

The complaint

Mrs R complains AXA Insurance UK Plc (“AXA”) has treated her unfairly in the way it’s handled her subsidence claim on her property insurance policy. She says it’s delayed monitoring and removing vegetation causing the damage and it didn’t do a drain survey when it said it would which means it hasn’t pursued all potential causes of the subsidence.

Mrs R says, as a result of how AXA’s handled things, she’s spent a great deal of time chasing it for updates. She also says the delays have caused her significant financial loss as she’s lost out on renting and selling her property and she’s had to continue paying expenses for longer than necessary. All references to AXA include its agents.

I understand Mrs R has another complaint with our service about what’s happened on this claim since around 10 July 2024. So this decision is about the above complaint points only.

What happened

Mrs R holds a property insurance policy with AXA which started in November 2022. Around September 2023, Mrs R made a claim on her policy as she’d noticed the floor of her conservatory and around her house had sunk and there were cracks in the brickwork.

AXA instructed a Loss Adjuster (“LA”) to assess and manage the claim. And following an inspection, in October 2023, AXA validated the claim. AXA sent Mrs R a letter setting out its action plan and said further investigation including a drainage survey would need to take place. But no drain survey was carried out during the initial investigations.

Following the investigations, a report was submitted to AXA in November 2023. And based on this, AXA let Mrs R know in January 2024 that the movement to her property was caused by root induced clay shrinkage. It said the cause of movement was nearby vegetation – a tree – and the first step would be reducing or removing the tree.

AXA commissioned an arborist report which was submitted around February 2024. This recommended the tree be removed. Mrs R says she told AXA the tree was protected by a tree preservation order (“TPO”), so permission would need to be sought from the local authority to remove the tree. Initially, AXA didn’t agree there was a TPO but after it saw there was in March 2024, it submitted an application for permission to remove the tree.

Around April 2024, the local authority declined AXA’s request to remove the tree. It said it lacked information, for example AXA hadn’t evidenced what damage there was to Mrs R’s property. It also said it needed data showing the damage had been monitored for a minimum of 12 months before considering an application. AXA started monitoring in July 2024.

From October 2023 until around July 2024, Mrs R repeatedly got in touch with AXA about the drain survey. She highlighted AXA hadn’t done what it said it would and investigated the drains – and she thought the drains around her property were contributing to the subsidence.

AXA initially told Mrs R around February 2024 it wouldn't be carrying out a drain survey as the initial investigations indicated the cause of movement was clay soil shrinkage. But in July 2024, after she raised a complaint, it agreed to carry out the drain survey.

Throughout the claim, Mrs R informed AXA she lived abroad and she needed the claim resolved quickly. She explained she found it difficult chasing AXA from abroad and was spending money going back and forth, between the property in the UK and her home abroad. Mrs R said at the time of the claim, a family member was living at the property with the intention of buying it. But because of the delays she says AXA caused, they didn't feel comfortable living with the damage indefinitely so they pulled out of the sale in August 2024. That's meant Mrs R has had to meet the cost of maintaining an empty property for longer than necessary.

Unhappy with the progress of her claim, Mrs R raised a complaint, which AXA answered in July 2024. AXA upheld the complaint and offered Mrs R a total of £475 for its service and delays. Mrs R wasn't happy with AXA's response so she asked our service to look into things. Our Investigator didn't uphold the complaint as he thought AXA's offer was fair in the circumstances. As the complaint wasn't resolved, it was passed to me to decide.

I issued a provisional decision on this complaint in July 2025. I've included a copy of it here:

"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Based on what I've seen so far, I intend to uphold this complaint in part, but not in the way Mrs R wants. I'll explain why."

Delays to claim

Mrs R says AXA has significantly delayed the progress of her claim. And she doesn't think its offer of compensation goes far enough to make up for this. I've weighed up the timeline of what's happened at each stage of this claim against the fact that subsidence claims, by their nature, will often take a long time, usually more than a year, to resolve. And I'm currently persuaded AXA has caused this claim to take significantly longer than it needed to so far.

AXA arranged a geotechnical survey in October 2023 and it had the results of this survey in November 2023. This survey gave AXA the information it needed to identify the cause of the ground movement – root induced clay shrinkage – so I think AXA should've been aware at that stage it was likely tree management would be needed and it could've been more proactive in identifying any restrictions on the tree in question from then.

