



Development Management
Rochdale Borough Council
Number One Riverside
Smith Street
Rochdale OL16 1XU

13 March 2026

Sent via the planning portal

Dear Majid

Section 73 Planning Application: Inclusion of Air Source Heat Pumps (retrospective), in respect of Planning Permission 20/01093/FUL, Dobfield Road, Rochdale OL16 3AW.

Further to our recent discussions, we write on behalf of our client in respect of the above site to submit an application under Section 73 of the Town and Country Planning Act 1990 to vary the Approved Plans condition attached to the original planning permission (Application reference: 20/01093/FUL).

Background

Planning permission was granted for the residential development in 2021 and the development was subsequently constructed.

It is noted that Air Source Heat Pumps (ASHPs) were not expressly shown on the approved drawings forming part of the original permission, however they were installed as part of the implementation of the wider residential development.

The applicant is now seeking to regularise this position, alongside repositioning the units previously installed on plot 3 and plot 4 to align with the manufacturers guidelines in relation to operational efficiency.

The installed ASHPs comprise the UZ-WM85VAA(-BS) Ecodan R32 Monobloc Air Source Heat Pump (specification provided). The system operates at ultra-quiet noise levels, making it well suited to residential environments.

Discussions with Local Planning Authority

In preparing the application, discussions have taken place with the Council in respect of the most appropriate application route. This has included consideration of the current permitted development provisions under the Town and Country Planning (General Permitted Development) (England) Order 2015, which allow for the installation of air source heat pumps for dwellinghouses subject to certain limitations and conditions.



In this regard, it is noted that if the units were being installed today they would be capable of falling within the scope of permitted development. In such circumstances, express planning permission would not ordinarily be required for the installation of such equipment.

As such, it is considered that the installation of the units does not give rise to planning harm and that it would not be expedient for the Local Planning Authority to pursue enforcement action in respect of the development as built.

It is further noted that the proposed repositioning of the units serving Plot 3 and Plot 4 along the same elevation would similarly fall within the scope of permitted development under the above provisions and would not in itself require express planning permission.

Notwithstanding the above, the applicant wishes to ensure that the planning permission and the associated approved drawings accurately reflect the development as completed.

Section 73 Planning Application

Section 73 of the Town and Country Planning Act 1990 (as amended) enables the variation or removal of conditions associated with an extant planning permission.

Whilst there is no definition of what constitutes a ‘minor material amendment’, National Planning Practice Guidance (“PPG”) recognises that in order for changes to be considered under a Minor Material Amendment the scale and/or nature of the change will not be substantially different from the granted planning permission. This mechanism is commonly used to secure Minor Material Amendments where a change to is required but the overall nature of the development remains unchanged.

In this case, it is noted that the change proposed would otherwise typically be addressed through a Non-Material Amendment under Section 96A of the Town and Country Planning Act 1990.

However, several of the plots within the development have now been sold to individual homeowners. As a result, the original applicant no longer retains ownership of the entire application site and is therefore unable to pursue the amendment through the non-material amendment procedure, which requires the applicant to demonstrate a legal interest in the land.

In these circumstances, submission of an application under Section 73 represents the most appropriate mechanism to update the approved plan. Accordingly, this application is submitted under Section 73 to vary the Approved Plans condition so as to include the drawings showing the installed ASHP units. A replacement plan list is included in **Appendix 1**.

Appraisal

The proposed amendment relates solely to the inclusion of Air Source Heat Pump (ASHP) units on the approved drawings and the minor repositioning of two units serving Plots 3 and 4. The proposal does not otherwise alter the scale, layout, design or overall quantum of development previously approved under planning permission ref. 20/01093/FUL.



The ASHP units have been installed as part of the delivery of the residential development and form typical plant associated with modern low-carbon heating systems. Such equipment is now commonplace within new residential developments and supports wider national objectives relating to decarbonisation and the transition away from fossil fuel heating systems.

The specification of the ASHP comprises a high-efficiency system with low operating noise levels as required in residential environments. In planning terms, the proposed amendment does not materially alter the external appearance of the development. The units are modest in scale and located discreetly alongside the dwellings they serve. As such, the proposal does not give rise to any material impacts in respect of visual amenity, the character of the development, or the wider street scene.

Similarly, the repositioning of the units serving Plots 3 and 4 represents only a minor adjustment along the same elevation to improve efficiency alone and does not introduce any new planning considerations. The amended locations would remain consistent with the typical siting of domestic plant associated with residential properties.

Conclusions

Having regard to the above, the proposed variation to the approved plans condition represents a minor amendment which does not alter the nature or acceptability of the development previously permitted. The application therefore seeks to regularise the planning position and ensure that the approved drawings accurately reflect the development as built.

Should any additional information be required, please do not hesitate to get in touch.

Yours sincerely,

Katie Flynn

Director – Hex Land Partners



Appendix 1

Condition 2 wording as approved:

2 This permission relates to the following approved plans and documents:

- Proposed Site Plan GF (1285/001 Rev G)
- Proposed Site Plan First Floor (1285/002 Rev B)
- Proposed Site Plan Roofplan (1285/003 Rev C)
- House Type A Plans and Elevations (1285/100 Rev C)
- House Type B Plans and Elevations (1285/101 Rev B)
- House Type B1 Plans and Elevations (1285/106 Rev A)
- Construction Environmental Management Plan (Rachel Hacking Ecology 2020)
- Crime Impact Statement (2019/1015/CIS/01)

The development shall be carried out in full accordance with the approved drawings and documents.

Condition 2 wording as proposed:

2 This permission relates to the following approved plans and documents:

- Proposed Site Plan GF (1285/001 Rev G)
- Proposed Site Plan First Floor (1285/002 Rev B)
- Proposed Site Plan Roof Plan (3220-CDA-01-ST-ST-A-0500)
- House Type A Plans (1285/100 Rev C)
- House Type B Plans (1285/101 Rev B)
- House Type B1 Plans (1285/106 Rev A)
- Proposed Elevations Plot 1: (3220-CDA-01-XX-DR-A-0701)
- Proposed Elevations Plot 2: (3220-CDA-01-XX-DR-A-0702)
- Proposed Elevations Plot 3: (3220-CDA-01-XX-DR-A-0703)
- Proposed Elevations Plot 4: (3220-CDA-01-XX-DR-A-0704)
- Proposed Elevations Plot 5: (3220-CDA-01-XX-DR-A-0705)
- Proposed Elevations Plot 6: (3220-CDA-01-XX-DR-A-0706)
- Proposed Elevations Plot 7: (3220-CDA-01-XX-DR-A-0707)
- Proposed Elevations Plot 8: (3220-CDA-01-XX-DR-A-0708)
- Construction Environmental Management Plan (Rachel Hacking Ecology 2020)
- Crime Impact Statement (2019/1015/CIS/01)

The development shall be carried out in full accordance with the approved drawings and documents.