

Committee: Cabinet

Date: Thursday, 19
June 2025

Title: Lower Street car park, Stansted

Portfolio Holder: Cllr Neil Hargreaves, Portfolio Holder for Finance and the Economy

Report Author: Sarah Lewin,
Economic Development Manager

Key decision: No

Summary

1. The Council's car park at Lower Street, Stansted Mountfitchet, shares its northern boundary with land owned by Mr Alan Goldsmith, forming part of the grounds of Mountfitchet Castle.
2. The car park is heavily criticised locally as being confusing. It accommodates short and long stay parking spaces, a coach park, NHS and leased parking areas alongside the private parking areas operated by the Castle. Complaints have been received from drivers who have purchased a ticket from the 'wrong' machine and have received a parking ticket.
3. There has been long running discussions between the Council and Mr Goldsmith regarding the boundaries in two specific areas of Lower Street car park, and who has ownership of these. A full survey has been carried by qualified surveyors to establish the land registry position.
4. Mr Goldsmith has approached the Council on several occasions, most recently in 2024, to discuss the council taking over the management of their car parking spaces as part of a profit share agreement.

Recommendations

5. Cabinet is requested to approve the amendments to the land registry title plan to reflect
 - a. That the northwest boundary of land discussed in paragraphs 15 to 17 is corrected to reflect Mr Goldsmith's possessory title claim
 - b. The title be rectified to show the correction in the boundary for the northeast boundary as discussed in paragraphs 20 to 21.
6. Cabinet to note that subject to the above approval the Council will take over management of the Castle's visitor parking spaces owned by Mr Goldsmith and enter into a profit share agreement for the spaces.

Financial Implications

7. As set out in the body of the report.

Background Papers

8. Land registry Plan attached as appendix A

Impact

9.

Communication/Consultation	CMT, ICB Engagement with Mr Goldsmith
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	<p>This report aims to establish and correct the land registry plan and establish ownership of two parcels of land.</p> <p>The general power of disposal is section 123 of the Local Government Act 1972 which gives a local authority the power to dispose of land held by it in any manner it wishes provided that the local authority achieves the best consideration.</p> <p>The Monitoring Officer has reviewed the proposals in this report and is content that the proposed change of ownership/boundaries will rectify the land boundary issues raised in the body of the report.</p> <p>All rights and reservations will be legally transferred following approval of recommendation 5 of this report.</p>
Sustainability	N/A
Ward-specific impacts	N/A
Workforce/Workplace	N/A

Situation

10. Mr Goldsmith has owned the castle grounds since 1969. The castle opened to the public in 1985, and visitors have been parking in the area now known as Lower Street car park since this time.
11. The Council purchased land, which the car park now occupies, from the British Railways Board in 1997.
12. The car park was redeveloped in 2017 and at this point Mr Goldsmith introduced ticket machines on land he believed he owned.

13. The Council began correspondence with Mr Goldsmith in 2004 about the ownership of these parking bays which appeared to be on land forming part of the Council's registered title. Correspondence resumed in 2017 when the Castle started operating a private parking scheme.
14. The total sq. m of the whole car park extends to 8,526 sq. m. This report concerns two small parcels of land on the northern boundary. Please see the attached plan at Appendix A.
15. The larger strip (area B) extends to approximately 813 sq. m and contains 20-25 parking spaces. The smaller parcel of land (area A) is 211 sq. m and has 12 spaces. The total asset value is £637,300 giving a value per square meter of £74.75. The total value of both the parcels of land discussed in this report is £76,543.

Area A - Northwest boundary (yellow area in Appendix A)

16. This area of land is on the immediate left-hand side of the car park and contains 12 car parking bays. A recent survey of the car park shows that the location of the parking bays in area A currently extends 2.5m into the legal right of way that Mr Goldsmith has over the car park (shown in pale blue in Appendix A).
17. Mr Goldsmith has provided the Council with a copy of his title plan which shows that a small section of area A is included in his registered title; this represents approximately 4 out of the 12 parking bays. Mr Goldsmith claims to have possessory title of the rest of the land (parking bays) as it has been used for parking for visitors to the Castle since 1985.

'Possessory title is a class of ownership where the owner can prove they have occupied and controlled the property for a certain period (usually 10 years for registered land, 12 years for unregistered land in the UK), even without having the formal, absolute legal title to the land. This is often granted in cases of adverse possession, where someone has occupied the land without the owner's permission, or when the title deeds are lost or destroyed'

Proposal for resolution

18. The aim is to reach an agreement to mutually benefit all parties. Whilst it would be possible to challenge the possessory title claims for some of the parking bays in area A, even if successful we would be forced to re-situate these bays so as not to impinge on Mr Goldsmith's legal right of way. This would decrease the number of parking bays available to the public, in this very busy part of the car park, and reduce our income.
19. It is proposed that the Council updates the land registry to transfer this area of land, to Mr Goldsmith to reflect his possessory claim.
20. A profit share agreement will then be entered into with the Council managing all the Castle's visitor parking on behalf of Mr Goldsmith.

Area B - Northeast boundary (green area in Appendix A)

21. The Council sold this strip of land to Mr Goldsmith in 1998. In 2017 Mr Goldsmith commenced a privately operated parking scheme on part of it.

22. The present-day Land Registry plans for the respective ownership appears to dovetail together with no overlap. However, this does not reflect the boundaries that have been created on the ground. Council records show that both parties have always assumed that the on the ground boundary is correct.

Proposal for resolution

23. The title plan should be rectified to facilitate the correction in boundary as shown in Appendix B.

Benefits

24. This proposal would significantly reduce the confusion that is caused by two different parking regimes being operated in the same car park and the damage this causes to the Council's reputation.
25. This would support the corporate priority of Encouraging Economic Growth by building positive engagement with a key stakeholder as the owner of an important and popular tourist attraction supporting our visitor economy. Any legal challenge would have a negative impact on our relationship with Mountfitchet Castle.
26. There are 12 parking spaces on the north west boundary and between 20-25 spaces on the north east boundary, we currently receive no income from these parking spaces.
27. It is proposed that the Council and the owners of Mountfitchet Castle will enter into a Management Agreement for these spaces, based on a 50% profit share. The Council would include these parking spaces within the overall management of the car park and parking enforcement would be extended to manage these within the current North Essex Parking Partnership (NEPP).
28. The agreement will mirror management agreements in place in other car parks which are based on all income for the car park, including penalty charge notices. A share of management and maintenance costs proportionate to the shared spaces will be deducted from the income received.

Risk Analysis

29.

Risk	Likelihood	Impact	Mitigating actions
An agreement on the profit share contract can't be reached	2	2	Initial discussions have taken place with Mr Goldsmith and the terms of the agreement are agreeable to him.

1 = Little or no risk or impact

- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.