I can see from the internal correspondence and notes on this case, AXA wrote to Mrs R to let her know the cause of the subsidence and that the tree would likely need to be removed. And Mrs R highlighted in January 2024 that the tree causing the problem was protected by a TPO. But it doesn't seem to me AXA acted on that information until around two months later. Had AXA been more proactive or listened to Mrs R, it could've identified it would need the local authority's permission to remove the tree. And so it could've started gathering the evidence they'd likely need from that point. Instead, it only set up monitoring of Mrs R's property after she complained in July 2024, six months after it should reasonably have done.

AXA applied to the local authority to remove the tree around March 2024 after it identified the TPO. Most local authorities will need evidence that one of their trees is causing subsidence before they'll agree to remove it – and I think it's common knowledge amongst insurers that includes monitoring data. Whilst, in this case, the local authority said it needed monitoring data for 12 months, if AXA had started monitoring earlier, it could've at least given some of the data it had already gathered. And in any event, at the very least I think AXA ought to have sent evidence of the damage to Mrs R's property with its application to give the best chance of success.

Based on what I've seen so far, I think AXA should've been aware there was a TPO on the tree from January 2024 and taken appropriate action to start monitoring and gathering evidence to build a case for the local authority. And by not doing so, I'm satisfied the claim was delayed, significantly, by around six months and Mrs R wouldn't have felt listened to.

Drain survey

When Mrs R first made her claim, AXA told her it would carry out investigations which included a drain survey. It seems after the geotechnical survey, it decided this was no longer needed but I can't see that it explained this clearly to Mrs R. From what I've seen so far, I can understand why Mrs R was convinced the damage was potentially caused by drains as she was led to believe a drain survey was an important line of investigation. So I think she would've been very worried when AXA said it was no longer doing it.

Mrs R chased AXA multiple times about the drain survey throughout her claim, questioning repeatedly why it was no longer doing it. And I'm not currently satisfied AXA clearly explained the reason why things had changed. For example, at one point I can see it said the surveyor tried to do the drain survey in October 2023 but couldn't access the drain due to an obstruction. Whereas at another point, it indicated Mrs R had misunderstood and it had never agreed to do a drain survey. It also told her it had pre-authorised costs for this but then decided it wasn't needed. I think these mixed messages would've been very confusing for Mrs R and I don't think AXA ever took the time to clearly explain why things had changed or the evidence it was relying on. So I can see why Mrs R felt AXA was moving the goal posts and wasn't listening to her.

Mrs R says if the drain survey had been carried out at the beginning of the claim as AXA said, her claim would've moved forward quicker. But at the moment, I haven't seen anything to make me think that's more likely. I say this because even if the drain survey (which has now been completed) had been carried out earlier in the claim, say January 2024 as Mrs R has expressed should have occurred, AXA would've still needed to monitor the ground movement for 12 months and pursue the local authority to remove the tree. Whilst the drain survey could've been done alongside these actions, I don't think carrying it out would've moved the claim forward or removed the need to take the other actions.

Mrs R's losses

Mrs R says due to the delays AXA caused, she's suffered severe financial loss as she's had to pay bills for the property for longer than necessary. She says this has caused her financial difficulty as she's not living in the property and had planned to sell it. So she thinks AXA should cover her expenses. But I don't currently agree that would be fair in this case. I say this because my role is to put Mrs R in the position she would've been in if AXA handled things effectively and fairly. And even if AXA hadn't caused the delays I've described in this decision, I currently think it's likely Mrs R still would've had these expenses.

For these types of claims, there are many steps insurers need to go through including monitoring the damage for extended periods of time, gaining local authority consent, completing tree removal (which sometimes is weather or seasonal dependant), and further monitoring to ensure the property has stabilised. So it can take a very long time – usually more than a year – before repairs can take place. I think Mrs R expected this claim would be closed and her property repaired much quicker than is usual, so she could move on with selling her property. But even if things hadn't been delayed, I think it's unlikely she would've been in a position to do so in the timeframe she expected. So I think she would've always had the expenses she's described, even if AXA had been more proactive.

