and on 11 June 2013 the Council added The Pheasant to its list. This decision was confirmed in a review dated 13 August 2013. Mr and Mrs Reed have now appealed to the Tribunal.
3. Both parties have indicated that they are content for the Tribunal to take a decision without a hearing and I am satisfied that I can do so.
4. There is no dispute here that when the building was in use as a pub it furthered the social wellbeing of the local community and that this was “in the recent past”. The contention between the parties is whether Section 88(2)(b) Localism Act 2011 is satisfied. The Pheasant should not be included on the list unless:-

“it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.”

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5. Mr and Mrs Reed worked hard for many years to run The Pheasant as a business. They served food and won commendation for the quality of their beer. In the end though trade dwindled and they felt compelled to close.
6. In their view, The Pheasant, as a pub, has simply come to the end of its natural life. There is an obvious decline in the pub trade. If The Pheasant could have been made to pay, they would have continued. They point out that it is down a small country lane and therefore does not have any passing trade. Investment would be needed if catering were to be resumed. Moreover, they have been trying to sell the pub since 2007 without success. (Here, I should say, I do not attach importance to the sales particulars describing the Pheasant as “ripe for development in the hands of an energetic caterer”. This is merely sales talk.)
7. Given all this, Mr and Mrs Reed challenge the Council to say how The Pheasant can be revived.
8. I give full weight to all that Mr and Mrs Reed have said and what has been said on their behalf. However, I find myself to be in complete agreement with the Council’s Review Officer Mr Edwards. He concluded that there was more than one realistic outcome for the future of The Pheasant in the next five years. Of course, it might remain as it is; it might be sold for some other use; it might be sold and revived as a pub. I agree with Mr Edwards that all these outcomes are realistic. Despite the general decline in the pub trade and the individual difficulties which The Pheasant faces, it remains realistic, in my view, to think that there is a time in the next five years when the use to which it has been put for over a hundred years might resume.
9. I therefore refuse the appeal.

**NJ Warren**

**Chamber President**

**Dated 20 March 2014**