I understand Mrs R's family member had planned to buy the property but changed their mind as the claim was ongoing. So she says AXA caused her to lose out here. But even if AXA had started monitoring the damage at the earliest possible opportunity, it's likely the property would've still been within the period of monitoring when the family changed their mind, and there'd still have been no guarantee of what the next steps would be or when they might be completed. So I can't say it's the delays, rather than the nature of the claim itself, that caused the sale to fall through. I also understand Mrs R did find someone to rent her property but she decided not to go ahead. So I'm not currently persuaded AXA put her in the position that she couldn't rent out her property at all.

I can see AXA failed to keep Mrs R updated or respond to her contact. So she chased AXA and its agents regularly. I don't think she should've been put in a position where she needed to do this and I think it would've been more difficult for her living abroad. Mrs R's told our service AXA's actions caused her significant levels of stress, anxiety and sleep loss for over a year. And I don't think she would've felt listened to or like she could trust AXA.

For the reasons I've given, I don't currently think it would be fair to direct AXA to cover the expenses Mrs R has described. But I'm satisfied she would've been caused severe trouble and upset by the way AXA's treated her and the delays it's caused. So to make up for this, I think it would be fair for AXA to pay Mrs R an additional £800 as compensation. This is on top of the £475 it's already paid her. I also think it should prioritise her claim going forward and provide her with meaningful monthly progress updates until the claim is closed."

I asked both parties to provide any further comments before I reach my final decision. AXA said it accepted my provisional decision. Mrs R said in summary:

- She agrees there's been at least six months' delay due to the handling of the claim. And in that time, other actions including a drain survey could've been done.
- The local authority told Mrs R the drain survey was important to the application to remove the tree to ensure all potential causes of the movement were ruled out.
- Had AXA carried out the drain survey and provided Mrs R's photos to the local authority, they may have been in a position to remove the tree in July 2024 or choose an alternative course of action. And at least by December 2024, they would've had enough information to submit to the local authority.
- I have been given the wrong information about Mrs R renting out her property. She would've been able to rent out her property if the conservatory roof had been fixed. And the company AXA sent to fix the roof in August 2024 weren't able to as they were not the correct type of specialist. She didn't choose not to rent the property out but she was unable to because of the conservatory roof.
- No one should have to spend the time, money and energy Mrs R's had to on an insurance claim. She's lost sleep and had to take medication due to AXA's actions.

Mrs R also gave us an update on what's happened since July 2024. She said AXA has now applied for the tree to be reduced rather than removed and she feels she's in the same position as she was at the start of the claim. But she acknowledged this information is outside the scope of this decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I've thought very carefully about the additional information Mrs R's given me and I thank her for doing so. Mrs R says she was told by the local authority that the drain survey was important to the application to remove the tree. But I haven't seen anything that supports this, including the letter the local authority sent in response to AXA's application, outlining what's missing. So I don't have enough in this case to say this would've made a difference to the application. And I'm not persuaded it would've meant AXA might've been in a position to remove the tree or take another action by the dates Mrs R has outlined.

I appreciate Mrs R's comments about renting out her property. I based what I said in my provisional decision on a telephone note from a conversation she had with our Investigator in January 2025. During that call, the note says she explained she'd found a family to rent her property but she wasn't sure how safe it was so she turned them down – and I presume from what she's explained now, that was because of the conservatory roof not being repaired which I understand. In any event, I still consider that it wasn't the delays but more likely the nature of the claim itself, that caused her to be without a rental income or to be able to sell the property. And even if the repairs to the roof had taken place, I understand they would've been temporary repairs such as a tarpaulin placed over the leak, so I'm not satisfied she would've felt comfortable renting out her property anyway.

I know Mrs R has gone through a great deal of upset and trouble while this claim has been ongoing. I'm sorry to hear about how this has impacted her health and wellbeing and I agree this shouldn't have happened. But I think the compensation I've said AXA should pay is fair to make up for this.

Putting things right

I direct AXA to pay Mrs R an additional £800 as compensation. This is on top of the £475 it's already paid her. I also direct it to prioritise Mrs R's claim going forward and provide her with meaningful monthly progress updates until the claim is closed.

My final decision

For the reasons I've explained, I uphold Mrs R's complaint against AXA Insurance UK Plc in part. AXA Insurance UK Plc should put things right by doing what I've said above. Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs R to accept or reject my decision before 19 August 2025.

Nadya Neve

Ombudsman